



Biro Oktroi Rooseno

INTELLECTUAL PROPERTY NEWSLETTER – June 2018 – 27th Edition

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1. Indonesia Supports the PCT Cost Reduction for Universities.

The Directorate General of Intellectual Property (DJKI) of the Ministry of Justice and Human Rights represents Indonesia to attend the 11th Meeting of the Patent Cooperation Treaty (PCT) Working Group held in Geneva from 16-22 June 2018.

The 11th PCT working group meeting was led by Australia. Meanwhile, the delegation of Indonesian (DGIP) was led by the Patent Director, DTLST and Trade Secret, Dede Mia Yusanti, accompanied by patent examiner, Sri Sulistyani, and examiner of formalities, Noprizal.

The 11th PCT Working Group Meeting discussed a number of important issues, such as, reduction of PCT application fees for universities; corrections of the international applications that have errors in certain parts or elements; PCT online service; Pilot project for PCT payment fees; observations made by third party; future PCT development and international appeals related to UN Security Council sanctions.

Dede Mia Yusanti, the Patent Director of DTLST and Trade Secret, said that Indonesia unanimously supports Brazil's proposal related to PCT cost reduction for universities.

"Indonesia supports the proposals related to the PCT cost reduction for universities, one of its goals is to encourage innovation from universities", said Dede Mia Yusanti in Geneva, Thursday (21/6/2018).



According to Dede Mia Yusanti, although the reduction of PCT enrollment fees for universities is not a major innovation, Indonesia believes with this cost reduction for universities, especially in the developing countries, one of the barriers for entering the PCT System can be diminish.

"Indonesia encourages this provision to be adopted at the end of this session", said Dede Mia Yusanti as Delegation of Indonesian Leader.

On the other hand, most developing countries consider that reducing the application fees for Universities does not significantly encourage innovation and could potentially reduce the World Intellectual Property Organization (WIPO) revenues.

(source : dgip, kompas.com)

2. The Increasing Score of Indonesia's Intellectual Property Protection in 2017 by the US Chamber of Commerce Global Innovation Policy Center (GIPC)

Based on the research by the US Chamber of Commerce Global Innovation Policy Center (GIPC), Indonesia's Intellectual Property protection score improved from 9.64 in 2016 to 12.14 in 2017, ranked Indonesia at number 43 out of 50 countries.. The improvements, although does not significantly escalate Indonesia's intellectual property index rating, include the establishment of copyright infringement reporting system within the network and the implementation of coordination framework in case enforcement.

Since 2012, the GIPC routinely publish an Intellectual Property Index research report. The 50 countries that studied were selected based on the grouping of income from the World Bank. The report aims to map intellectual property rights climate conditions in each country. GIPC apply eight indicators assigned as the variables in calculating the intellectual property protection score. The indicators, among others , are patents, rights relationships, and weaknesses.

In 2017, Indonesia's Intellectual Property protection score is lower in comparison with other developing countries, such as Vietnam and Nigeria. Vietnam score was 13.19, while Nigeria 12.38.

In the report, the GIPC mentioned that one of the inhibiting factors for Indonesia is the contents of Law No. 13 of 2016 regarding the requirement of product localization for foreign patent holders and high copyright piracy.



Patrick Gilbride, the Vice President of GIPC, said that the biggest challenge is the awareness of Indonesian entrepreneurs on the importance of intellectual property to support the economy, for example, in economic assets, opening up access to capital, new technologies and jobs creation.

Mr. Patrick Gilbride appreciates intellectual property protection score improvement for Indonesia. However, according to him, the government needs to take a bigger role in which employee need to be facilitated to register intellectual property, law enforcement of piracy cases, and more open to the business worldwide. He also added that the culture of each country influences the acquisition of intellectual property protection score. The high score achievers for 2017 are United States (37.98), England (37.97) and Sweden (37.03).

Meanwhile, Freddy Harris, the Director General of Intellectual Property, said that the

main problem is the enforcement of intellectual property protection where it may require cross-agency cooperation.

"The intellectual property rights registration image is still not well appreciated, such as difficult registration process, certificate issuance taking long time, and high cost. These are the subjects that we will improve. Currently we have improved the quality of our service personnel," said Freddy.

(source : *kompas.com*)

3. Participation of Biro Oktroi Roosseno at the Intellectual Property Expo 2018

The World Intellectual Property Day, established by the World Intellectual Property Organization (WIPO), aims to raise awareness on how intellectual property rights encourage innovation and creativity and to celebrate the contributions to the society, made by innovators and creators.

The Intellectual Property Directorate General of the Law and Human Rights Ministry on April 26th, 2018, celebrated this event with the annual Intellectual Property (IP) Expo, at the National Monument (Monas) in Central Jakarta. The theme of the event was "Celebrating Creativity to Inspire the People". The highlight from this year event was the importance of recognizing and registering the nation's geographical indications (GI). The event featured the participation of more than

130 different enterprises including small and medium enterprises from regions around the country, introducing their respective GIs to visitors.

According to the WIPO, geographical indications are specific types of intellectual property and “products that have a specific geographical origin and possess qualities or a reputation that are due to that origin”. These include “agricultural products, foodstuffs, wine and spirit drinks, handicrafts, and industrial products”.

Freddy Harris, the directorate’s director general said the purpose of this event is to emphasize and promote Indonesia’s geographical indications, which have tremendous potential. By registering geographical indications, then local communities may prosper and be uplifted. The registration of regional food product as a GI may increase local prosperity, Mr. Harris exemplify, “If we protect *tahu Sumedang* (Sumedang tofu) with geographical indications then *tahu sumedang* could only be made by the people of Sumedang, and it can only be made using the proper methods from Sumedang. This will prevent the sale of fraudulent and inauthentic products.”

When it comes to GIs, the directorate general particularly wanted to use IP Expo 2018 to raise awareness on the importance of local coffee products. Indonesia has around 300 different varieties of coffee, and is the fourth-biggest coffee producer country in the world.

However, most of coffee varieties remain unprotected, furthermore the best coffee beans bought by foreign customers.

According to the directorate general, the registration of the coffee variants may endorse better branding of Indonesian products in the international market. “GI registration process itself now can be done online and very quick, with much less administrative hassle compared to before,” Harris said, citing the directorate’s commitment to “one-day services” that only require IP registrants to bring their ID card, their product, and an IP certificate as the proof of ownership of the product.



Mr. Harris also said, “We hope to raise awareness among the public and regional governments so that local communities can prosper and be protected. We hope that this great nation, which has tremendous potential, especially in its regions, can be independent. Indonesia shouldn’t need other countries. Other countries need Indonesia.” This is in line with the objective of Biro Oktroi Roosseno.

Biro Oktroi Roosseno, as a prominent IP consultancy firm that committed in the

development of IP in Indonesia, support this event. Biro Oktroi Roosseno booth in the IP Expo 2018 presented various local IP products. This support is Biro Oktroi Roosseno corporate social responsibility commitment in promoting local IP development to improve quality of life for the people.



The support also embodied by Biro Oktroi Roosseno annual Roosseno Awards, which recognizes inspirational Indonesian figures for their intellectual creativity accomplishments and awards outstanding breakthroughs on Indonesian IPs.

The results of the intellectual research conducted by the various award winners – who come from provinces as far and wide as Aceh, South Sumatra, East Kalimantan, South Sulawesi and East Nusa Tenggara – often featured in international publications and help to raise Indonesia profile and standing in IPs.

The peak of the event, on April 26, took place at the vice presidential office in Central Jakarta. Vice President Jusuf Kalla directly opened the World Intellectual Property Day celebration.

The World Intellectual Property Day celebration also celebrates WIPO Awards ceremony, which recognized innovation and creativity.

(source : the Jakarta post)

4. The PB Trademark Dispute

PT Garuda Tasco International, a domestic manufacturing company, had to accept the fact of losing “PB” trademark to a Malaysian manufacturing company.

The dispute started when Syarikat Junchong Sdn Bhd dragged PT Garuda Tasco International to the court and filed a cancellation lawsuit for a trademark of agricultural spray device named "PB". The dispute was listed in the Central Jakarta Commercial Court with the number 60/Pdt.Sus-Merek/2017/PN.Jkt.Pst.

The Presiding judge stated that the Syarikat Junchong Sdn Bhd Company as the plaintiff is the legal owner of the PB trademark and its logo. It included in the class 7 that protect machines in the form of agricultural sprayers. The defendant’s trademark included in the class 8 that protect hand operated pest spray tool. There were considerations by the Tribunal judges regarding the dispute. First, “PB” trademark belongs to Syarikat Kun first registered in 1972, while the “PB” trademark belongs to PT Garuda Tasco International registered in 2005.

Second, the “PB” trademark that belong to the plaintiff is a well-known brand that can be proven from the volume of its sales, and profits derived from the use of the trademark are very high, have a wide market share, the brand had a lengthy usage, intensity and promotion, and was registered in many countries.

Last, PT Garuda Tasco International was considered to have a bad faith in its PB brand registration.



Based on the various considerations and evidences, Syarikat Junchong Sdn Bhd won the trademark lawsuit over PT Garuda Tasco International. The defendant's trademark with IDM registration number 000047786 had to be cancelled in the name of the law.

(source : bisnis.com, kontan.co.id)

5. DC Comics vs Superman

The DC Comics, a comic book publisher from the United States sued PT Marxing Fam Makmur a local company which domiciles in Surabaya in the Commercial Court of Central Jakarta, under the registration number 17 /

Pdt.Sus-HKI / Brand / 2018 / PN Niaga Jkt. The lawsuit was registered on April 3, 2018 and currently in the stage of calling the defendant.

The DC Comics' attorney said that his client asked PT Marxing Fam Makmur to cancel the Superman brand, as well as two trademark registrations IDM000374438 and IDM000374439 from the general list of brands at the Directorate General of Intellectual Property (DJKI).

"Our client has the Superman brand for various products, so it's not just the clothing products that we sued. In essence, we are suing for the cancellation of the said brand", said Prudence. However, Prudence is reluctant to further disclose regarding his client's trademark registration number, including the brand class number.

Based on the Business search on the Central Jakarta District Court Information Center (SIPP) page, DC Comics (plaintiff) declares that their company is the owner of Superman, Logo S, and Superman + Paintings brands.

The plaintiffs claim to have exclusive rights to these brands in the territory of Indonesia. In addition, DC Comics also stated that the Superman, the letter S logo, and Superman + Painting brands of the plaintiffs are well-known brands.

Accordingly, the plaintiff asked the court to declare that the Superman brand with

IDM000374438 and IDM000374439 which listed on behalf of PT Marxing Fam Makmur (the defendant) has been registered with a bad faith.



Furthermore, the plaintiff also requested the cancellation of the Superman brand with the IDM000374438 and IDM000374439 list on behalf of the defendant with all legal consequences.

Moreover, another lawsuit from DC Comics also appealed to the court to swiipe of the registration of the agenda number D002015034068, D0020132022866, D002015034070 and D002015034066 if it had been registered with DJKI. Currently, this case is still at the early stages and awaiting the verdict of the court.



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