



This Edition Newsletter contains:

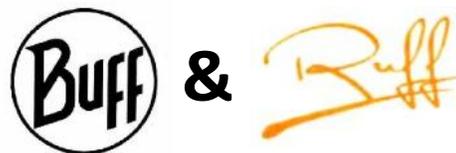
1. **Buff vs Ruff**
2. **Tunisia Palmfrutt and Local Palmfrutt**
3. **The Sushi-Tei's Trademark Dispute in Court**
4. **Seminar on IP Enforcement for Police Authorities**
5. **DGIP Disseminate Information on Drafting Specification for Application of Industrial Design**
6. **Participation Biro Oktroi Roosseno in the AIPPI World Congress – London, 15-18 September 2019**
7. **The Roosseno Award IX**

1. **BUFF vs RUFF**

Original Buff, S.A. was known as a global leader in the manufacture of multifunctional headwear. The company was founded in 1985 and established in a small city near Barcelona. In 1992, Original Buff created a product that didn't exist until then and which meets a significant need among sportspeople and outdoor activity practitioners. Joan Rojas, the founder of BUFF's trademark, sought to find a solution to keep his neck and head protected on his cross-country ride especially while riding a motorcycle. BUFF itself was a shorten form for *bufanda*, which means "scarf" in Spanish, was originated.

In 1995, it began to export to diverse European destinations. Currently, 80% of sales are from exports to over 45 countries through exclusive distributors. The BUFF's trademark has been registered in Spain and several countries around the world.

We might find at their website, the information that BUFF is a registered trademark of Original Buff, S.A. Spain and the "Ways to wear" icon symbols are copyrighted.



In Indonesia, the BUFF's trademark was filed to the Directorate of Trademarks, Directorate General of Intellectual Property (DGIP) under Registration No. IDM000273022 and IDM000595572. The trademark protects class 25 which consist of clothing, footwear, headgear.

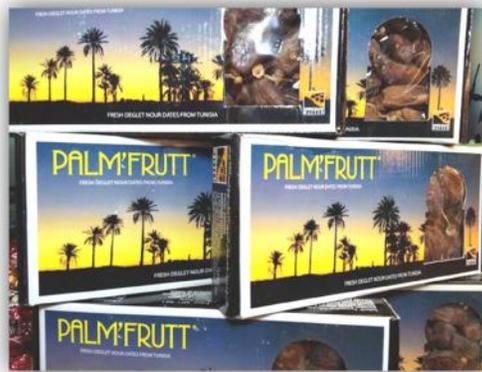
However, the Original Buff, S.A. found a mark that has a similarity in principle

with the BUFF's trademark and also was registered in class 25 under Registration No. IDM000487454 belongs to a local businessman named Jemmy Setioyuwono. Pursuant to this matter, Original Buff, S.A. filed a cancellation of a lawsuit to the Jakarta Commercial Court with a case number 60/Pdt.Sus-HKI/Merek/2019/PN Niaga Jkt.Pst.

The plaintiff stated that BUFF's trademark is the first to be filed trademark in Indonesia for class 25. They also stated that the local owned RUFF'S mark was filed in bad-faith. They requested the Court to cancel the local owned RUFF'S mark registration.

(source: sipp.pn-jakartapusat)

2. Tunisia Palmfrutt and Local Palmfrutt



Horchani Dattes, the first private grower of dates in Tunisia, is indeed a real pioneer in the field of exporting and one of its prime leaders since 1930's. As a company, Horchani Dattes reputation relies primarily on the ultra-modern equipment of its industrial processing facilities allowing treatment and exportation about 3.500 tons of dates every year. These dates come in 4 trademarks well known all over the world: Kartago, Palm Fruit, Eden and Sultan.

During the Ramadan month, a lot of fruits from the Middle East region, especially dates, have always flooded the Indonesian market. Dates can easily be found at the traditional markets, roadside sellers, minimarkets, hypermarkets, etc. There are many types of dates trademark that can be found in Indonesia. One of them is the PALM'FRUTT's trademark from Horchani Dattes.

While Horchani Dattes intended to register PALM'FRUTT + PICTURE trademark in the Directorate General of Intellectual Property (DGIP) of Indonesia, they found the same trademark that was registered at DGIP owned by a local entrepreneur named Feliciano Nino with Registration No. IDM000517878 in the class 29 to protect the kinds of goods: dates.

Pursuant to this matter, Horchani Dattes filed a cancellation lawsuit against Feliciano Nino and Anton Gunawan to the Jakarta Commercial Court with a case number 54/Pdt.Sus-HKI/Merek/2019/PN Niaga Jkt.Pst. They stated that the plaintiff's PALM'FRUTT + PICTURE's trademark was a well-known trademark in Indonesia. They also stated that the registration of PALM'FRUTT's trademark belonging to the Defendant was filed with bad faith and have substantial and entire similarity with the plaintiff's trademark.

The plaintiff requested the Court to decide to cancel the defendant's trademark. And, they also requested the Court to grant the trademark registration application and issuing trademark certificates of "PALM'FRUTT + PICTURE" Class Item 29, Agenda No. D002019037052 belongs to the plaintiff. Moreover, they have asked the Court to convict the first defendant and/or second defendant to pay the court fees.

(source: sipp.pn-jakartapusat)

3. *The Sushi-Tei Trademark Dispute in Court*

News from the Sushi Industries, Sushi Tei PTE LTD (Singapore) and PT. Sushi Tei Indonesia have filed a lawsuit against PT Boga Inti and Kusnadi on grounds of trademark infringement in using the Sushi Tei trademark. This dispute was filed to the Jakarta Commercial Court with case number 59/Pdt.Sus-HKI/Merek/2019/PN Niaga Jkt.Pst.



Sushi Tei considered that there has been a violation of the exclusive rights of the Sushi-Tei trademark. Sushi-Tei's attorney said that there were products from the Boga Group restaurant that had physical packaging with the Sushi-Tei trademark on it. Allegedly strong, Boga Group as the defendant has caused misperception in the public, that Sushi-Tei was part of the Boga Group. Besides that, Kusnadi Rahardja in a number of interviews with the media also claimed Sushi-Tei was part of the Boga Group.

For this perception, the plaintiff aggrieved and demanded compensation of US \$ 250 million (Approximately Rp3.5 trillion). First, the loss of investment for Sushi-Tei trademark promotion activities. Secondly, the loss of revenue because the defendants have benefited from misleading information that Sushi-Tei was part of the Boga Group. Thirdly, damage to the reputation of Sushi Tei.

According to Sushi-Tei's Attorney, the actions of the defendants constitute a violation of their client's exclusive rights to the Sushi-Tei trademark and are in conflict with Law Number 20/2016 regarding Trademarks and Geographical Indications Law. He said the basis for the lawsuit referred to in Article 83 paragraph (1) and paragraph (3) of the Trademarks Law.

Sushi-Tei also demanded the defendants to make a half-page clarification on the Boga Group website and full-page advertisements in all Indonesian major newspapers in Bahasa Indonesia Language and English Language to clarified that the Boga Group is not and never was the master franchisee of Sushi-Tei trademark in Indonesia

For information, Sushi Tei PTE LTD was the legal owner of the Sushi-Tei trademark. Nowadays, there are more than 80 Sushi-Tei restaurants and affiliated trademark in 8 countries including Indonesia. Since March 25, 2004, the Sushi-Tei trademark has been officially registered at the Directorate General of Intellectual Property at the Ministry of Law and Human Rights, which was then extended for 10 years until April 15, 2023.

In 2018, there was a change in share of ownership in Sushi Tei PTE LTD with the inclusion of Mizuho Asia Partners (Japan Company) as the majority shareholder. During the due diligence process for all Sushi Tei PTE LTD operations, including in Indonesia, it was discovered that Kusnadi Rahardja apparently also owned a majority stake in Boga Inti. Kusnadi Rahardja was the President Director of PT. Sushi Tei Indonesia until his termination on July 2, 2019. However, at the same time, he also owned 71.43% shares and became the President Director of the Boga Inti.

(source: hukumonline, sipp.pn-jakartapusat)

4. Seminar on IPR Enforcement for Police Authorities

On September 16th, 2019, the Directorate General of Intellectual Property (DJKI), Ministry of Law and Human Rights together with The European Union Intellectual Property Office (EUIPO) in the IP Key Southeast Asia project discussed the topic on the law enforcement to fight intellectual property infringement, at the Seminar on IP Enforcement for Police Authorities in Indonesia.

Levente Albert, Counselor, EU Delegation to Indonesia said that Brunei Darussalam and ASEAN stated that piracy, like other violations of intellectual property, should no longer be considered as an ordinary crime. According to him, it has a major impact on investments for Indonesia.



Albert called that the enhancing investment was one of President Joko Widodo's priorities in his second period of leadership. But the investors, especially the investors from Europe, are very concerned about protection and law enforcement in the field of IP. "This seminar discussed many methods to combat counterfeiting. Crimes in the field of intellectual property should not be seen only as ordinary crimes but they really cause big problems that will affect the economy which could mean reducing the investment to Indonesia especially from Europe and also could affect the priorities of

this country," Albert said in his opening remarks.

On the other hand, the Head of the Sub-Directorate of IP Empowerment, Erbita Dumada Riani, who represented Reynhard P. Silitonga, the Director of Dispute Investigation and Resolution, said that the percentage of piracy in Indonesia only decreased 1 percent i.e from 84 percent to 83 percent in 2018, according to Business Software Alliance which is an organization that campaigns the use of original devices. Therefore, she hopes that through this seminar, will arise some ideas in order to improve the law enforcement system in Indonesia, especially in the field of intellectual property.

Lastly, the European Union Intellectual Property Office (EUIPO) is the European Union Intellectual Property Agency that manages trademarks and design rights, which are applied to all European Union regions. Indonesia has established collaborations with offices responsible for the misuse of intellectual property and the Orphan Works Database.

(source: DGIP)

5. DGIP Disseminate Information on Drafting Specification for Application of Industrial Design

The Directorate General of Intellectual Property (DGIP) Ministry of Law and Human Rights (MoLHR) organized an event for disseminating information on Drafting Specification for Application of Industrial Design at the JW Marriot Hotel, Surabaya, on June 28th, 2019.

The event is opened by Director General of Intellectual Property, Freddy Harris, and accompanied by the Head of Regional Office of MoLHR of East Java, Susy

Susilawati, as well as Director of Copyright and Industrial Design, Molan Tarigan.

In his remarks, Freddy Harris said that DGIP has dedicated 2019 as the Year of Industrial Design. Hence, it is necessary to disseminate information on how to draft specification for application of industrial design for Micro Small Medium Enterprises (Micro SMEs) so that they are encouraged to protect their works.



This is an effort to enhance national economy by giving contribution to national development from intellectual work that has commercial values. “Law protection provided would be a value added incentive for their creativity which eventually will create a favourable condition for investment and fair competition,” said Freddy Harris.

At the same occasion, the Head of Regional Office of MoLHR of East Java, Susy Susilawati also gave appreciation to DGIP particularly Directorate of Copyright and Industrial Design for their responsiveness in providing assistance and information related to industrial design. “For Micro Small Medium Enterprises (Micro SMEs) in East Java that are going to register their industrial design, this event serves an excellent opportunity for consultation for potential problems related to industrial design application,” continued Susy Susilawati.

(source: DGIP)

6. Participation of Biro Oktroi Roosseno in the AIPPI World Congress – London, 15-18 September 2019

The International Association for the Protection of Intellectual Property, known as AIPPI (Association Internationale pour la Protection de la Propriété Intellectuelle), is one of the world’s leading International Organization dedicated to the development and improvement of laws for the protection of Intellectual Property. It is based in Switzerland with over 9000 Members representing more than 125 countries.

Every year, AIPPI holds an Annual World Congress. The Congress is open to all Members and is usually held in September or October. This year, the 2019 AIPPI World Congress was held in London, England, from September 15 to September 18, 2019.



The Queen Elizabeth II Convention Centre (QEII) is the main place for almost all of the activities during the Congress. This year’s Congress welcomed 2,400 attendees to London from all over the world and boasts the highest number of young IP lawyers in AIPPI’s history.

BIRO OKTROI ROOSSENO proudly sent representatives to attend the 2019 AIPPI World Congress last September, to gain new insights in the world of IP.

The AIPPI World Congress itself is one of the IP events where participants

could get advantage and return home with some great memories from a busy, engaging and productive event.

(source: AIPPI)

7. The Roosseno Award IX

The Roosseno Award IX which was held on July 22, 2019 at The Roosseno Plaza, Kemang, South Jakarta, awarded to the former Governor of Jakarta; *Basuki Tjahaja Purnama (BTP)* or used to be known as *Ahok*.

The President Director of BIRO OKTROI ROOSSENO, *Toeti Heraty N. Roosseno* said that *Basuki Tjahaja Purnama (BTP)* was entitled to receive this award because he was considered to have a high work ethic and integrity, as well as consistently implementing creative ideas that inspiring for development and the welfare of society and public accountability.



Basuki Tjahaja Purnama (BTP), who wore blue batik combined with gold arrived at around 9.58 WIB accompanied by his wife, *Puput Nastiti Devi*, who wore a red batik. *Djarot Saiful Hidayat* who was his former Vice Governor of Jakarta, came first to the event. As known, *Basuki Tjahaja Purnama (BTP)* had paired up with *Djarot Saiful Hidayat* in the Governor Election for Jakarta in 2017, but was defeated by *Anies Baswedan-Sandiaga Uno*.



Some important guests were also attended the Roosseno Award IX, for example the famous Indonesian Designer; *Harry Dharsono*, Head of Indonesian Creative Economy Agency ; *Triawan Munaf* and the former Indonesian Minister of the Environment ; *Emil Salim*.

The Roosseno Award, sponsored by BIRO OKTROI ROOSSENO, is an award for Indonesian researchers and figures who giving inspiration in work, activities and enthusiasm in the fields of science, technology, culture, or social humanities.

The Roosseno Award has been held since 2011. Several Indonesian figures who have received the Roosseno Award are ; the third President of the Republic of Indonesia; *B.J. Habibie*, humanist; *Franz Magnis Suseno*, Professor at Tarumanagara University; *Wiratman Wangsadinata*, The 1st Chair of the National Committee for Women; *Saparinah Sadli*, and Indonesian Medical figure; *R. Sjamsuhidajat Ronokusumo*.

(source: Swara, Metro)



(Anno 1951)

BIRO OKTROI ROOSSENO

Kantor Taman A9, Unit C1 & C2
Jl. Dr. Ide Anak Agung Gde Agung (Mega Kuningan),
Jakarta 12950, Indonesia
P.O. Box 4585, Jakarta 10001

Phone No. : (62-21) 576 2310 (Hunting System)
Fax. No. : (62-21) 576 2301, (62-21) 576 2302,
eFax. No. : (65) 6826 4084
E-mail : iprlaw@iprbor.com
Website : www.iprbor.com