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### 1. Matsunaga Trademark Dispute

Japan Electronic tool manufacturer, Matsunaga Manufacturing Co. Ltd., filed a cancellation lawsuit for the Pro Matsunaga trademark belonging to the local entrepreneur, Lie Senihian, in Central Jakarta Commercial Court.

The lawsuit was filed because the trademark belonging to the defendants was considered to have similarities in principal with the plaintiff's product, which uses the word *Matsunaga*. Moreover, both registered trademarks have the same type of goods, which are stabilizer tools.

Plaintiff's petition to cancel Lie Senihian trademark Matsunaga's was approved by the panel of judges.

Matsunaga Japan is the first party to use and register the trademark Matsunaga. Currently, it belongs to Matsunaga and is already registered in Japan, Philippines and Indonesia.

In Indonesia, Matsunaga belongs to the plaintiff, Matsunaga Manufacturing Co. Ltd., who acquired the trademark registration No. IDM000503466 which is valid until February 9, 2022. The registration application for the logo has also been filed No. D002016034356 since 22 July 2016.

"The Judge, granted the entire lawsuit for the plaintiffs, and declared that the defendant's (Matsunaga) trademark is void for the sake of the law", said the legal counsel in his verdict.

Based on the verdict, Lie Senihian's legal counsel sought justice at a higher level, which is the Supreme Court.

"The cassation memorandum has been registered on February 20, 2016. We expect the Supreme Court to accept the petition for cassation and cancel the verdict of the Central Jakarta Commercial Court," said Lie Senihian's legal counsel quoted from the memory file of the cassation.

Lie Senihian's legal counsel also considered that the judge's decision was assessed to have been wrong in applying the law of evidence. He assumed the legal council considered the evidence submitted by Matsunaga Manufacturing is in the form of a photocopy.

*Source: from kompas.com; kontan.co.id*

## 2. The K Brother Trademark Dispute

The cosmetic company from Thailand, J & K Internatural Thailand Co., Ltd., filed a cancellation lawsuit for the K. Brothers Cosmetics brands against Kho Tjeng Tjian.

Kho Tjeng Tjian is the holder of trademark K. Brothers Cosmetics in Indonesia under Registration No. IDM000462731.

J & K Internatural Thailand Co., Ltd. were objected to the registration by the defendants (Kho Tjeng Tjian).

The lawsuit was commenced by J & K Internatural who objected with Kho Tjeng

Tjian, who registered the K. Brothers trademark in Indonesia. J & K Internatural objected because they were the first to use K. Brothers Cosmetics trademark.

There are similarities in the registered trademarks. Both trademarks have the same letter formation, resulting in the same pronunciation. Both trademarks are also registered under class 3 which protects the kind of goods of cosmetic products.

Therefore the J & K Internatural's attorney evaluated that the mark registration by Kho Tjeng Tjian was based on bad faith as it can mislead the consumer.

Presiding judge conveyed that the objection raised by Kho Tjeng Tjian was not in accordance with the legislation. In the response, Kho Tjeng Tjian filed four objections against the trademark cancellation suit from Thai company J & K Internatural.



The first objection was that the Commercial Court of Central Jakarta is not authorized to examine the lawsuit. It is because the defendants are not domiciled in Jakarta but Medan, so that the suit should have been filed in the State Court of Medan.

The second objection by Kho Tjeng Tjian considered that the lawsuit lack of party, as it does not mention the Directorate General of Intellectual Property as a defendant. The

third objection was that the lawsuit is vague and obscure.

Against the first objection, the legal counsel explained the lawsuit of the plaintiff is correct. It complies with Article 68 paragraph 4 of Law No. 15/2001 concerning trademark which state, with regard to the lawsuits, whereas the defendants residing outside the territory of the Republic of Indonesia, a lawsuit must be filed to the Commercial Court in Jakarta.

“The judge rejects the objection of defendants and continued the lawsuit No.72/Pdt.SusHKI/Merek/2016/PNPn.Jkt.Pst, said the presiding judge.

With this decision this case will be continued with the examination of evidence from J & K Internatural to prove their argument in the next meeting.

After the trial, Kho Tjeng Tjian's legal counsel said that he accepted the decision of the panel of judges. "We accept and we will also present evidences of our arguments," he said.

Meanwhile, J & K Internatural's legal counsel also believes that the judges' consideration is appropriate.

Source: [bisnisindonesia.com](http://bisnisindonesia.com) ; [kontan.co.id](http://kontan.co.id)

### **3. Proenza Schouler's Filed Cancellation Lawsuit**

Proenza Schouler LLC, a manufacturer of women's clothing and accessories in New York filed a cancellation lawsuit against a similar trademark belonging to Lie Jade Lan.

The trademark certificate issued under No. IDM000410586 registered on March 20<sup>th</sup>, 2014.

The similarities between the two trademarks can be seen clearly from the writing, pronunciation, visual, as well as the type of goods that are protected. Both are included in class 25 for clothing, ties, shoes, sandals, and shoe soles.

The similarities might mislead consumers. Furthermore, the general public might consider the defendant's trademark to have links to the plaintiff's products or even produced by the plaintiff.

Based on Article 6 paragraph (1) (b) of law No. 15/2001 concerning trademarks, an application should be rejected by the Directorate if it has similarity in essential or entirely by other parties for well-known trademarks.



Before filing the cancellation lawsuit, the plaintiff has been applying for the registration of the trademark to the Directorate of Trademark for several applications on March 31, 2016. There are three applications i.e. No. D00.2016.011264 protects a class of 25, No. D00.2016.011267 protects a class 03, and D00.20160112711 protects a class of 18.

However, the attempt of American Fashion Company, Proenza Schouler LLC, to cancel the trademark Proenza Schouler which

belongs to Lie Jade Lan ended up failing in the Central Jakarta Commercial Court.

This is because the Legal council considered that Proenza Schouler's lawsuit was not filed properly according to the procedure. The Power Of Attorney (POA) of Proenza Schouler was not made in accordance with the prevailing laws.

The POA was received by the legal counsel on November 17, 2016, however, the lawsuit was filed on November 1, 2016. This was revealed from the objection raised by the Directorate General of Intellectual Property as defendants.

"The judge, received the objection of defendants and declared the lawsuit of the plaintiffs as not acceptable" said the legal council in his verdict.

Earlier, the parties from Lie Giok Lan have offered an amicable settlement, however the offer was not responded to until the verdict was made.

Source: *kontan.co.id*

#### **4. The US Fashion Store Macy, Wins Against Local Business**

Bloomingdale's is the name of the Department Store owned by Macy's. Its company headquarters is in Pacific Ave, California was established in 1972. In the United States, Bloomingdale's mark has been registered in 1972, and in 2004 in South Korea.

Macy's Department Store as the Bloomingdale trademark holder won a trademark dispute against a local company, PT Sully Abadi Jaya in Indonesia. As a result,

Macy's became the exclusive owner of Bloomingdale's Trademark in Indonesia.

Bloomingdale's trademarks have also been registered in Russia, Italy, Norway, Uruguay, Ecuador, Hong Kong, Japan, Peru, Taiwan, United Arab Emirates, Australia, China, and France to Germany. As in Indonesia, Macy's have acquired the trademark registration under registration No. IDM000255669 in class-18.

Macy's was shocked to discover mattresses, bolsters and pillows using the Bloomingdale trademark. Moreover, the trademark owned by PT Sully Abadi Jaya had a certificate from the Ministry of Human Rights under registration number IDM0000177962.

Macy's considered that PT Sully Abadi Jaya have mislead consumers. Feeling unfair treatment, Macy's sued PT Sully Abadi Jaya and also the DGIP in relation to the double mark certificate.

On August 29, 2016, the Commercial Court of Central Jakarta District Court cancelled the Bloomingdale's trademark owned by PT Sully Abadi Jaya.



With that, PT Sully Abadi Jaya filed a cassation against the cancellation of their trademark.

According to PT Sully Abadi Jaya, they were the first party who registered the brand to the DGIP, therefore PT Sully Abadi Jaya should be entitled to the trademark. It is in accordance with the principle of first to file, where PT Sully Abadi Jaya registered the mark on January 5<sup>th</sup>, 1989, while Macy's registered the brand on July 24<sup>th</sup>, 2008.

The Cassation Assembly rejected the cassation from PT Sully Abadi Jaya, they decided PT Sully's Trademark has similarities with Macy's Trademark.

"The Defendant's trademark registration may be judged as having bad faith and constitutes an unlawful act which could harm not only the Plaintiff, but also the public as consumers who are deceived by the use of such marks," said the cassation assembly unanimously in a hearing on December 28, 2016.

*Source: detik.com*

## **5. Local Businessmen Holds The Asics Tiger Logo**

ASICS TIGER Company based in Japan had to let go the copyright logo of Asics Tiger in Indonesia. The logo was copyrighted by local businessmen, named Theng Tjhing Djie and Liog Fa Hian.

Based on the cassation verdict document as quoted from the Supreme Court's website, Djie and Fa acquired the copyright from Yap Mun Yong. Yong himself acquired the copyright from Hendri Handoyo Yahya.

The name Onitsuka is derived from its founder, Kihachiro Onitsuka in 1949. In 1977, the company merged with GTO Co., Ltd. and

Jelenk LTD. to ASICS Corporation. The word Tiger also sticks to the ASICS TIGER logo.

The Onitsuka shoes has been distributed in various countries, such as Canada, the United States, Brazil, Europe, Australia, China, Hong Kong and so on. In its development, ASICS has developed various shoes with various registered logos.

When the Japanese company wished to register its logo in Indonesia, they were surprised to see a similar logo has been registered by two businessmen from Jakarta, Theng Tjhing Djie and Liog Hian Fa in the form of copyright protection. The Japanese company assesses that Djie and Fa plagiarized, imitated and modified the ASICS copyright.

On that matter, ASICS filed a copyright lawsuit to the Commercial Court at the Central Jakarta District to have the Ministry of Law and Human Rights to delete the registered copyright of Djie and Fa. Djie and Fa claimed to be the creators of the ASICS TIGER logo based on the notaries deed on December 7, 1986.

Djie and Fa has produced 80 thousand pairs of shoes between March 2009 and September 2012, with a profit of IDR 60 thousand per pair. So, in that period, Djie and Fa gained a profit of IDR 4.8 billion. Djie and Fa were shocked when sued by ASICS TIGER.

However, the Commercial Court of the Central Jakarta District Court did not accept the copyright lawsuit of ASICS TIGER. Djie and FA also filed a counter-claim which was also not accepted by the Supreme Court.

*Source: detik.com*

## 6. **Tras N Co Released Results of Research on Indonesia's Innovative Brands**

Tras N Co is a leading research company dedicated to research on business development & entrepreneurship in Indonesia with more than 10 years of business experience and entrepreneurship.

Nowadays, the increasingly fierce business competition requires companies to be more creative and innovative. With that in mind Tras N Co released the “*Pertama Di Indonesia*” (First In Indonesia) awards, surveying 100 chosen companies in Indonesia deemed successful in creating innovations and unique products.

To find out what brands deserve appreciation, researchers used three aspects of assessment: The First Aspect, Evidence Aspect, and Validation Aspect. The First Aspect meaning the company fulfilled the requirements of being first in Indonesia in creating a product or service.

The First Survey in Indonesia was conducted from December 15, 2016 to February 15, 2017. After passing the online validation process, and verification, the winners are then announced through online media *and* social media.

Tras N Co released 17 award-winning brands in Indonesia for the year 2017. The winners include Campina LuVe Litee as Indonesia's First Non Dairy Ice Cream, Cinemaxx Junior as Indonesia's First Kids

Cinema, My Baby as Indonesia's First Telon Oil with additional anti-mosquito benefits, Pertamina as Indonesia's First Halal Certified Food Grade Lubricant, Panasonic as Indonesia's First Powerful Electric Pump, Starlet Hotel Serpong Economical Hotel with Indonesia's First Mobile App technology in Indonesia, Sweety Gold as Indonesia's First Diapers in Indonesia certified by Dermatologist in Australia.

*Source: swa.co.id*

## **7. Activity of Indonesian Cultural Circle (LingkarBudaya Indonesia - LBI): visited the Heritage Fort Museum**

As one of the founders of the Indonesian Cultural Circle, the President Director of Biro Oktroi Roosseno, Toeti Heraty, and other LBI members visited the Heritage Fort Museum in Tangerang on March 4<sup>th</sup>, 2017.



collections are also stored in this museum such as correspondences of Oey Kim Tjang, a martial artist from Tangerang.

*Source: by bor*

The Heritage Fort Museum is the first and only Chinese museum in Indonesia restored from a traditional Chinese architectural building. It is indeed one of the oldest buildings in Tangerang City which became the fore-runner of the center of Tangerang City called Benteng Town.

Many collections at the Heritage Fort Museum comes from private collectors or donations from Chinese-descendant residents around Tangerang, an ancient collector of objects and a Chinese-descendant cultural observer in Indonesia. Various artifacts are shown; starting from the arrival of Cheng Ho in Dragon Bay in 1407, who is believed to be the ancestor of the Tangerang Chinese population. Literary



(Anno 1951)

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*66 Years*

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