

This Edition Newsletter contains:

1. **DGIP: 2019 Will be The Year of Industrial Design in Indonesia**
2. **The Socialisation of Ministry Regulations related to patents, under The Ministry of Law and Human Rights**
3. **SUPRA Shoes in Court**
4. **The British “Bossini” owners appeal against a local Bossini brand**
5. **Foreign Companies still dominate patent Registrations in Indonesia**
6. **Women, Arts and Into The Future**

1. DGIP: 2019 Will be The Year of Industrial Design in Indonesia

In 2018, the Directorate General of Intellectual Property (DGIP) proclaimed 2018 as the year of Geographical Indication in Indonesia. For this year, the DGIP declared 2019 as the year of Industrial Design. Industrial design is the main focus of the DGIP in 2019, with a goal in increasing people's awareness of the importance of Industrial Design protection.

The Director General of Intellectual Property, Freddy Harris, said that to be able to develop, this nation needs to utilise Intellectual Property to competitiveness value in the industrial sector, one of the ways is through Industrial Designs protection. There is much potential in the

Industrial Designs sector that is generated by the locals; they come from the individual; Micro, Small and Medium Enterprises (MSME); Research and Development Institutes (R&D); and from Universities.



As proof that Indonesia has a high potential for creativity, in 2015, UNESCO announced the city of Bandung, in West Java, as one of the creative cities in the field of design and fashion. “So we have many

creative people, one of them is people in Bandung who have proven their creativity. However, the protection of their work is still lacking, and many of them still do not understand the meaning of the creativity protection”, said Freddy Harris in Bandung City on Tuesday, 12 March 2019.



There are significant potential benefits in protecting Industrial Designs to support the national economy. Industrial Designs needs to be protected to obtain legal certainty. However, in Indonesia, the number of application for Industrial Design protections is still small. “In the past, people did not want to register their Trademarks and Patents, and suddenly their products are imitated and sold by other parties. After that, they began to realise this problem and registered their Trademarks and Patents. There should not be a similar occurrence for Industrial Design”, said Freddy Harris.

According to Freddy Harris, the number of Industrial Design registration every year in Indonesia is minimal compared to other countries. For example in China, the country accepts about 500 thousand requests of Industrial Designs registrations every year. "In Indonesia every year there are only about 4000 registrations for industrial design," he said. With declaring 2019 as the year of Industrial Design, the

DGIP expects the public to be more aware of the importance of Industrial Design protection, especially the players in the industry.

(source : DGIP)

2. The socialisation of Ministry Regulations related to patents, under The Ministry of Law and Human Rights

In light of the many regulations implemented in the years 2018 to 2019 relating to Patents, the Indonesian Intellectual Property Rights Consultants Association (AKHKI) supported by the Directorate General of Intellectual Property (DGIP) of the Indonesian Ministry of Law and Human Rights (Kemenkumham), in collaboration with the Asian Patent Attorneys Association (APAA) Indonesian Group, held a National Seminar with the theme of: "Socialization of Ministry Regulation No. 38 the Year 2018, Ministry Regulation No. 15 the Year 2018, No. 36 the Year 2018, Ministry Regulation No. 39 the Year 2018, new Ministry Regulation No. 3 the Year 2019. This seminar is a series of implementation and socialisation of essential regulations related to patents; the event lasted two days at the Manhattan Hotel, Jakarta, on Tuesday (03/19/2019).

The seminar was attended by Director of Patent, DTLST and Trade Secrets, Dede Mia Yusanti, along with around 100 participants, among them including representatives from intellectual property consultants, lawyers and law firms, internal legal counsels, associations related to Intellectual Property such as AKHKI (as the organiser), IIPS, MIAP, Indonesian APAA Group, Indonesian AIPPI Group, Indonesian Chamber of Commerce (KADIN). Along with tertiary institutions /centres, international pharmaceutical manufactures Group (IPMG),

health ministries and national pharmaceutical companies.

Representing DGIP, Dede Mia Yusanti said that the Patent Law No. 13 of 2016 had identified several implementing regulations that must be prepared which based on Article 172 "The implementation of this Law must be stipulated no later than 2 (two) years from the promulgation of this Law". Identifying that there are 15 regulations needs to be implemented, however, from 15 Articles which mandates the implementation of several Articles of the rules have been combined into one ministerial regulation for simplification purposes, for example, Ministry Regulation No. 38 of 2018 concerning patent applications, combining the mandate of Article 29, Article 32, Article 33 paragraph 3, Article 42, Article 43 paragraph 3, Article 56, and article 61 paragraph 5.



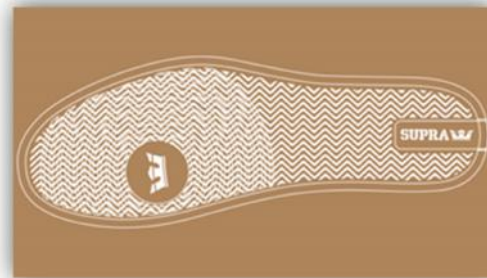
"The Patent Directorate in the formation of regulations regarding patents, we always involve relevant parties (stakeholders) in terms of protection of Intellectual Property Rights (IPR)", said Dede Mia Yusanti.

The Director of Patent hopes that activities like this can be socialised while also acquiring inputs. These inputs are used to continue to improve the patent system and

improve the services of the DJKI, specifically the Directorate of Patent to the community so that people can increase their patents in Indonesia. Innovation is growing in Indonesia, DGIP's performance is getting better and better, added Dede Mia Yusanti.

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

3. SUPRA Shoes in Court



K-Swiss, Inc. is one of the fastest growing athletic shoe companies in the footwear industry founded in 1966. K-Swiss's success is not due to keeping up with constantly changing styles and trends but instead to the company's reliance on a single distinctive design in a type of shoe that the company calls 'the Classic'. K-Swiss continues to position themselves as a contender with the purchase of the Supra and KR3W skate brands.

K-Swiss Global Brands acquired the supra brand in 2015. Supra footwear itself was born in Los Angeles California in 2006. Founded by world-class skateboarders, the company combines fashion, music, skateboard culture, art and street nuances to bring a classic atmosphere to all unique and innovative design lovers.

Known worldwide through one of Skytop's superior products, SUPRA successfully evolved into an ideal lifestyle product for everyone in the world. SUPRA has official outlets spread across Santa

Monica, New York City, Paris, Mexico City and Tokyo and distributes its products to more than 60 countries through selected premium skate shops and boutiques.

In Indonesia, K-Swiss, Inc. found that the trademark of SUPRA has registered by a local Businessman named Rusdy Haryono under registration No. IDM000279147 while they have filed an Application No. DID2017030385 at the DGIP. Pursuant to this matter, K-Swiss, Inc. filed a cancellation lawsuit against the said local businessman to the District Court of Central Jakarta with a case number 12/Pdt.Sus-HKI/Merek/2019/PN Niaga Jkt.Pst. Both trademarks were categorised in class 25 for the type of goods such as footwear, boots, athlete's shoes, and performance shoes.

K-Swiss, Inc. filed a lawsuit against Rusdy Haryono as the Defendant. They argue that the defendant did not use the registered SUPRA trademark No. IDM000279147 for 3 (three) consecutive years in goods trading from the date of registration or the last use. They requested the Court to decide that the mark is deleted and also instruct the defendant to pay the court fees as well.

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

4. The British “Bossini” owners appeal against a local Bossini brand

The British Company Bossini lost Against The Local owner when suing Bossini's store in Tangerang. The Supreme Court (MA) believes the two brands are in a different type so that the lawsuit is rejected.

Burling Limited owns British Bossini. In Indonesia, they have exclusive rights with number IDM00008927 for Class 18 and have been registered since September 8, 1993,

and renewed in 2003. As for the Class 25 of trademark, Bossini registered its trademark on May 11, 1994, and was renewed a decade later. Burling Limited then registered other brands in a row; namely Bossini Boy, Bossini Jeans, Bossini Man, Bossini Girl and Bossini Kid.

The Bossini trademark has also been registered in various other countries belonging to the European Brand Community (OHIM), including Hong Kong, Singapore, Malaysia and Chile.



Bossini was shocked to find a shop in Periuk Damai Housing, Tangerang, with the same name owned by Jusi. The Bossini Tangerang has obtained a brand certificate from the Director General of Intellectual Property of the Ministry of Human Rights at number IDM0000296449 as of August 6, 2007. The difference is that The Bossini Tangerang brand is registered in the retail store category, wholesale and distribution services.

The Plaintiff is concerned that the Tangerang Bossini store can mislead consumers and filed a lawsuit to the Commercial Court at the Central Jakarta District Court (PN Jakpus). On December 10, 2014, Bossini's claim was rejected. Not satisfied with this ruling, Bossini then filed an appeal to the Supreme Court.

In the appeal (cassation) stage, the Supreme Court also decided to refuse Burling Limited's lawsuit. Sitting as chairman of the panel of judges, Soltoni Mohdally with members Syamsul Maarif and Hamdi, all three judges are in the opinion that even though the Tangerang Bossini mark has similarities in principle to the overall English Bossini, both brands are in different classes and goods.

"So that it will not mislead consumers," said the assembly. According to the Supreme Court, the brand of Bossini Tangerang has been much longer registered in Indonesia. "That accordingly, it was not proven that the Defendant (Jusi) have the intention to ride the fame of the Plaintiff's brand (Burling Limited)," the assembly concluded in April 2015.

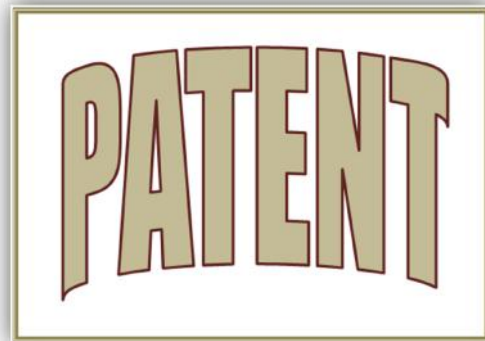
However Burling Limited requested for a judicial review to the Supreme Court against the decision and according to the Judicial Review No 111PK/Pdt.Sus-HKI/2018, the Supreme Court finds that the two trademarks registered under class 35 and owned by Jusu are invalidated stating the reason that the two applications were filed in bad faith.

(source : detik.com)

5. Foreign Companies still dominate patent Registrations in Indonesia.

"Foreign companies still dominate the number of patent registration in Indonesia. From the approximately 14,000 submissions per year, in 2017 only 15% are domestic applications", as mentioned by Mrs Dede Mia Yusanti, Director of Patent - Directorate General of Intellectual Property (currently she is the Director of Patent, DTLST and Trade Secrets) at an entrepreneurship event in Bandung.

According to her, products that were registered in Indonesia by foreign companies are varying, from drugs to cellular phones. The reason for filing a patent is to protect the product from infringement of other parties such as being imitated.



"When they sell their products here, the patent must be protected". Mrs Dede also said that Intellectual Property is a necessity in the current era of free trade. In addition to patents, the protection of trademarks is also important. She recalled a case against a famous restaurant because its name was the same as a trademark that had been registered. "It was finally settled, but through a mediation which cost billions", she said.

Compared to filing a patent, more local Indonesian products prefer to register brands. The number of trademark registration reached around 300 trademarks per day. Trademark examination is more accessible because they only have to be compared to trademarks that have been registered at the DGIP while Patents must be compared to similar products in the world, explained by Mrs Dede Mia.

Patent management is carried out by companies in each country where the products are sold. Even though it is

submitted to an international patent agency, the certificate must still be obtained in each country. "There is no international patent term, Intellectual Property are only protected at the place/state where it is registered," she said.

There are still only a few domestic products and innovations that files for patents, according to Mrs. Dede Mia, this is due to many parties who still do not understand the benefits of patents. There are not many success stories about patents in Indonesia, so few are aware of it.

Based on Law number 13 of 2016 concerning patents, the time process of registration and submitted a trademark is reduced from 14 months in the beginning, cut to 9 months while the time process of registration and filing a patent is reduced from 36 months, cut to 30 months. As for simple patents, the time is reduced from two years cut to a year.

The number of requests that have been submitted or those that have given patents by the DGIP has indeed increased from year to year. However, the proportion of patent applications is still very much dominated by foreign applicants, while local applicants - industry, research institutions, universities, and individuals - are very few.

This year, refer to the information mentioned on the page <https://risbang.ristekdikti.go.id/pengumuman/bantuan-pendaftar-paten-raih-hki-tahun-2019>; and in order to enhance the protection of Intellectual Property research, the Directorate of Management Intellectual Property Directorate General of Research and Development initiated a program "Raih HKI" which is used for registration assistance, acceleration of publication and patent substantive examination to

encourage and increase patent registrations.

This 2019 program is prioritized for researchers from Non-Ministry Government Institutions (LPNK), Ministry of Government Institutions (LPK), Central / Regional Research and Development Bodies, researchers receiving National Innovation System Research Incentives (INSINAS), Incentive Development Programs Industrial Technology (PPTI), Technology-Based Beginning Company (PPBT), Prospective Technology-Based Beginning Company (CPPBT), Micro, Small and Medium Enterprises (UMKM), and Student or Alumni Works that are fostered by the Institute for Innovation/BusinessIncubator/Entrepreneurship in Higher Education.

(source : tempo.co.id; <https://risbang.ristekdikti.go.id>)

6. Women, Arts and Into The Future



Cemara Enam Foundation is one of the Cultural Institutions which was founded in 1993. *Dr. Inda Citraninda Noerhadi*, who is also one of the Directors of *Biro Oktroi Roosseno*, has a special attention to the world of art by becoming Chairman of the Cemara Enam Foundation.

Cemara Enam Foundation is committed to advancing cultural arts by giving attention to Indonesian Women

Artists. This year, Cemara Enam Foundation in collaboration with the National Gallery of Indonesia held a book launched titled “Indonesian Women Artist (IWA)” and an art exhibition by 21 woman artist Indonesian contemporary, which takes place at Building of National Gallery Indonesia, Jakarta, from February 26 to March 16. The event also received full support from the Creative Econom Agency (BEKRAF).

The book of IWA 2019, “Into The Future”, contained a profile of 21 contemporary Indonesian artists, works, work concepts, and achievements, including the selection of artists based on the concept of work “Out of the Box” with a very strong spirit of work.



According to *Dr. Inda Citraninda Noerhadi*, this activity was expected to strengthen the existence of Indonesian women artists in the development of fine arts both nationally and internationally. Beside the exhibition, a public education program was also held, such as Book Review (March 1, 2019), Art Talk (March 9, 2019), Fine Arts Discussion (March 14, 2019), and Curatorial Tour (March 2 & 9, 2019).

In the discussion session with the theme "Fine Art, Intellectual Property and Creative Economy" on Thursday, on March 14, 2019, by *Dr. Inda Citraninda Noerhadi* as a speaker, she stated that the creative and innovative thinking from the artists is an

Intellectual Property that needs a protection especially in copyright.

Dr. Inda Citraninda Noerhadi and other experts explained that the main issues about fine art which are a part of Intellectual Property and provide some information regarding the procedure to protect the works of art, as well as the information regarding things that are prohibited in the creation of the artworks. Besides explaining the importance of protecting Intellectual Property for creative works, they also discussed the management of creative works and its relation to the economic value.



Currently, the awareness of the Indonesian people to register their works of art for the protection of intellectual property is still very low even though the artwork has great potential, one of them is in the economic sector. For example, works of art can be a special attraction in tourism and thus contribute to the sustainable economy.

(source : kemdikbud.go.id; the Jakarta post)



(Anno 1951)

BIRO OKTROI ROOSENO

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
Website : www.iprbor.com