



# Biro Oktroi Roosseno

INTELLECTUAL PROPERTY NEWSLETTER – December 2017 – 25<sup>th</sup> Edition

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### 1. Indonesia Becomes the 100th Member of the Madrid Protocol

Indonesia has officially become the 100th member of the Madrid Protocol. The Minister of Law and Human Right, Mr Yasonna H. Laoly announced it at the 57th General Assembly of the World Intellectual Property Organization (WIPO) in Geneva Switzerland - Monday (2/10). At the event, he said that President Joko Widodo had signed the Presidential Decree Number 92 the year 2017 on Accession to the Madrid Protocol. The Director General of WIPO, Mr. Francis Gurry stated that Indonesia became the 100th member of the Madrid protocol. Indonesia is the eighth member of the Association of Southeast Asian Nations (ASEAN) to join the Madrid Union, a move that further reinforces ASEAN's goal of promoting technology transfer throughout the region and stimulating innovation through strengthened IP-rights cooperation.



With Indonesia as the 100th member, a trademark registration can be done seamlessly among all member countries of the Madrid protocol. It means that an Indonesian can register his trademark at once, to all member countries of the Madrid Protocol, directly through the counter at the Directorate General of Intellectual Property in Jakarta.

In the General Assembly of the World Intellectual Property Organization (WIPO), The Minister of Law and Human Right, Mr.

Yasonna H. Laoly conveyed that the Indonesian Government paid considerable attention to Intellectual Property and its role to contribute to the innovation-based industries and knowledge. Intellectual property can enhance the development of the national economy and is a critical aspect of improving competitiveness through innovation and creativity.

Furthermore, he also conveyed the latest developments on intellectual property in Indonesia, including the amendment of several laws in the field of Intellectual Property.

Mr Yasonna H. Laoly was accompanied by the Permanent Representative of Indonesia to the United Nations Office at Geneva, Mr Hasan Kleib ; Director General of Intellectual Property (ad interim), Mr Aidir Amin Daud ; the Director General of Public Law Administration, Mr Freddy Harris and the advisor of the Minister of Law and Human Right, Mr Ian Siagian.

Meanwhile, there are changes in the DGIP's organization structural and the current Director General of Intellectual Property is Mr. Freddy Harris.

*Source: dgip; WIPO; bor*

## **2. Starting 2018 Indonesia will receive International Trademark Registration**

At the 57th General Assembly of the World Intellectual Property Organization (WIPO) in Geneva Switzerland, it was announced that Indonesia has officially become the 100th member of the Madrid Protocol. On January 2nd, 2018 Indonesia will be ready to accept international trademark registrations.

Given the provisions of the World Intellectual Property Organization (WIPO) that 3 (three) months after acceding to the Madrid Protocol, Indonesia must implement international trademark registration.



To support said provision, the Directorate General of Intellectual Property DGIP of the Ministry of Justice and Human Rights has organized Socialization of International Brand Registration through Madrid Protocol at Hotel Borobudur - Jakarta on Tuesday, December 5th, 2017. The purpose of this socialization is to provide an understanding of the benefits and advantages of accession to the Madrid Protocol for the businessman, SMEs, Ministries, Agencies and intellectual property stakeholders. Director of Cooperation & Intellectual Property Empowerment, Mr. Molan Tarigan said that DGIP with the help of WIPO is preparing human resources, regulation and infrastructure to implement the Madrid Protocol system in Indonesia in January next year. "On January 2nd, 2018, Indonesia will be able to receive international trademark registration through Madrid Protocol," said Molan Tarigan in his speech.

Furthermore, The Head of Sub Directorate of Trademark, Mr. Didik Taryadi also explained that there are 5 (five) roles of DGIP as the home country office. First, it will provide consultation for the applicant/authorization relating to international applications. Second, it will validate and certify the international applications before sending them to the International Bureau. Third, it will help to check for any incomplete document requirements and correcting administration mistakes in the international application forms. Fourth, it will monitor the status of trademark protection as the basis of international application within 5 years, and fifth, notifying the International Bureau if the status of trademark protection as the basis of

the international application is lost within 5 years.

Moreover, the Director of Trademark and Geographical Indication, Mr. Fathlurachman stated that DGIP has now prepared for the implementation of the Madrid Protocol by referring to the roadmap which includes, forming the Accession Team, adjusting the content of the Legislation Regulations in accordance with the Madrid Protocol, and forming Madrid Units. He continued that the DGIP also drafted internal regulations that will regulate Business Process and Standard Operating Procedures, as well as develop IT systems and automation. "The business process will be adjusted to the DGIP's function as the country of origin of the international brand application addressed abroad and the function of DGIP as the destination country of international brand registration originating from abroad," said Fathlurachman.

*Source: dgip; Antara news; bor*

### 3. The NWB Trademark Dispute



The NWB trademark dispute occurred in connection with two companies, namely Nippon Wiper Blades co., Ltd. from Japan and local company PT NWB Autoparts Indonesia.

Nippon Wiper Blades co., Ltd. is a company founded in 1965. The NWB trademark has been registered for several products, such as wiper blades, wipers, windshield wiper arms, and spare parts in Russia, Italy, Norway,

Uruguay, Ecuador, Hong Kong, Japan, Peru, Taiwan, United Arab Emirates, Australia, China, and Greece. On the other hand, PT NWB Indonesia Auto parts have registered the NWB trademark for glass fan products for cars, car horns, and car windshields in Indonesia.

The dispute started when Nippon Wiper Blades Co., Ltd. wanted to register its trademark at Directorate General of Intellectual Property (DGIP) Indonesia on February 2nd, 2016. Nippon Wiper Blades Co., Ltd. was very surprised when they found the NWB trademark has been registered since 2015 at the Ministry of Justice and human rights and have an expiration date in 2023. The NWB trademark has also been registered at the Ministry of Finance and the Ministry of Trade.

The NWB trademark dispute is currently handled by the Supreme Court, after the Central Jakarta Commercial Court granted the lawsuit of Nippon Wiper Blades Co., Ltd. on August 29th, 2017.

In memory of the annulment, PT NWB Indonesia Autoparts declared eight reasons. They considered that the panel of judges at the Central Jakarta Commercial Court acted beyond the limits of its authority by stating that the NWB is a famous trademark.

The legal counsel of Nippon Wiper Blades Co., Ltd. disagreed with that statement. He conveyed that in assisting the judge in deciding whether a trademark is categorized as a well-known mark, the Commercial Court may order an independent institution to conduct surveys to find out the truth. However, the existence of the survey institution is not mandatory.

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

PT NWB Indonesia Autoparts felt the verdict of the Jakarta Central Commercial Court in the first level violated the principle of 'Audi et Alteram Partem'. The court only considered the evidence from Nippon Wiper Blades Co., Ltd. that has been used in 23 countries and did not pay attention to the evidence from PT NWB Indonesia Autoparts. PT NWB Indonesia Autoparts also argued that although the NWB trademark has been registered long before in some countries, the trademark has not been registered as a legitimate trademark in Indonesia. Therefore, they referred to the provisions of Article 21 paragraph 1 of Law No. 20 the year 2016 on Trademarks in which any registered trademark must be protected by law.

*Source: hukumonline; kontan.co.id; bor*

#### **4. The 84<sup>th</sup> Anniversary of Prof. Dr Toeti Heraty N. Roosseno, the President Director of Biro Oktroi Roosseno**

The sound of music penetrated the heart and mind of anyone who heard it. The dusk and grey twilight at Nusantara Room, Dharmawangsa Hotel, which hosted the 84th anniversary of Prof. Toeti Heraty N. Roosseno, became bright and cheerful. Many prominent Indonesian figures were present at the event, including Aristides Katoppo, Eka Budianta, Radhar Panca Dahana, Karlina Supelii, Dewi Motik, and many others.

Born in 1933, Toeti Heraty is a philosopher and author, a well-known Indonesian poet with a strong vision, and a human rights activist.

The birthday celebration of one of Indonesia's leading female poets was marked by the appearance of classical music concerts and book launches. Her house which has been named Cemara 6 Gallery Museum and often hosted exhibitions of various collections of fine arts also had its name changed to Museum Toeti Heraty.

Avip Priatna led the performance of the classical music concert from the Jakarta Concert Orchestra. Toeti Heraty said at in her speech that she had long been acquainted with Avip Priatna in Bandung since Avip was boarding at Toeti's house. At that time 15 years ago, Toeti and Avip agreed to establish Jakarta Chamber Orchestra which later changed its name to Jakarta Concert Orchestra.

There were four works featured in the concert. Manuel de Falla's "Spanish Dance No.3", the third part of Rimsky Korsakov's "Scheherazade", "Pavane pour une Infante Defunte" from Maurice Ravel, and "Rhapsody in Blue" from George Gershwin which was accompanied equipped with a piano music by Caitlin Aurelia Wiranata, a 15-year-old pianist.



In addition to the classical music concert performance, two books were also launched on that event. The first book was the "Dasawindu Twists" by Toeti Heraty (ISBN: 978-979-461-880-6), a collection of poems that are equipped with photographs of the paintings of Toeti Heraty Museum collections. This collection has been published in 2014, and at this time was the second printing.

Then the second book is a book of Potpourri that related with Toeti Heraty. Published by Toeti Heraty Museum, it has a picture reproduction of Salim's painting entitled "Pelita" made in 1990. The "Cultural

Spectrum - Festschrift 84th Anniversary of Toeti Heraty" is a collection of writings from various people with Eka Budianta as the editor and an introduction written by Radhar Panca Dahana.



*Eka Budianta*, born in 1956 in Ngimbang, East Java, is a famous Indonesian poet. He was the Honorary Fellow in Writing at the University of Iowa in 1987 and a Fulbright Visiting Scholar at Cornell University, Ithaca in 1990. One of Eka Budianta's work is *Pohon dan Istrinya (The Tree and its Wife)*, that was recognized along with works by 12 other authors by the Indonesian daily newspaper Kompas, and included in an annual publication featuring a selection of short stories. (Wikipedia)

Born in Jakarta in 1965, Radhar Panca Dahana is one of those artists who has dedicated his life and work to unravel the truth about politics to the public. His theatrical plays and poems mostly concern of the political hypocrisy and the low moral conduct of the political elite. (thejakartapos)

In the book "Spectrum of Culture" there is three parts: Cross Discipline Rubric contains 14 posts, Cultural Rubric contains 16 posts, and Rubric Critic Literature contains 9 posts. Some of the writings were made to celebrate the 84th Anniversary of Toeti Heraty, but some others are post articles about Toeti Heraty written by many people which were found at the HB Jassin Literature Documentation Center (PDS). That was the

reason why at her 84th Anniversary celebration Toeti Heraty also asked the guests to give a birthday present in the form of donation for PDS HB Jassin, "I am really sad, it was already three months the employees of PDS HB Jassin have not received a salary," said Toeti.

In the book "Spectrum of Culture" there are also two writings about the Angke Mosque, one of the historic mosques in Jakarta built in 1761. This mosque became one part of the Heritage Circle of Kotatua Jakarta (Lingwa), which is the latest activity of Toeti Heraty with some of her friends. Currently, they are planning to restore the mosque that has been damaged over the years.

Source: detik.com; bor

## 5. The Cemara 6 Gallery – Museum Toeti Heraty, Jakarta

### *An Introduction to Cemara 6 Galeri*



Prof. Dr Toeti Heraty N Roosseno, the President Director of Biro Oktroi Roosseno, founded Cemara 6 Galeri in 1993. The Gallery has a main exhibition hall, a backyard for art and cultural events such as discussions, video art presentations, performances, poetry readings and other cultural activities. A café and an intimate homestay are attached to it.

The special programs of Cemara 6 Galeri have mostly been conceived conceptually so that the relations between art, society, Culture, our fundamental rights, as well as the human capacity to express ourselves freely and creatively are emphasized. Through active promotions aimed at a broad audience who

frequent the exhibitions and special events we hope that the message reached the audience.

### **End of 2017 at the Cemara 6 gallery**

On 30 November 2017; The Cemara 6 gallery - Museum Toeti Heraty N. Roosseno held a High tea and Art's discussion of Toeti Heraty's Collection, "Choices of the Heart # 2". The event was held to celebrate the 24th anniversary of Cemara 6 Gallery. The event exhibited some 30 collections of Toeti Heraty which have been exhibited at the Voor Volkenkunde Rotterdam Museum, The Netherlands, in 1995.

In the event, some selected paintings are the works of great artists which represent Toeti Heraty's soul as a feminist and have rarely been exhibited in public. The guest speakers who attended the event were Eddy Soetriyono and Leonhard Bartolomeus. By presenting the works to the exhibition and wrapping it through a feminist perspective, we hope that public can appreciate it.

In December 2017, to commemorate Mother's Day, Toeti Heraty and Inda C. Noerhadi present a two-day event of book discussion, piano recital, traditional dances by six maestro dancers and painting exhibition retrospect "PERFORMA SENJA". The event will be held on Thursday-December 21-22, 2017 and begins at 11 am – at the Cemara 6 Gallery - Toeti Heraty Museum.

On the first day, Thursday, December 21, 2017, the event begins at 11.00 and starts with a discussion book "Feminine Transcendence - Gender Equality by Simone de Beauvoir, which is a Thesis Psychology UI (1961) by Toeti Heraty with the introduction of Prof. Dr M. Sastrapratedja. There are (three) guest speakers namely Prof. Dr. Saporinah Sadli, Dr Kristi Poerwandari and Rocky Gerung. Then at 14.00, a recital piano brought by Charlotte Panggabean and friends, then followed by an afternoon tea.

The second day, Friday, December 22, 2017, begins with Traditional Dance Performed by Maestro Tari Indonesia "Selendang Bunda" by Dr dr. A. A. Ayu Bulantriso Djelantik ("Pendet Gabor"), Prof. Dr Edy Sedyawati ("Gambyong"), Indrawati Lukman ("Kandangan"), Irawati Durban ("Koncaran Mask"), Retno Maruti ("Sekar Duri") and Tati Kartika et al ("Peacock"). Lastly, at 13.30 there was an opening of a painting exhibition Retrospeksi "Performance Twilight" by Wirantini Kamarga & Charlotte Panggabean.

Source: *cemara6galeri; bor*

## **6. Batik Betawi, by Hartono Sumarsono**

Batik is a traditional Indonesian cloth which could be found almost everywhere in Indonesia. Indonesian batik has a long history of acculturation from many countries with diverse patterns, techniques and qualities which influenced by a variety of cultures.

We often heard Batik Yogya, Batik Pekalongan, Batik Cirebon, Batik Madura and Batik Betawi which are named after geographical origin.



Batik Betawi is originally from Jakarta, where was known as *Betawi*. Jakarta (*Betawi*) has a traditional Batik with many beautiful and unique pattern named by *Batik Betawi*. Seeing that the socialization and interest on the Batik Betawi is still rarely, Biro Oktroi Roosseno, as a leading intellectual property law firm, has decided to use Batik as the theme for company calendar Year 2018.

Mr. Hartono Sumarsono is a writer of some batik's book and also a batik collector who written the *Batik Betawi* book. His passion and love in batik poured well in his book. He wrote that Batik Betawi (Betawi style batik) is generally in the form of batik with stamp technique. Batik Betawi may be said not to have any distinctive characteristic. Betawi or Jakarta is a city of commerce. Batik is a commodity of commerce, therefore inherently commercial. The batik pattern is made based on the market demand or upon the costumers order. Hence we may easily found motif such as sawat/gurdo or garuda pattern which is the characteristic of Solo-Yogya batik (however, in Betawi thus pattern known as Gajah Mada pattern or Tapak Kebo pattern), as well as the motif and characteristics of the garutan, ciamisan, materos, pekalongan and laseman pattern.

Tribute and many thanks to Mr. Hartono for given his permission to use pictures and descriptions taken from his book for our calendar.

Furthermore, Indonesia has taken pride with the decision made by the United Nations Education, Scientific and Cultural Organization's (UNESCO), to include Indonesia's Batik in its list of "Intangible Cultural Heritage of Humanity" items. The Indonesian government has also took a step to enhance the intellectual property protection of the local's batik industry in Indonesia to further expand in the up-coming years as well as protecting it.

Moreover, to highlight Batik as traditional Indonesian cloth, the Presidential Decree No.33/2009 has declared October 2<sup>nd</sup> to commemorate as National Batik day in Indonesia.



The picture above was taken at the Gallery of Hartono Sumarsono. At the picture from left to the right are Mrs. Migni Noerhadi and Mrs. Inda Noerhadi (both are the Directors at Biro Oktroi Rooseno) and Mr. Hartono Sumarsono, the author of *Batik Betawi's* book.

*Source: Batik betawi; bor*



(Anno 1951)

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