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### 1. The Cassation Request from PT. Pepper Tree Investama Denied by The Supreme Court

Cristaline is a trademark product which was registered at the DGIP with Registration No. IDM000051968 in class 32, for the type of goods such as mineral water, soda water, and other non-alcoholic drinks.

The Cristalin trademark dispute started on December 16, 2016, with case No. 69/Pdt.Sus-HKI/Merek/2016/PN Pn.Jkt.Pst, on December 16, 2016, between PT Pepper Tree Investama and the French company named Gie Cristaline.

PT Pepper Tree Investama filed a cancellation trademark lawsuit and requested to the court that the DGIP deletes

However, the court rejected all claims from PT Pepper Tree Investama on May 2, 2018. Not satisfied with the court's decision, PT Pepper Tree Investama filed a cassation (appeal proceeding in IP Cases) on May 16, 2018, with a memorandum of cassation asking the Supreme Court to cancel the decision of the Central Jakarta District Court.

The Supreme Court rejected the cassation request of PT Pepper Tree Investama. In a Supreme Court decision published on March 20, 2019, the panel of judges stated that the Cristaline trademark was still in use by Gie Cristaline and the period of protection had been extended by the Directorate General of Intellectual Property (DGIP) until January 28 2024.



The panel of judges decided to refuse the cassation request from the applicant for PT Pepper Tree Investama and ordered the applicant to pay the court's fee. In its consideration, the Supreme Court stated that after examining the memory of the cassation on May 28, 2018, in connection with judex facti's considerations, the Commercial Court did not mistakenly apply the law to reject the first-instance lawsuit filed by PT Pepper Tree Investama.

First-instance courts do not conflict with law and constitution. In addition to the consideration that the defendant is still actively using the Cristaline brand, the Supreme Court also mentioned that the trademark belongs to the defendant is in the well-known trademark category..

*(Source: bisnis.com)*

## 2. Hakubaku Trademark Dispute

Founded on April 15, 1941, Hakubaku Co., Ltd. aspires to be the preeminent "Kokumotsu" (Grain) Company. Their ideal is to deliver healthy, nutrient-rich grains to their customers worldwide.

Hakubaku Co., Ltd. has nine offices and four factories in Japan, it also has a group of Companies in other countries such as in the USA and Australia. The company is known to the public through their various noodles products, multi-grain rice mixes

products (that include ingredients like Bengal grass, millet and adlay), and multiple forms of barley tea. Hakubaku Co., Ltd. continues to push the boundaries of the staple foods frontier.

In Indonesia, Hakubaku Co., Ltd. filed a cancellation trademark lawsuit against a local company, PT. Tona Morawa Prima. The company found that there is a similar Hakubaku trademark which has been registered with Registration No. IDM000483240 in April 2015. This other company has registered its trademark called "Hakubaku The Kokumotsu Company" in March 2017 with Registration No. IDM000585365. The Hakubaku trademark under name Hakubaku Co., Ltd. has been registered in Japan and other countries around the world.



Both trademarks were categorized in class 30 for the type of goods such as noodles, rice noodles, rice, tea, coffee, tea drinks, coffee drinks, flour, wheat, sorghum, millet and oats.

The plaintiff objects to the defendant, who imitated, plagiarized and made use of the plaintiff's well-known trademark. The plaintiff declares his trademark both in general and specifically, as a registered trademark and is a part of the company name, Hakubaku Co., Ltd.

The plaintiff also requested the court to declare that the Hakubaku trademark under Registration No. IDM000483240 that belongs to PT. Tona Morawa Prima has been registered with bad faith. They requested the court to invalidate the defendant's Hakubaku trademark and also instruct the defendant to pay the court fees as well.

Currently, this case is still at the early court examination stages and awaiting the verdict of the court

*(Source: spp.pn.jakpus)*

### **3. Geographical Indication in Indonesia's 8<sup>th</sup> Biggest Negotiations**

The General of International Trade Negotiations and Chief Negotiators from Indonesia and the European Union opened the I-EU CEPA negotiations at the Ayana Midplaza Hotel, Central Jakarta on Monday, June 17, 2019.

In the 8th negotiation, Geographical Indications became one of the issues that were of concern to both parties. The Directorate General of Intellectual Property managed this issue, as well as the Ministry of Law and Human Rights. The Indonesian delegation for the Working Group on Indigenous Populations (WGIP) consisted of representatives from the Directorate of Cooperation of IP and Technical Directorate of DGIP and several related agencies.

The negotiations also discussed the matter of trade in goods, services, investment, trade and sustainable development, government goods and services trade, provisions of origin, technical barriers to trade, customs and trade facilitation, state-owned enterprises, MSMEs and dispute resolution mechanisms.



Meanwhile, the main benefits of the I-EU CEPA negotiations were the expansion of market access and increased the competitiveness of agricultural, fishery, industrial, forestry and Indonesian labour products. These negotiations were also expected to bring increased two-way investment between Indonesia and the European Union and increase broader cooperation to optimize utilization of the agreement.

*(Source: dgip.go.id, eeas.europa.eu)*

### **4. Indonesia Attends the 12<sup>th</sup> Patent Cooperation Treaty Working Group in Switzerland**

Indonesia through the Directorate General of Intellectual Property (DGIP) of the Ministry of Law and Human Rights, attended the 12th Patent Cooperation Treaty (PCT) Working Group at the Headquarters of the World Intellectual Property Organization (WIPO) which took place on June 11-14, 2019, in Geneva, Switzerland.

This meeting discussed a number of strategic issues such as: Patent electronic registration through PCT, technical assistance coordination, assistance program for inventors, training coordination for patent examiners, reduction of fees for registration of patents submitted by

universities, minimum documents attached at registration, as well as cooperation for search and inspection of patent documents

The discussion was quite tough, especially regarding reducing the cost of PCT registration coming from universities, where there were significant differences of opinion between developing and developed countries.



Developing countries want a reduction in the cost of patent registration through PCT originating from universities because it is expected that with the reduction of these costs, patent applications from universities submitted through PCT will increase (Source: dgip.go.id)

## 5. The Protection of Intellectual Property in Indonesia Through Creative Economic Actors

The Ministry of Law and Human Rights through the Directorate General of Intellectual Property is committed to encouraging the creative economy in Indonesia. The Minister of Law and Human Rights, Yasonna H. Laoly, said that protecting the rights of creative economy was similar with the efforts to protect intellectual property rights of someone in preventing infringement and enforce laws in the Intellectual Property sector.

Therefore, The Ministry of Law and Human Rights, in collaboration with the Creative Economy Agency, submitted 70 certificates of IP, consisting of trademarks and industrial designs. The ministry also provided 10 Deed of Establishment of Legal Entity to Creative Economy Business Units to support creative economic actors who have played a vital role as one of the driving factors of the nation's economy.

For the granting of the IP certificate, he expressed his highest appreciation for business people who have consciously protected intellectual property."To further improve the existence of Intellectual Property, I appeal to creative economic actors to establish business entities, as a place to market their products or conduct cooperation and transactions", said the minister.



He also hopes that there will be a synergy or good cooperation between the government and institutions related to Intellectual Property to have more significant benefits to the public.

(Source: kemenkumham.go.id)

## 6. The 141<sup>st</sup> International Trademark Association Annual Meeting In Boston



The INTA (International Trademark Association) Annual Meeting is the largest and most influential event of brand owners and IP professionals from around the world and from across industries. This year, the INTA Annual Meeting was held in Boston, Massachusetts, from May 18 to May 22, 2019. It is also one of the industry's premier gatherings of IP industry service providers. Explore products and services that can deliver innovative solutions.

The Boston Convention and Exhibition Center (BCEC) is the place to be for almost all of the activities at the 2019 Annual Meeting, including sessions and workshops, Table Topics, Exhibits, Hospitality, Speed Networking, committee meetings, the In-House Practitioners Reception and various receptions. Some events were also held outside the BCEC, such as Anti-counterfeiting Workshop, One Charity Event, Networking Excursions, and the Grand Finale.

The INTA President, David Lossignol and INTA CEO, Etienne Sanz de Acedo shared their vision for the future of the Association and for brands at the Opening Ceremony and Keynote Address on Sunday, May 19, 4:30 pm to 6:00 pm. Michael Haddad, a professional athlete and

United Nations climate change champion, delivered this year's inspirational Keynote Address.

During the 5 (five) days of Annual Meeting, INTA offered many interesting table topics, not only trademark matters but also other topics which relevant to IP such as "Working with Millennials: Are They Really That Different?" by Angelo Mazza at Gibney Anthony & Flaherty, LLP (US), "Times Change: Every Generation has its own Challenges" by Bill Ferrell at Trust Tree Legal, P.C. (US), and "#MeToo in Law Firms" by Agustina Fernandez Giamb Bruno at Fernandez Secco & Asociados (Uruguay), etc.

Moreover, the INTA events also provide programs which scheduled each day. Many interesting topics were offered, for example in the 1<sup>st</sup> day one of the topic is "Trademarks in a Decentralized World: Prosecuting and Enforcing Trademarks for Blockchain Technologies" by Sarah Bro, McDermott at Will & Emery, LLP (US), "Selection for Trademark Appeals and Disputes" by Ashlyn Lembree at University of New Hampshire School of Law (US) and "What Trademark Protection will be Available to the Owners of EU Trademarks after Brexit?" by David Birchall at Venner Shipley LLP (UK). In the next day, there were also "Trade Secrets" by Claudia Pappas from Thyssenkrupp Intellectual Property GmbH (Germany) and "Retrofitting the Madrid Protocol" by Dermot Horgan from IP Horgan Ltd (US).

Lastly, by participating in the INTA Annual Meeting every year could bring up the fresh perspectives, critical insights, best practices, and knowledge about new market trends.

*(Source: [www.inta.org](http://www.inta.org))*



(Anno 1951)

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