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### 1. **Indonesia Trademark Update: The YOSKAWA Trademark is Cooked in a Court**

After more than two years of the pandemic, many of us are spending more time in the kitchen these days since cooking is a great way to relax, get creative, and try new things while staying at home. However, cooking is an activity that requires the right equipment. A general-purpose utensil may be used for a variety of foods. Other kitchen utensils are highly specialized and may be used only to prepare a particular type of food. The number of utensils in a household kitchen varies with time and cooking style.



Archaeologists and historians have studied the kitchen utensils used in centuries past. Ownership and types of kitchen utensils varied from household to household. It might be because kitchen utensils are any tools or instruments used to prepare, serve, and consume food.

Developments in the range of available kitchen utensils can be traced through the growth of various cookwares. Yoshikawa Corporation is one famous company that offers kitchen cookware and kitchenware tools in various countries with excellent quality. Since its establishment in 1952, the Japanese company has sold household cooking utensils domestically and overseas, such as in the USA, England, China, Australia, Canada, Taiwan, Korea, Singapore, Malaysia, South Africa, Thailand, etc. Most buyers are import distributors, retailers, restaurants and hotels, and cross-border EC operators.

In Indonesia, Yoshikawa Corporation encountered a problem, whereas a local businessman has registered the mark of YOSKAWA. Pursuant to this matter, Yoshikawa Corporation filed a cancellation lawsuit with registration No. 2/Pdt.Sus-HKI/Merek/2022/PN Niaga Jkt.Pst in the Central Jakarta District Court on January 14, 2022.

Defendant's trademark was filed at the Directorate of Trademarks, Directorate General of Intellectual Property under registration No. IDM000332132. Defendant's trademark has been registered since November 3, 2011, and renewed on December 16, 2021. Both trademarks protect type of goods in class 21 such as cookers, pans, frying pans, sliced boards/cutting boards, trays, plastic/aluminum trays, pots, and non-electric pressure cookers (auto-cloves), etc.

The Plaintiff stating that the YOSKAWA mark belonging to the Plaintiff is an essential part of the name of the Plaintiff's legal entity, namely YOSHIKAWA CORPORATION.

Plaintiff asked the court to declare that Plaintiff is the sole legal owner and has the

right to the well-known YOSKAWA marks and their variants for the types of goods categorized in class 21 in the territory of the Republic of Indonesia.

They also asked the court to declare that the YOSKAWA mark on behalf of Defendant, under registration No. IDM000332132 has similarities in its essential part or whole to the well-known trademark YOSKAWA belonging to Plaintiff.

Plaintiff requested the court to declare that the mark belonging to Defendant would be canceled and ordered the Co-Defendants to submit and obey the court's decision in this case by canceling the registration of the YOSKAWA mark under registration No. IDM000332132 belongs to Defendant by crossing out the registration of the mark from the General Register of Marks and announcing it in the Official Gazette of Marks in accordance with the provisions of the applicable Mark Law.

Currently, this case is still at the early court examination stages and awaiting the court's verdict.

(source: <http://sipp.pn-jakartapusat.go.id>;  
<https://www.yoshikawacorp.com>)

## **2. Indonesia Trademark Update: Local USAMS Struck by Trademark Lawsuit**

Shenzhen Usams Technology Co., Ltd. (Plaintiff), one of the most influential companies specializing in fashionable, unique, and creative 3C accessories, filed a cancellation lawsuit against two local businessmen in Indonesia. The registration number is 15/Pdt.Sus-HKI/Merek/2022/PN Niaga Jkt.Pst.

The USAMS mark belonging to the Defendants was filed at the Directorate of Trademarks, Directorate General of Intellectual Property under registration No. IDM000487835. According to Plaintiff, Defendant's mark has similarities in essential part with the well-known USAMS mark belonging to Plaintiff.



In the lawsuit filed at Central Jakarta Commercial Court, Plaintiff requested the panel judges to cancel the USAMS mark belonging to Defendant along with all the legal consequences. They also requested the Panel of Judges to order the Directorate of Trademarks of DGIP to record the cancellation and strike out of the USAMS mark belonging to Defendant under Registration Number IDM000487835 in class 9 in the General list of Marks, then to announce it in the Official Mark Gazette.

Plaintiff requested the panel judges to order the Directorate of Trademarks of DGIP to accept the registration of Plaintiff's USAMS mark with Registration Number DID2021050801, dated August 2, 2021, in the General Register of Marks, then to announce it in the Official Mark Gazette.

Both Plaintiff and Defendant registered their respective trademarks in class 9 for goods such as Power Bank (Battery Charger), wireless headphones, USB cable for mobile phones, screen protectors for mobile phones, USB chargers for mobile phones,

computer peripheral devices, smartphones, protective cases for smartphones, speakers, selfie stick, etc. Plaintiff's USAMS mark is a well-known trademark around the world.

Shenzhen Usams Technology Co., Ltd. was founded in 2009, with its head office is located in Shenzhen. The main products of the company such as Bluetooth earphones, USB cables, power banks, chargers, phone cases, USB adapters, USB hubs, air purifiers, vacuum cleaners, soap dispensers, etc.

USAMS has grown rapidly and focuses on design and quality, offering outstanding quality products and services. USAMS sales network has covered all the provinces in China with over 200 distributors and more than 5,500 terminal retail stores. They also covered Saudi Arabia, Brunei, Singapore, the UK, Italy, Latvia, Russia, India, Dubai, Iran, Romania, Ukraine, Korea, Israel, Thailand, Malaysia, Indonesia, Vietnam, Myanmar, etc.

Currently, the case between the parties is still under examination.

(source: <http://sipp.pn-jakartapusat.go.id>;  
<http://www.usams.com.cn/About>;  
[https://usamsworld.en.alibaba.com/company\\_profile.html](https://usamsworld.en.alibaba.com/company_profile.html))

### 3. Singapore Trademark Update: Choi Sun Mi v Comfort Lab Inc [2022] SGIPOS 2

The trademark registration of COMFORT LAB INC ("the Proprietor") for its "Mark in Class 25, was applied to be revoked on 4 May 2020 by CHOI SUN MI ("the Applicant") on the grounds of non-use. The mark has been registered in Singapore since 2013 for "Coats; sweaters; shirts; underwear (underclothing); nightwear; socks and

stockings; T-shirts; headgear for wear; shoes and boots; all included in Class 25". The Registered Proprietor, Comfort Lab Inc., is also known as Kabushiki Kaisha Comfort Lab, which operates from Osaka, Japan. The proprietor is an importer & distributor of foot and body care products and was first founded in 1963. Meanwhile, the Applicant of the subject revocation is the CEO of Comfortlab Co., Ltd., which operates from Seoul, South Korea. Comfortlab Co., Ltd. owns a famous lingerie brand in South Korea.

In this revocation, the Applicant relied on Section 22(1)(a) and (b) of the Trade Marks Act to revoke the abovementioned registration. According to Section 105 of the Act, the burden of proof lies on the Registered Proprietor to show the use made of the Subject Mark in Singapore.

#### **Ground of Revocation – Section 22(1)(a) and (b)**

According to Section 22(1)(a), the registration of a trademark may be revoked if, within the period of 5 years following the date of completion of the registration procedure, the mark has not been put to genuine use in the course of trade in Singapore, by the proprietor or with his consent, in relation to the goods or services for which it is registered, and there are no proper reasons for the non-use.

In this case, the Mark's registration procedure was completed on 18 January 2013. Hence, the period of use (or non-use) in issue is 19 January 2013 to 18 January 2018.

Meanwhile, according to Section 22(1)(b), the registration of a trademark may be revoked if the use of the trademark use has been suspended for an uninterrupted period

of 5 years, and there are no proper reasons for the non-use. The relevant period of use (or non-use) in issue here is, 20 January 2013 to 19 January 2018 or 5 May 2015 to 4 May 2020; and/or any other successive 5-year periods between 20 January 2013 to 4 May 2020.

#### **Evidence presented**

Whilst the Proprietor's President deposed that it has used the Subject Mark in relation to "shoes and insoles," the evidence submitted showed purported use on "insoles" only. Unfortunately, the subject Mark is not registered in respect of "insoles."

The Proprietor nevertheless attempted to submit in a manner that "insoles" are part of "shoes," and such use good relate to proper use of the Mark.

However, the Applicant cleverly argued that "insoles" and "shoes" are two different types of goods, by relying on the dictionary definition of "insoles" which clarified that insoles are "piece of material shaped like your foot that is placed inside a shoe to make it more comfortable" – which the Hearing Officer agreed with.

The Hearing Officer further clarified that "insoles" and "shoes" were distinct goods that may be complementary, and therefore it cannot be said that the use of the Subject Mark on "insoles" is the same as that used on "shoes" to sufficiently defend a revocation action for non-use.

Apart from the evidence of use relating to the "insoles," the proprietor did not adduce any further evidence of use relating to the other remaining good in its specification. As a result, the proprietor failed to establish that the subject Mark has been used on goods for which it is registered.



## Decision

Therefore, after considering all the pleadings, evidence filed, and submissions made in writing, the Hearing Officer concluded that the application for revocation succeeded. Accordingly, the proprietor's mark was revoked from 19 January 2018 (the date immediately following the end of the First 5-Year Period). The Applicant was also entitled to costs to be taxed.

To view the Grounds of Decision, click [here](#).

*(source: Biro Oktroi Roosseno Singapore)*

#### **4. Singapore Patents System Update: New Formal Procedures for Pre-Grant Third Party Observations and Introduction of Post-Grant Re-Examination**

To enhance the dispute resolution processes in the Singapore patents system, amendments to the Singapore Patents Act and Rules have recently been made to introduce the following two new processes:

- a) Formal procedure for Pre-Grant Third-Party Observations
- b) Post-Grant Re-Examination

These changes take effect from **1 October 2021**, pursuant to the Intellectual Property (Dispute Resolution) Act 2019 (Commencement) Notification 2021.

#### **Formalised Pre-Grant Third-Party Observations**

The objective of the third-party observations procedure is to provide the public a channel to notify the Registrar of Patents (hereinafter "Registrar") of any written prior art information that may be helpful in determining the patentability of a patent

application. Under the previous practice, third-party observations on Singapore patent applications could only be submitted to the Registrar in an informal manner, and the Examiner was not obligated to take such observations into account.

With the new formalised process, third parties can now submit written observations on the patentability of an invention to the Registrar at any time after the Singapore patent application is published and before the relevant examination report is issued.

Upon receipt, the Registrar will notify the patent applicant of any observations made against their application and forward the same to the Examiner for review.

The Examiner is now obliged to take the observations into consideration when carrying out his examination and if the observations are found to be relevant, will raise objections in a Written Opinion. In which case, the patent applicant will have the opportunity to respond.

Any observations considered for examination will be published on the Patents Open Dossier.

#### **Post Grant Re-Examination**

Under the updated Singapore patents regime, any person (third parties or patentees) can now file a request for a patent to be re-examined at any time after grant. Previously, no mechanism was available under the Act that allowed for the re-examination of a granted Singapore patent. The only available option to challenge a granted patent was to seek formal revocation proceedings against the patent owner, which can be time-consuming and very expensive.

As such, the new re-examination procedure will now allow patents that should not have been granted to be revoked in a more cost-effective and time-efficient manner.

In addition, the re-examination procedure will also enable patentees to evaluate better and possibly strengthen their patent by filing post-grant claim amendments and carrying out re-examination, in view of the new prior art, for example.

The request for the re-examination must be accompanied by a statement of reasons against the non-validity of the patent and any other relevant prior art documents, if appropriate. The grounds for re-examination are generally limited to requirements that are considered during examination. If the Registrar accepts the re-examination request, the patent will undergo a re-examination process, and the Examiner will issue a Written Opinion if he finds the ground(s) for the re-examination is made out.

In this regard, the patent owner will have an opportunity to formally respond by filing written submissions and/or amendments to the specification and may also request interview with the Examiner after receiving the Written Opinion. Failure to overcome all objections may result in the patent being revoked.

The request for re-examination can be filed any time after the patent is granted, only if there are no pending proceedings in which the patent's validity may be put in issue, whether before the Registrar or in Court.

### **Anonymity of Third Party**

In both the third-party observations and re-examination procedures, the identity of the

third parties filing these requests can be kept confidential by submitting these requests via a registered patent agent or a lawyer.

*(source: Biro Oktroi Roosseno Singapore)*

## **5. DGIP: Seminar on Improving Copyright Understanding in the Digital Era**

The Directorate General of Intellectual Property (DGIP), in collaboration with the Japan Copyright Office (JCO) and the Content Overseas Distribution Association (CODA), held a Copyright Protection Seminar in Digital Era on Wednesday, January 26, 2022, at Hotel Gran Melia, South Jakarta.



Currently, the development of the internet has a significant impact. In addition to providing many benefits, the high use of the internet can also become a threat to the existence of copyrighted works and the inventor of Intellectual Property (IP).

According to the Director of Intellectual Property Cooperation and Empowerment, there is a need for a legal system that can provide fair IP protection where legal certainty is provided through clear legislation. So in today's digital age, creators do not have to worry about copyright protection for their creations. "DGIP sees a positive trend from the creative economy,

especially from copyright creators who in recent years have shown tremendous potential for the national economy," he said at the opening speech for the event.

Pursuant to this matter, DGIP announced the year 2022 as the year of copyright by launching the application for Automatic Registration of Copyright which is expected to support the acceleration of national economic recovery and encourage the advancement of science, art and literature.

To support IP law enforcement efforts in Indonesia and to facilitate complaints of IP violations, DGIP also implements online IP violation complaints. The director of Cooperation and Intellectual Property Empowerment hopes for cooperation and coordination between law enforcement agencies in enforcing the protection of IP. "Hopefully, the recognition of creative work and the protection of economic rights to copyright will encourage the birth of new works and creativity, which is intelligent and superior macro creativity," he concluded.

(source: <http://www.dgip.go.id>)

## 6. DGIP: IP Law Enforcement As One Of The Priorities

Starting from the commitment of the Ministry of Law and Human Rights conveyed by the Minister of Law and Human Rights that increasing IP protection is important to build international trust, especially for foreign investors in Indonesia, the Directorate General of Intellectual Property (DGIP) cooperates with the Japan Patent Office (JPO), the Japan International Cooperation Agency (JICA), and the Japan External Trade Organization (JETRO) held a

webinar "Indonesia's Anti-Counterfeiting Taskforce and Japanese Enterprises" on Tuesday, March 1, 2022.

In the remarks delivered by the Director of Intellectual Property Cooperation and Empowerment, DGIP has placed the aspect of Intellectual Property law enforcement as one of the priorities, especially as an effort to remove Indonesia from the Priority Watch List (PWL) assigned by the United States Trade Representative (USTR) for the country with a fairly heavy IP violation value.

"USTR's main concern is on the issue of protecting and enforcing Intellectual Property in Indonesian, which is considered not yet effective and adequate both in terms of action/implementation and limited market access for rights owners who need IP protection," he said.

DGIP conducts a continuous anti-piracy campaign to protect and enforce IP law and receives online complaints of IP violations through the [e-pengaduan.dgip.go.id](http://e-pengaduan.dgip.go.id) page. DGIP is also a member of the Operational Task Force for Managing the PWL Status.



On the same occasion, the Director of Investigation and Dispute Resolution explained that in eradicating the circulation of counterfeit goods in Indonesia, DGIP had made various efforts, such as public education, regulatory reform, law enforcement, and increasing cooperation.

"Several examples of our law enforcement activities include educating ITC Mangga Dua traders, destroying evidence in the case of fake Louis Vuitton brands, confiscation of 288,000 counterfeit ballpoint pens from China, and disseminating IP protection information in various regions in Indonesia," he explained.

In 2021, DGIP handled 36 cases related to the IP violation with details of 22 trademark cases, 13 copyright cases, and one patent case. In addition, in 2021–2022, DGIP conducted 25 mediations on 13 trademark cases, 11 copyright cases, and one patent case.

(source: <http://www.dgip.go.id>)

## 7. The TISCs Regional Meeting

The Directorate General of Intellectual Property (DGIP) participated in a regional meeting held by the World Intellectual Property Organization (WIPO) on Monday, March 7, 2022, virtually via the Zoom application.

This annual meeting was aimed to discuss the development of Technology and Innovation Support Centers (TISCs) in each ASEAN country and discuss WIPO's work plans to increase TISCs in ASEAN. TISCs are an initiative of WIPO to provide services to innovators and/or researchers or engineers in developing countries in accessing high-quality information services. WIPO collaborates with member governments to establish and develop the TISCs network to implement this program.

Institutions that can host TISCs in each country include national IP offices,

universities, research centers, and chambers of commerce. DGIP as the host of TISCs in Indonesia, continues to strive to provide IP services such as access to online information resources, basic information on IP registration, and basic information on IP strategy and management. Even during the Covid-19 pandemic, DGIP has developed an online-based service to simplify the public's IP application process, which the public can be access through the [dgip.go.id](http://dgip.go.id) page.



The development of TISCs continues to be carried out through various efforts, such as disseminating IP and collaborating with universities in Indonesia. Currently, 38 universities have collaborated with DGIP. These are in line with the Minister of Law and Human Rights program regarding improving quality and competitive human resources.

Pursuant to this matter, DGIP also developed the DGIP Active Learning and Teaching program to increase public understanding of IP. "In the future, DGIP as the national focal point will continue to coordinate the activities of the national TISCs network so that more Indonesians understand IP more," concluded the Director of Intellectual Property Cooperation and Empowerment of DGIP.

(source: <http://www.dgip.go.id>)





(Anno 1951)

## BIRO OKTROI ROOSSENO

### Indonesia Office

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](mailto:iprlaw@iprbor.com)  
Website : [www.iprbor.com](http://www.iprbor.com)

### Singapore Office

6 Eu Tong Sen Street The Central  
SOHO 1 #07-14  
Singapore, 059817

Phone No. : (65) 69621329  
Fax. No. : (65) 69621332  
E-mail : [mail@borinternational.com](mailto:mail@borinternational.com)  
Website : <https://www.borinternational.com/>