



Biro Oktroi Roosseno

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1. The "Lexus" Car Brand vs The "Lexus" Hotel Brand

The public recognize Lexus (レクサス *Rekusasu*) as the luxury vehicle division of Japanese automaker, TOYOTA. The Lexus marque is marketed in over 70 countries and territories worldwide, has become Japan's largest-selling make of premium cars, and has ranked among the ten largest Japanese global brands in market value.

In Indonesia, the trademark 'Lexus' was registered on May 25, 1992 for the category of cars and spare parts. Although Lexus has been registered for automobiles, it was distressed by the presence of Hotel Menara Lexus which also has a registration for the mark 'Lexus' on August 31, 2012. Menara Lexus is a new hotel and a new brand and has opening since 2008. This Hotel is located in Medan, North Sumatra province and owned by Ganda Christ Robert.



Source : <http://www.hotelmeneralexus.co.id/>

According to Toyota, the Lexus brand can lead the public impression, that there was a relation between the hotel's brand with the Lexus car brand. Toyota claimed that Ganda Christ Robert has been using the fame of Lexus car brands which was previously registered. In this lawsuit, the Central Jakarta District Court granted Toyota their entire lawsuit. The Central Jakarta District Court declared the brand 'Lexus' is an essential part of the trademark of Toyota Jidoshi Kabushiki Kaisa and ordered Ganda to change his hotel's brand. Ganda appealed against this verdict to the Supreme Court.

In the Cassation level, the Panel of Judge at the Supreme Court has rejected the Cassation and declared that the Commercial Court has made the right decision whereas the mark "Lexus" owned by Toyota is a well-known mark which shall be protected and the mark "Menara Lexus" indeed having similarity with Toyota's well-known mark "Lexus" and shall be cancelled.

According to the Panel of Judges the mark 'Lexus' has been registered in several countries and has invested in the countries where the trademarks were registered. (source : from many)



Source : <http://www.lexus-int.com/>

2. The Trademark Dispute : Italian Helmet Brand 'SUOMY' vs Local Impersonator 'SUOMY'

SUOMY is an Italian brand of product line largely consists of high-end race-motorcycle helmets. It is also known for vibrant, high quality graphics. SUOMY is a registered trademark in the European Union, Australia, USA, Canada, Singapore, Italy, Hong Kong and many more.

Based on the World Intellectual Property Organization (WIPO-World Intellectual Property Organization), a trademark shall be considered as a well-known mark if it meets the criteria of public knowledge (general views) to an extensive brand's advertising or publicly known.



Source : <http://www.suomy.com/>

Recently, The Italian SUOMY found the similar brand. SUOMY filed a cancellation lawsuit against the SUOMY's impersonator manufactured by a local Jakarta citizen. The Italian SUOMY won in the cancellation lawsuit which was filed against this similar mark. This local SUOMY brand was considered as an impersonator of the famous helmet brand which has sponsored many of the world's top MotoGP-racers, including Loris Capirossi, Alvaro Bautista, Max Biaggi and Valentino Rossi.

On March 21, 2014 the Central Jakarta District Court granted the application and declared the registration of local SUOMY should be cancelled since basically it has bad faith and was similar in its essential part with the well-known Italian brand SUOMY. To this verdict, the local SUOMY appealed.

However, the Supreme Court declared: "*Although the deadline for filing*

a lawsuit over than 5 years, but due to the 'bad faith' has been proven of the Plaintiff's registered mark, then pursuant to Article 69 paragraph 2 of the Law of Trademarks, the cancellation lawsuit can be filed at any time without deadlines."

The judges decided that the local SUOMY and the Italian SUOMY contain similarities in its essential part and also for the same class of goods, which is in class 9. The Supreme Court decided "*To reject the appeal of the appellant*", on July 25, 2014.(source : from many)

3. Indonesia Ministry of Justice And Human Rights Launches Online Services For Registered Trademark Registration



Source : <http://humas.dgip.go.id/>

Government of Indonesia through the Directorate General of Intellectual Property, Ministry of Justice and Human Rights has showed their commitment in providing better

intellectual property (IP) protection services to the public.

The newly provided service is the Online Application for Trademark Renewal which can be filed through registered IP consultants, IP Center in Universities and Government agencies. The online services could be realized by DGIP in cooperation with WIPO. Not only Trademarks, but also Copyrights and Patents which could soon be proceed Online.

Online Application for the Renewal of Registered Trademark is to aim improving the quality of protection of intellectual property and services to the public to be better, faster, dynamic, accountable and in order to put Ministry of Justice and Human Rights as excellent public service agencies. Renewal services can be done on time, because the registered Trademark owner can directly print the notification of renewal and it only takes 30 minutes (to apply/proceed).

It will be more practical, time-saving and more efficient in the services. The payment of renewal fees can be done virtually, trademark owners does not have to come to the DGIP Office. (source : from dgip website)

4. Intellectual Property Forum 2015

The first Intellectual Property Forum / 1st IP Forum 2015 which was held in Yogyakarta, with the cooperation between the government of Japan (JPO/Japan Patent Office) and the government of Indonesia (DGIP/ Directorate General Intellectual Property, Ministry of Justice and Human Rights of the Republic of Indonesia), just concluded.

The topics discussed are related to the Intellectual Property which focused on intellectual property in terms of Trading, the constraints encountered in the implementation of trade-related IP Protection System, as well as the search for solutions to overcome the said constraint and also the development of business cooperation between the two countries.

This forum was attended not only by the large-scale Trading-Industry from Indonesia and Japan, but also by the micro, small and middle scale Industry from all over Indonesia, creative industries and also representatives from Intellectual Property consultants.

This forum was participated by the organization of Trade and Industry in both countries, such as the Indonesian

Chamber of Commerce (KADIN) and JETRO Japan.

Indonesian companies and Japanese companies attended the forum, including: PT NTT DATA Indonesia, Center for Training and Computer Services PPLK Yogyakarta, Apikri Fair Trade Organization, Kampung Labasan Tropical Resort & Resto, PT Sinda Budi Sentosa, GS Battery, GS Yuasa International, Toyota, NTT DATA Corporation, and others. (source : from many)

5. The Frankfurt Book Fair 2015



In October 2015, Indonesia became the Guest of Honor in the Frankfurt Book Fair 2015 event.

The said event is the world's largest international Book Fair which was being held each year in Frankfurt, Germany. The Frankfurt Book Fair 2015 was held from October 14 to 18 2015,

which officially opened on October 13th, 2015 at 6PM, local time.

The main aims of the Frankfurt Book Fair were to help the publishing industry and the cultural institutions of the guest country to network more effectively on an international scale, to make its literature better known around the world, and to increase the number of translations emerging from the country.

The Indonesian Minister of Education and Culture, Mr. Anies Baswedan gave his speech by stating that to be a Guest of Honor in this Fair was a very prestigious chance for Indonesia, to introduce the beauty in diversity of Indonesian cultures, especially to European countries.

The German minister of culture and media, Ms. Monika Grutters also expressed in her speech that Indonesia as a developing democracy-country with the biggest Moslem population could become a role model how Islamic and democracy could exist parallel side by side in peace and harmony.

Some Indonesian Authors who were invited to the said event among others were Andrea Hirata, Sapardi Djoko Damono, Murti Bunanta, **Toeti Heraty**, Teti Elida, etc.



At the Frankfurt Book Fair 2015, Indonesia took a theme on “17000 Islands of Imagination” represented by seven imaginative islands which performed in the large pavilion at the fair. The names of the seven Islands were Island of Words, Island of Scenes, Island of Images, Island of Spices, Island of Illuminations, Island of Tale and Island of Inquiry.

The Indonesian ancient scripts and manuscripts could be seen in the Island of Illumination while many traditional shows and cultures of Indonesia performed in the Island of Scenes where the visitors could see the projection of the moving pictures and sound from the world of Indonesian traditional tales. Lastly, the Island of Spices served the adventure of Indonesian culinary in many different colors, smells and tastes.

These seven Islands of Imagination in the theme “17.000 Islands of Imagination” attracted and received huge appreciations from media and visitors of

the Fair. They were amazed by the Indonesian pavilion that was built in the area hall of 2500m² could be so full of many surprises and attractive performances. The first three consecutive days of the fair was opened only for the book traders from all around the world, to give a change in trading copyright of the books.

On the third day of the fair, there were many discussions and activities in the Seven Islands of Imagination which attracted the European visitors. A discussion that took many attention from the visitors were “Origami and Rope Story Telling” by Ms. Murti Bunanta and Ms. Teti Elida, which took place in the Island of the Tales.

Another activity that also attracted many visitors was a discussion in the Island of the Scenes, with topic “Fictional Islam”, by Mr. Andrea Hirata, the author of *Laskar Pelangi* and Mr. A. Fuadi, the author of “5 Menara”. The discussion focused on a very interesting topic on how a dream and education were still effective way to fight poverty and to change someone’s fate, especially for Indonesian people.

Last but not least, the discussion with topic “Modern Literary of Indonesia” which also attracted so many visitors in the Island of Scenes, who would like to have a nostalgia with poems presented by two senior Indonesian Author, Mr. Sapardi Djoko Damono (the author of more than 20 masterpieces, including “Suddenly the night: the poetry of Sapardi Djoko Damono) and **Ms. Toeti Heraty**.



Ms. Toeti Heraty, who is a professor for many years at the University of Indonesia, is also a gallery owner, the founder of Indonesia’s first feminist journal and also *the President Director of Biro Oktroi Roosseno*, a well-known Indonesian IP Law firm based in Jakarta. She is the only woman among the famous contemporary poets in Indonesia with her first poem “Sajak-sajak 33” which was released in 1971.

With degrees in psychology and philosophy, her experiences in these

fields for so many years has very much influenced her poetry, as does her experience as a scholar and a successful businesswoman in a male-dominated culture. The subject of **Ms. Toeti Heraty’s** poetry: **Encounter**, ranging from human encounters in an age of conceit to the confessions of an ever-restless soul which shows a clear feminist influence; yet their way of confronting the patriarchy is not always direct. (source : from many)

6. The 82nd Anniversary of Toeti Heraty N. Roosseno, the President Director of Biro Oktroi Roosseno

Toeti Heraty Roosseno, the President Director of Biro Oktroi Roosseno, celebrated her 82nd anniversary on November 27th, 2015. Her birthday was celebrated in the three-days-events which was held from November 27th-29th, 2015, at her residence, Cemara 6 Gallery Museum in Central Jakarta.



The first day of the celebration started with a “3-generation” music show by Charlotte Panggabean, Latifah Kodijat and Lisa, followed by the Painting Exhibition of the Indonesian Women Artists (Perupa Perempuan Indonesia), with the opening speeches by Mr. Dedi Panigoro, Mrs. Toeti Heraty herself -as the host of Cemara 6 Gallery Museum and Mr. Eddy Soetryono -as the curator of “Pameran Perupa Perempuan Indonesia”.

The next day, there was a lecture with topic “museum” by Mr. Soedarmadji Damais and ended with a music concert by Trisutji Kamal and friends.

On the last day of her 82nd birthday celebrations, she released her books with the titles “*Encounters and Confession*” and “*Tentang Manusia Indonesia dsb*”. “*Encounters and Confession*” is a selection of her works until 2009 which has been translated into English by John H. McGlynn for Frankfurt Book Fair, an international event which was held in Frankfurt-Germany last October 2015.

Her book of “*Tentang Manusia Indonesia dsb*” (About Indonesian Humanity, etc.) indeed is a compilation of her saved and new writings, all reflecting years of observation, research and study. On the final day, there was also a book

review session by Mrs. Toeti Heraty, Mr. Romo Mudji Soetrisno, Mrs. Kartini Noerdin and Mr. John Mc Glynn and also a staging of drama-dance “Calon Arang” by Mrs. Bulantriso Djelantik. (source : from many).



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