



# Biro Oktroi Roosseno

INTELLECTUAL PROPERTY NEWSLETTER – December 2019 – 33<sup>rd</sup> Edition

Kantor Taman A9, Unit C1 & C2, Jl. Dr. Ide Anak Agung Gde Agung (Mega Kuningan), Jakarta 12950, INDONESIA

WWW.IPRBOR.COM

## This Edition's Newsletter contains:

1. Seagate Technology, LLC's Dispute with Indonesian Businessmen
2. The Dispute Over GS Trademark
3. Reinforced Partnership Between EPO and DGIPO
4. Indonesia Attended The SCP Meeting in Geneva
5. Biro Oktroi Roosseno Participated in The APAA 70<sup>th</sup> Council Meeting
6. Indonesia National Holidays in 2020
7. Biro Oktroi Roosseno's Agenda For The Upcoming International Intellectual Property Event 2020
8. Update Status of Some Dispute Cases in Indonesia



## 1. Seagate Technology, LLC's Dispute with Indonesian Businessmen

Seagate Technology, LLC, an American data storage company with operational headquarters in California, has filed a lawsuit against Mr Tjung Andrey Adi Saputra and Mr Satrijo Tedjokusumo, in the Commercial Court of Central Jakarta, under case number 71/Pdt.Sus-HKI/Merek/2019/PN Niaga Jkt.Pst. This lawsuit was filed on 31st October 2019 and is currently in the trial stage.



Seagate Technology, LLC was founded in 1979. Its products and services include network-attached storage, high-performance computing, data protection appliances, internal hard drives, backup and recovery services, flash storage, and related solutions for around the world.

Based on the Business search on the Central Jakarta District Court Information, Center (SIPP) page, Seagate Technology, LLC, submitted that the defendant's registered trademark "SEAGATE + LOGO S" under registration No. IDM000082762 have similarities in principle or as a whole similar to the plaintiff's "SEAGATE" trademark and logo. They further submitted that the defendant's marks were filed in bad faith.

The plaintiff additionally submitted that the "SEAGATE" trademark and its logo

are a well - known trademark. They, therefore, requested the defendants to cancel the defendant's registration for in class 9 from the General Register of Marks and announce the cancellation in the Official Gazette of Marks.

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

## 2. The Dispute Over GS Trademark

The dispute over the GS trademark is being rolled out in the Central Jakarta court. The dispute occurred between GS Yuasa Corporation (the plaintiff) and a local businessman named Harijanto Suprpto (the defendant). The Japanese company found that there is a similarity in principle between their GS trademark and GSP trademark that belongs to Harijanto Suprpto.

GS Yuasa Corporation is one of the world's largest battery manufacturers and a global leader in quality and innovation, with headquarters in Japan. The Company manufactures and sells automotive batteries, industrial batteries, power systems, electric sub-station equipment, and lithium-ion batteries. Based in Kyoto, Japan, GS Yuasa Corporation provides lighting equipment and ultraviolet systems. The GS Yuasa Group consists of 65 subsidiaries and 33 affiliates in countries throughout the world.

Both parties filed their trademarks in class 9, for goods such as lead-acid seals, lead-acid maintenance-free, stabilizers, electric battery chargers, anode batteries, electric batteries for vehicles, batteries for pocket flashlights, lighting lamps, high voltage batteries, electric accumulators for vehicles, batteries, battery boxes, adapter, battery charger.

The plaintiff objects to the defendant's mark on the basis that the defendant had imitated, plagiarized, and made use of the plaintiff's goodwill in their well-known trademark. The plaintiff requested the court to declare that the GSP trademark under Registration No. IDM000637375 had been registered in bad faith.



The plaintiff requested the judge to declare that they were the first to own and register the mark, should be the only party entitled to use the GS mark in Indonesia. Therefore they appealed to the court to invalidate the defendant's GSP trademark and to instruct the defendant to be liable for the cost of the proceedings.

The dispute over the GS trademark had previously occurred in 2015. The results of the case ruling by the Supreme Court Justice in its decision dated 3rd of June 2015, stated that GS Yuasa is the owner and holder of the first GS trademark in Indonesia.

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

### **3. Reinforced Partnership Between EPO and DGIP**

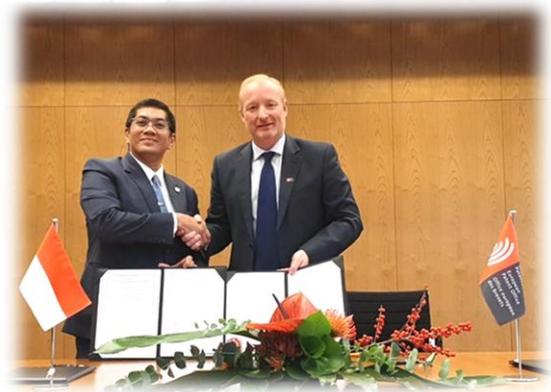
The number of patents granted by the Directorate General of Intellectual Property (DGIP) of Indonesia has

experienced rapid growth recently, which exceeds 175 per cent in 2018.

This rapid increase encourages the DGIP to strengthen their capacity for the search and examination of applications, and improve the quality of patents and services through a better IT system. In addition, the Indonesian government is currently prioritizing innovation and technology.

To achieve this goal, EPO President António Campinos and the head of DGIP of Indonesia, Freddy Harris, signed a Memorandum of Understanding (MoU) on Reinforced Partnership between their two offices at the EPO in Munich, Germany, on 21st November 2019.

The collaboration between the EPO office and Indonesia will take effect over the next five years, and is considered strategic as it will make the Indonesian patent system more efficient and user-friendly.



The EPO's Reinforced Partnership program builds on the Office's technical co-operation and seeks to establish ambitious, long-term partnerships in strategic and technical areas of mutual interest. It aims to further develop and strengthen the global patent system by extending the network of partner offices who systematically use EPO

work products, tools and practices to increase the capacity, productivity and quality of the patent-grant process.

The program provides improved conditions for companies and inventors filing patents internationally and fosters local innovation by supporting the partner offices in delivering improved services to local applicants.

DGIP is the second Intellectual Property office in Southeast Asia to launch a Reinforced Partnership with the EPO, and the sixth office worldwide, following the signature of agreements with South Africa, Ethiopia, Argentina, Malaysia and Mexico.

*(source: dgip.go.id)*

#### **4. Indonesia Attended to The SCP Meeting in Geneva**

Standing Committee on the Law of Patents (SCP) is a forum to discuss issues, facilitate coordination and provide guidance concerning the progressive international development of patent law. They held meetings for a certain period to discuss the latest patent issues.

Ms Dede Mia Yusanti as the Director of Patents, Integrated Circuits and Trade Secrets of The Directorate General of Intellectual Property (DGIP) of Indonesia attended the SCP meeting in Geneva, Switzerland on 2-5 December 2019.

The meeting's agenda was to discuss the 'Exceptions and Limitations to Patent Rights; Quality of Patents, including Opposition Systems; Patents and Health; Confidentiality of Communications between Clients and Their Patent Advisors; and also Transfer of Technology'.

The session of the SCP was opened by Ms Sarah Whitehead (United Kingdom), elected Chair of the SCP. Some delegations shared information on recent developments of their national/regional patent laws with the Committee.



On the first day, the committee discussed the approved system in terms of improving the quality of patents, and the use of Artificial Intelligence (AI) to support the quality of the patent system both for administrative and substantive examination. Moreover, they also discussed the practice of compulsory licensing in WIPO member countries and the importance of compulsory licensing as part of the flexibility of TRIPS.

On the second day, discussions were on the demands for patent database transparency that WIPO must provide; so that the public could access information on the patent protection status of medicines and vaccines.

On the third day, the committee discussed patent law provisions that had contributed to the effective transfer of technology, including the sufficiency of disclosure, and the practice of each member country to make arrangements in its national law.

*(Source: dgip.go.id; wipo.int)*

## 5. Biro Oktroi Roosseno Participated in The APAA 70<sup>th</sup> Council Meeting

Biro Oktroi Roosseno was pleased to send five delegates from Indonesia and Singapore offices to the 70th Council Meeting of the APAA from 9th to 12th November 2019. This council meeting was also celebrating the 50th Anniversary of the APAA. It took place at the Grand Hyatt Taipei, Taipei International Convention Center, Le Méridien Taipei and Humble House Taipei in Xinyi District (near Taipei 101).



The Asian Patent Attorneys Association (APAA) is a non-governmental organization dedicated to promoting and enhancing intellectual property protection in the Asian region (including Australia and New Zealand). The members of APAA include some of Asia's leading practitioners of IP law. They meet annually at a Council meeting and biannually at General Assembly. The Council Meeting is open to all Members and is usually held in November.

The event's agenda included a range of IP hot topics presented in committee meetings, workshops and networking sessions. During the 4 (four) days of Council Meeting, the APAA offered interesting workshop topics such as “Mock trial on

Standard Essential Patents” and “Biometric Data and Genetic Code: Privacy and Protection. What Regime Will Govern?”. Registrants were able to gain new knowledge and insights by attending Patent and Trademark Training Course on the last day.

At the Patent Training Course this year, registrants could learn a simple process to help create the first draft of an independent claim of a patent specification. And at the Trademark Training Course, APAA offered real-life case studies and experiences on brand licensing for all registrant, which is also at the heart of any successful franchise.

The APAA also held memorable social functions such as the 'Welcome Reception' and 'Opening Ceremony' on the first day; 'Woman in APAA' and 'Cultural Night' on the second day; and 'Farewell Banquet' on the last day. In addition to these, APAA offered various excursions and tours on the third day. During the trips and tours, attendees enjoyed the sights, sounds, and tastes of Taiwan.

By participating in The 70th Council Meeting of the APAA, our delegates gained new experiences, fresh perspectives, critical insights, knowledge regarding the latest Intellectual Property issues and had the opportunity to network and make new contacts.

*(Source: apaa2019.com)*

## 6. Indonesia National Holidays in 2020

The Directorate General of Intellectual Property Office (DGIPO) as well as our office will be closed on the following days due to public holidays in Indonesia:

|              |                                  |
|--------------|----------------------------------|
| 01 Jan (Wed) | : New Year 2020                  |
| 25 Jan (Sat) | : Chinese New Year 2571          |
| 22 Mar (Sun) | : Isra Mi'raj                    |
| 25 Mar (Wed) | : Saka (Hindu) New Year 1942     |
| 10 Apr (Fri) | : Good Friday                    |
| 01 May (Fri) | : Labour Day                     |
| 07 May (Thu) | : Vesak/Waisak Day               |
| 21 May (Thu) | : Ascension Day of Jesus Christ  |
| 22 May (Fri) | : Joint Holiday of Idul Fitri    |
| 24 May (Sun) | : Idul Fitri/Eid Mubarak         |
| 25 May (Mon) | : Idul Fitri/Eid Mubarak         |
| 26 May (Tue) | : Joint Holiday of Idul Fitri    |
| 27 May (Wed) | : Joint Holiday of Idul Fitri    |
| 01 Jun (Mon) | : Pancasila Day                  |
| 31 Jul (Fri) | : Idul Adha/Eid Al Adha          |
| 17 Aug (Mon) | : Indonesia Independence Day     |
| 20 Aug (Thu) | : Islamic New Year 1442H         |
| 29 Oct (Thu) | : Prophet Muhammad's Birthday    |
| 24 Dec (Thu) | : Joint Holiday of Christmas Day |
| 25 Dec (Fri) | : Christmas Day                  |

Any deadline falling on any of the holidays will be extended to the next working day. For further information regarding notice of Indonesia National Holiday in 2020 could be accessed in our [official website](#).

## **7. Biro Oktroi Roosseno's Agenda For The Upcoming International Intellectual Property Event 2020**

For 2020 Agenda, our firm is planning to participate at the following International Intellectual Property events:

### INTA's 2020 Annual Meeting

The 2020 Annual Meeting of the International Trademark Association (INTA) will take place from April 25–29, 2020, at the Sands Expo and Convention Centre in Singapore. Also this year our firm will be represented on site. Further information on the event can be found on the [INTA website](#).

### The 2020 AIPPI World Congress

The International Association for the Protection of Intellectual Property, known as AIPPI (Association Internationale pour la Protection de la Propriété Intellectuelle), will be held the 2020 AIPPI World Congress in Hangzhou to October 11 – 14, 2020. Our firm has included this congress into our next year's agenda. Further information on the event can be found on the [AIPPI website](#).

### The 71<sup>st</sup> APAA Council Meeting

Taking place on November 13-17, 2020, the APPA Australia Group are hosting the 71<sup>st</sup> Council Meeting of the Asian Patent Attorney Association. The event will be take place at Gold Coast Convention & Exhibition Centre, QLD, Australia.

We look forward to networking, gain more knowledge and fresh perspectives of IP with business partners from all over the world by participating at the International Intellectual Property events.

## **8. Update Status of Some Dispute Cases in Indonesia**

Pursuant to our previous newsletter whereas we inform you several interesting IP related cases, herewith we would like to

provide you with the results of some of the cases as follows:

The Cancellation Law Suit against trademark IWAYA

The Commercial Court has rendered their decision to grant IWAYA Corp's law suit, to cancel trademark IWAYA belonging to the local company, PT. Carford Indonesia.

The Cancellation Law Suit against trademark PB

The Commercial Court and Supreme Court have rendered their decision to grant Syarikat Jun Chong SDN's law suit, to cancel trademark PB belonging to the local company, PT Garuda Tasco.

The Cancellation Law Suit against trademark PERIPERA

The Commercial Court has rendered their decision to grant Clio Cosmetics' law suit, to cancel trademark PERIPERA belonging to the local business man named Jimmy Chandra.

Furthermore, we inform you the results of some IP Lawsuit cases in 2019 newsletter edition as follows:

1. Trademark Cancellation lawsuit of "RUFF": still under court hearings;
2. Trademark Cancellation lawsuit of "PALM FRUTT": the lawsuit from Horcani Dates declared unacceptable;
3. Trademark Cancellation lawsuit of "HAKUBAKU": the lawsuit from Hakubaku, Inc. declared unacceptable.

We will keep updating the IP related cases at Indonesian court.

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





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