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1. **Indonesia Prioritizes Enforcement of Intellectual Property Laws**

The Director General of Intellectual Property (DGIP) of Indonesia, Freddy Harris, revealed the country's interest to prioritize Innovation based intellectual property. Intellectual property increasingly plays a vital role in various aspects of discussions by government agencies, for example, the negotiations in trading, investments and in the competition of developing a country. As such, the Directorate General of Intellectual Property of the Ministry of Law

and Human Rights continues to improve public services in terms of intellectual property administration and law enforcement.



"Indonesia has placed intellectual property law enforcement as one of its priorities," said Freddy Harris. This was conveyed by Freddy Harris in his opening remarks on the Intellectual Property Enforcement Workshop held in collaboration with the DGIP alongside the Danish Embassy for Indonesia and LEGO, DGIP's building Hall, on October 12th, 2018. He said that in the past three years, the DGIP, through the Directorate of Investigation and Dispute Resolution handled 76 cases of intellectual property rights infringements. 51 cases are for Trademark cases, followed with 11 copyright cases, 9 industrial design cases, and 5 patent cases". To facilitate reports of Intellectual Property infringements, DGIP also provides facility for online reports on infringement, including monitoring information through the DGIP website.



This workshop was attended by the Danish Ambassador to Indonesia, Rasmus Abildgaard Kristensen; the Head of International Project Department Danish Patent and Trademark, Michael Poulsen; the Director of Patents, Layout Design of

Integrated Circuits and Trade Secrets, Dede Mia Yusanti; the Director of Copyright and Industrial Design, Erni Widhyastari; and the Director of Intellectual Property Cooperation and Empowerment, Molan Karim Tarigan.

(source : DGIP)

2. Not So Original Arcuate Stitching Pockets



Since 1873, Levi Strauss & Co. has been a leader in the denim industry. Levi Strauss & Co. is an apparel company who designs, markets, and sells jeans, slacks, jackets, hats, shirts, skirts, belts, and more. It's also known as the world's largest maker of pants especially for its blue denim jeans called Levi's. We also may notice that on the back pockets from a pair of Levi's Jeans, there is a unique stitch design. It's called *arcuate* design which refers to the form of an arc.

In Indonesia, the 145-year-old company engaged in a trademark lawsuit against a local businessman, Tomi Yomriko. The company argues that Tomi Yomriko, without any right, had used the Arcuate stitching on the back pockets of jeans pants which have substantial and entire similarity with the plaintiff's mark.



The plaintiff stated that they are the owner and the first registrant to the Arcuate trademark painting with registration No. IDM000005515 and IDM000005518 in class 25 for the kinds of goods clothing, footwear, and headgear.

The classic double stitched arcuate or arcs that have become so recognizable originated with the very first Levi's jeans, acknowledged as the world's oldest clothing trademark, the shape became synonymous with Levi's jeans since 1900.

Hence, Levi Strauss & Co. requested the Court to convict Tomi Yomriko and also requested to hand over his whole apparel products which infringing Levi Strauss & Co's trademark. They also have requested the Court to convict the Tomi Yomriko to pay the material and immaterial compensation.

Moreover, Levi Strauss & Co. requested the Court to render the decision for Tomi Yomriko to pay a penalty payment

(dwangsom) if Tomi Yomriko do not comply in *a quo* which has become final & binding (*inkracht van gewijsde*). According to the plaintiff's attorney, there is still a chance of a amicable option in the process of mediation proceedings later when Tomi Yomriko pays royalties or a penalty

(source : <http://sipp.pn-jakartapusat.go.id>)

3. PERIPERA and peripera

Clio Cosmetics is a company based in South Korea founded in 1993. They started a professional make-up trademark "Clio Professional". Over time, the company develops other make-up, skin care, hair care and body care products. Clio Cosmetics launched other products such as Peripera in 2005, Goodal in 2011 and Healing bird in 2017.



The company managed to expand the market for the distribution of trademark products and simultaneously protect Peripera's trademark in the United States, Japan, Thailand, China, Saudi Arabia, the United Arab Emirates, Australia, Myanmar,

Turkey, and several other countries including Indonesia.

As a famous trademark, the company has filed an application for registration at DGIP on 12 July 2018 with application No. DID2018032470 in class 03 for the goods: cosmetics, cosmetic preparations for skin care, cosmetics for hair care, sunblock, eyes shadow, lipstick, mascara, nail polish, false eyelashes, and fragrance oils. However, when Clio Cosmetics registered Peripera's trademark in Indonesia, they found the same mark that had been registered at DGIP owned by a local entrepreneur named Jimmy Chandra with Registration No. IDM000424152.

Under this matter, Clio Cosmetics filled a cancellation lawsuit against Jimmy Chandra. They declare Peripera's trademark with Registration No. IDM000424152 on behalf of the Defendant have similarities in principle or as a whole with the Plaintiff's mark. They also argued that the applicant had filed the registration of Peripera's trademark on behalf of the Defendants with bad faith.

According to the plaintiff's attorney, Peripera's trademark cancellation lawsuit has been granted and will be following up by the Directorate of Trademark and Geographical Indications to proceed with the cancellation of the trademark on behalf of Defendants.

(source: bisnis.com; sipp.pn-jakartapusat.go.id)

4. A Container Fight

Dart Industries Inc. was founded & headquartered in Mason, Michigan. The company manufactures and markets consumer, chemicals, plastics, and packaging products such as glass containers, bottles, pollution control equipment, plastic cups, tubes, cookware, and electric housewares. The company has expanded across the globe to include more than 40 locations in six countries.



In Indonesia, Dart Industries Inc. found that the configuration design of the "Rantang Citra" produced and distributed by a local Company named PT. CITRA JAYA PLASTIK, have significant similarities with the design registered by Dart Industries Inc. with registration No. IDD000043424, IDD000043425, IDD000043427 and IDD000043428.

Pursuant to this matter, Dart Industries Inc. filed a cancellation lawsuit

against the PT. CITRA JAYA PLASTIK at the District Court of Central Jakarta with a case number 49/Sus-HKI/Copyright/2018/PN Niaga Jkt Pst. They requested the defendants to cease all production, sale deed, distribution and promotion-related products of "Rantang Citra" furthermore they also request the defendant hand over the remaining inventory products of "Rantang Citra", including any packaging, and redirected them to the plaintiff for destruction.

They also requested the defendants to delete all pictures/photos of "Rantang Citra" products in each product catalogue, any media platform promotion and online shopping platform on the internet; as well as pulling back the distribution of products "Rantang Citra" which are still on the market. They also asked the Court to convict the defendant to pay the material and immaterial compensation.

(source : <http://sipp.pn-jakartapusat.go.id>)

5. The Celebration of Toeti Heraty's 85th Birthday

November 27th 2018, was indeed a happy time for Prof. Dr Toeti Heraty Roosseno, the President Director of Biro Oktroi Roosseno. The atmosphere of the Ballroom of National Library's building, at Jalan Merdeka Selatan No. 11 in Central

Jakarta, where Toeti celebrated her 85th birthday was very joyful that night.



Attended by her children, grandchildren, great-grandchild, daughter-in-law, siblings, and friends. There were also many prominent Indonesian figures present at the event, such as Djarot Saiful Hidayat (former vice governor of Jakarta), Eka Budianta (famous Indonesian poet), Slamet Raharjo (movie star), Emil Salim (the former minister of environment) and many others.

Toeti Heraty, born in 1933, is a philosopher and author, and also a well-known Indonesian poet with a strong vision. She is a human rights activist and considered as the first generation of Indonesian feminist thinkers and has written extensively on issues of importance to women.



In her speech; she stated that she would submit a summary of her life journey for 11 or 12 minutes according to the number of chapters in the autobiography. However, there are too many stories that are very interesting to her, such as the story of "Lost Objects" (Chapter 1). Her book starts with a prologue given by Eka Budianta and closes with an epilogue given by Melani Budianta.

The event was opened by presenting a film about Toeti and continued with the launching of four (4) books with titles; Toeti's autobiography, *Feminine Transcendence* ("Transendensi Feminin"), *The Life & Death of the Author*, ("Hidup Matinya Sang Pengarang") and collection of 7 stories by Hamsad Rangkuti (prologue by Toeti Heraty).



The Professor of Philosophy at Indonesian University who more often uses a wheelchair stood steady that evening on the podium to speak about her autobiography: *The Search Is Almost Done* ("Pencarian Hampir Selesai".) The autobiography that was written before her 85th birthday, is a continuation of her autobiography that previously written when she was 70th years old with the title *The search Is Not Yet Done* ("Pencarian Belum Selesai"); with the difference is on the word "almost" and "not yet".

Music seems as close to Toeti's heart as philosophy, that evening, Toeti, who also likes to play the piano, closed her presentation by singing a poetic song by Robert Schumann; "Du bist wie eine blume" (You are like a flower) (1840) Opus 25 no 24 composed based on Heinrich Heine's poem. (Richard Stokes, Oxford)

(source : BOR)



(Anno 1951)

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