

This Edition newsletter contains:

1. Free Charge of Copyright and Trademark Filing in Banyuwangi
2. Pertamina Lubricants collaborates with the Directorate General Intellectual Property against counterfeit products
3. The Indonesian Examiners Have to be Professional in Handling application matter.
4. Counterfeit Software may produce earnings up to IDR 50 million per month
5. End of Industrial Design Dispute Helmet Bogo Glass
6. Dissemination and Education for Anti-Counterfeiting in Soekarno Hatta International Airport

## **1. Free Charge of Copyright and Trademark Filing in Banyuwangi**

The District Government of Banyuwangi has made a breakthrough in providing of Intellectual Property protection to the people of Banyuwangi by determining that there are no cost for obtaining trademark and copyright protection.

Head of the district of Banyuwangi Industrial, Trade and Mining Office, Hary Cahyo Purnomo said that this policy was created to protect intellectual property which originates from Banyuwangi region. According to him, in 2016, there are approximately 70 creations indigineous to Banyuwangi ready to be registered.

The people of Banyuwangi, could easily come to the Office of Industrial, Trade and Mining District of Banyuwangi to consult and enroll for their intellectual property without incurring any costs, this has been a breakthrough in Indonesia in terms of IP protection.



The application then will be forwarded directly to the Directorate General of

Intellectual Property, the Ministry of Law and Human Rights of the Republic of Indonesia.

Up to 2015, around 90 certificates of Intellectual Property Rights issued originate from Banyuwangi. As for the certificates of copyright, among others are for Batik Banyuwangi Sekar Blambangan, Traditional song Umbul-umbul Blambangan and traditional dance of Jejer Gandrung. While for trademarks were mostly for food and beverage products.

We hope that this inspires many other district governments to enhance their policies in the field of intellectual property protection which may also enhance the business in the said district/region.

*(Varied source, March 2016)*

## **2. Pertamina Lubricants collaborates with the Directorate General Intellectual Property against counterfeit products**

Many counterfeit oil and lubricant products recently discovered in the market, including the products from Pertamina, a state owned company in the field of oil and gas from Indonesia. This led Pertamina Lubricants to enhance their efforts in protecting their intellectual property. One of the efforts is by signing a memorandum of understanding with the Directorate General of Intellectual Property to provide better protection for their intellectual property.



The signing took place in Jakarta, Tuesday (24/6/2016), which happens to be the same day as the International Intellectual Property Day.

In part of Pertamina, the memorandum was signed by President Director of PT. Pertamina Lubricants, Gigih Wahyu Hari Irianto, who then said that Pertamina needs to improve the understanding and awareness of Intellectual Property, since their business involves intellectual property, which is used to protect their consumers when consuming Pertamina's products.

The cooperation between Pertamina and Directorate General of Intellectual Property will be conducted by activities to disseminate related issues regarding patent, trademark, design, copyright and lubrication industry technology in Indonesia through seminars, training workshop, data exchange, and dialogue.

Currently Pertamina lubricants comprises 19 variants for passenger car and 10 variants for motorcycle.

*(Varied source, March 2016)*

### **3. The Indonesian Examiners Have to be Professional in Handling Application Matters.**

The increasing number of Intellectual Property applications filed to the Indonesian Directorate General of Intellectual Property (DGIP) requires DGIP to increase the number of examiners as a response. Recently, DGIP held training for the examiner candidates which was attended by 30 participants. Mr. Ahmad M. Ramli, as the Director General of Intellectual Property, in the event's opening ceremony instructed the candidates not to make decisions that may eventually causes loss and confusion to the applicant or society. Furthermore, the examiner candidates must be able to properly understand the matters which would be the responsibility of an examiner.

The training was facilitated by the DGIP for the fiscal year of 2016, wherein participants of the training does not only from the DGIP, but also from several Regional Offices of the Ministry of Law and Human Rights Republic of Indonesia. The training was carried out for 25 (twenty five) working days which started from May 24, 2016.

*(Varied source, March 2016)*

### **4. Counterfeit Software may produce earnings up to IDR 50 million per month**

Counterfeit products, including pirated softwares, are still a problem in Indonesia. Even with the development of security technology by the manufacturer, piracy methods also evolved and found ways to crack the security made by the manufacturer. Furthermore, in recent days, the qualities of piracy products are getting closer to the original ones.



The Indonesian Police Department recently conducts pirated software raid in Jakarta, the software is Microsoft Windows. The Head of Unit III Sub directorate of Trade and Industry of the Directorate of Special Crimes, Faisal Friyanto, stated that the police had confiscated 289 compact disks containing Microsoft Windows program from 2 suspects in this case, the police also confiscated 30 counterfeit Microsoft Certificate of Authenticity (COA).

Both of the suspects (Mr. FY and Mr. F) own a store in a shopping complex in Central Jakarta. Mr. FY sells the pirated products directly in his store and Mr. F

sells his pirated products via online market. The price of these pirated products is ranging from IDR 500.000 to IDR 700.000 per piece, meanwhile the price of the original products may reach up to IDR 2.000.000. The perpetrators may have earned around IDR 50 million per month from selling these pirated products. The existence of the pirated software reportedly caused Microsoft suffer a loss up to IDR 1 billion.

According to the Police, the perpetrators acquired the pirated products from oversea based on the sophistication of the pirated products. It difficult to distinguish from the original, and therefore the Police will conduct further investigation on this case.

The product was indicated as pirated software due to the lack of holographic sticker mark on the packaging. Users also noticed the software is pirated after failing to attempt the software upgrade. The users have been complaining on this matter, which became the starting point for the police investigation.

The most common way of piracy was unauthorized duplication of software; other common way is hard disk loading, mischannelling and forgery.

Corporations are the target market for this pirated software, not individuals, since the price is quite expensive. The imitation software may contain virus or malware for stealing the data and sending it to hacker.

This case showed that the Indonesian authorities, especially the Police

Department has made improvements in combating piracy and counterfeit products which should bring ease to the rightful owners of intellectual property (Source: Kompas, June 2016)

## **5. End of Industrial Design Helmet Bogo Glass Dispute**

Traffic jam is such a common thing in Jakarta as the capital city of Indonesia; many people prefer to commute by motorcycles than cars. The most common reason to select motorcycle transportation across traffic in Jakarta is due to its better agility, flexibility, efficiency and faster.

For motorcycle riders, there are safeties gears which they need to wear such as helmet, gloves, boot, jacket etc. Helmet is a mandatory personal safety instrument in riding a motorcycle.

There plenty of helmets with trademark are being sold in Indonesia in a wide range of price, from the expensive ones to the cheaper ones. One of them is known as "Bogo helmet". The automotive's lover should be familiar with the name of "Bogo helmet". This type of helmet has a unique characteristic that many people love. But it turns out the design of this helmet was in dispute at the court.

According to the Ministry of Law and Human Rights, Bogo helmet design rights is held by Toni under Registration Number ID 0012832 D. Toni holds the design right protection for the period of August 3,



2007 until August 3, 2017. Later, Toni was astounded finding *Bogo* helmet sold in the area of Bogor that was produced by Gunawan. This has caused Toni suffer a loss of IDR 700 millions. Toni took the initiative for legal measures against Gunawan.

The verdict of the trial was to “Stated The Defendant proved legally and convincingly violated article 54 verse 1 jo article 9 Law Number 31 year 2001 About Industrial Design; therefore, The Defendant is penalized with 1 year of incarceration.”, In adjudication of The Bogor District Court, quoted from Supreme Court Website,



A verdict given by the Panel of Judges which consist of Leandriyanti Janis as the presiding judge with members Hendra Halomoan and Nistra Priska Faridayanti. Gunawan legally and convincingly has been producing and using the design rights without consent of the industrial right of the helmet which was registered under number ID 0012832 D belonging to Toni. Upon this verdict, Bogor District Court gave time to Gunawan and/or his attorney 7 days whether to accept or to appeal this verdict.

Toni acclaimed that he was satisfied with the Bogor District Court verdict because it protected the right of the designers.

Toni in collaboration with a Malaysian company, Bo Go Optical Sdn. Bhd. produced and distributed the helmet in Indonesia.

Even Bo Go Optical Sdn. Bhd. Malaysia admits that the design is originally created by Toni. However, Toni acknowledged that Bo Go Optical Sdn. Bhd. Malaysia also has their own helmet trademarks and design.

Gunawan had once filed a cancelation lawsuit of the registered industrial design to the Jakarta District Court was rejected by the Panel of Judges. Jakarta District Court claimed that Bogo helmet design owned by Toni does indeed have novelty. (Varied source, April 2016)

#### **6. Dissemination and Education for Anti-Counterfeiting in Soekarno Hatta International Airport**

Directorate General of Intellectual Property collaborated with PT Angkasa Pura II and Indonesia Anti-Counterfeiting Society (MIAP) carried out dissemination and education concerning copyright matter. This event took place in Soekarno Hatta International Airport, Tangerang, Banten, on the first week of June (Thursday, June 9th, 2016).

The event aimed to educate Indonesian people more aware on the use of original software instead of the counterfeit products.



A random check was performed voluntarily on the said event by checking a laptop that belongs to one of the passenger in the airport. The Investigation Director of Directorate General of Intellectual Property, Mr. Salmon Pardede, declared that the inspection was performed in correlation with Copyright Protection for software, movies, music and books. Hopefully, people in Indonesia will become more educated and appreciates the creations of designers.

(Source : dgip April 2016)



(Anno 1951)

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