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1. Indonesia Trademark Update: A Tale of Two SENIOR Clippers



Wahl Clipper Corporation was founded as a result of Leo J. Wahl's patent for an electromagnetic hair clipper in 1919. On February 2, 1921, he purchased 100% of the stock of his uncle's manufacturing company which made the clipper and incorporated the business as Wahl Clipper Corporation. Since 1919, with the invention of the first practical electric hair clipper, Wahl Clipper Corporation has been the leader in the professional and home grooming category. The Company is headquartered in Sterling, Illinois, USA. Their products are sold in approximately 165 countries worldwide, with six global manufacturing facilities and eleven sales offices.

The company manufactures consumer personal care products. The company offers salons, hair care, hair clippers, men's grooming, women's hair removal, massagers, and pet care products.

In Indonesia, Wahl Clipper Corporation found that the trademark of SENIOR, both word, logo, and combination of both, has been registered by a local businessman under registration No. IDM000956996 at the Indonesian Trademark Office (DGIP). Both trademarks protected the type of goods in class 8, such as electric shavers, hair clippers, electric hair clippers, electric razors, trimmers, etc.

Pursuant to this matter, The USA Company filed a cancellation lawsuit against the said local businessman at the District Court of Central Jakarta under case number 105/Pdt.Sus-HKI/Merek/2022/PN Niaga Jkt.Pst on November 7th, 2022. The Plaintiff did not accept the Defendant's action and requested the court to declare that Wahl Clipper Corporation is the sole legal owner and has the right to the well-known trademark of SENIOR, both words, logos, and combinations of the two in for the types of goods categorized in classes 8 in the territory of the Republic of Indonesia.

They also requested the court to declare the SENIOR trademark under Registration No. IDM000956996, on behalf of Defendants, has been registered in bad faith. The Plaintiff stated that the trademark registration with registration number IDM000956996 in class 8 on behalf of the Defendant has similarity substantially and/or in its entirety with the well-known trademark of SENIOR.

The Plaintiff requested the court to immediately delete/cancel the SENIOR trademark under Registration No.

IDM000956996 belonging to the Defendant, which protects the type of goods/services in class 8 dated March 23, 2022, from the Trademark Official Gazette (*in casu* Object of Lawsuit).

The Plaintiff also requested the court to declare that the mark belonging to the Defendant to be cancelled and instruct the Defendant to pay the court fees.

Currently, this case is still in the early court examination stages and awaiting the court's verdict.

(source: <http://sipp.pn-jakartapusat.go.id>;
<https://wahlusa.com/support/about>;
<https://www.wahl.co.uk/product/cordless-senior>)

2. Indonesia Trademark Update: SARASA and SAHARA Pen Fight

Zebra Co., Ltd. designs, manufactures and sells stationery products. The Japanese company was established in 1914 by Tokumatsu Ishikawa. He began to produce homemade nibs in 1897, until he established his own business in 1914, registering the name "Zebra" as a trademark. He adopted the zebra as the symbol of his company in 1914 to reflect his desire that all the company members would share a similar sense of togetherness and solidarity in marking pens that are indispensable to developing and improving culture.

The company sells a wide range of stationery through retail stores, wholesalers, and mail orders. They offer a line of stationery that include Fountain, ballpoint, brush and gel pens, markers, highlighters, and mechanical pencils. The company grew into one of the largest stationary companies in the world.

Their products are sold in the USA, Canada, Mexico, UK, Germany, China (Shenzhen, Shanghai, Hong Kong), Singapore, etc.

Zebra Co., Ltd. collaborated with PT ASABA to establish "PT ZEBRA ASABA INDUSTRIES" and started doing business in Indonesia. Since then, Zebra Co., Ltd. has distributed the SARASA Clip as one of their products. The SARASA trademark was legally registered for the first time in Indonesia in 2002 and has received legal protection since May 11, 2011, with registration number IDM000341839 (formerly No. 503181) to protect types of goods in class 16.



However, a local businessman registered the trademark of SAHARA at the Indonesian Trademark Office under Registration No. IDM000913111 on November 8, 2021. The Japanese company found a similarity between the SAHARA trademark belonging to the local businessman with the SARASA trademark. Both trademarks protect the type of goods in class 16, such as stationery, crayons, marker pens, pencils, colored pencils, pens, art tools, brushes for painting, adhesives for stationery or household purposes, printed matter, bookbinding tools, blocks printing, typesetting, paper, cardboard and goods made from these materials, etc.

Pursuant to this matter, Zebra Co., Ltd. filed a cancellation lawsuit against the said local businessman in the District Court of Central Jakarta under case number 114/Pdt.Sus-Merek/2022/PN Niaga Jkt.Pst on November 24th, 2022.

The suit filed by Zebra Co., Ltd. as the plaintiff requests to cancel the SAHARA trademark with registration No. IDM000913111 on behalf of the Defendants from the General Register of Marks with all the legal consequences; also requested the court to declare that SARASA trademark belonging to the Plaintiff as well-known marks; to declare that the Plaintiff as the only first the sole legal owner and has the right of a registered and/or well-known trademark that uses the word "SARASA" in class 16; to declare that SAHARA trademark under registration No. IDM000913111 has similarity in its essential part and/or in its entirety with the well-known trademark of SARASA trademark belonging to the Plaintiff; and to declare that SAHARA trademark in the name of the Defendant in class 16 with the registration number IDM000913111 registered on November 8, 2021, is in violation of the law; and to grant the entire Plaintiff's claim in the lawsuit.

Currently, this case is still in the early stages of court hearings, and the court's verdict still needs to be made.

(source: <http://sipp.pn-jakartapusat.go.id>; <https://www.zebra.co.jp/main/profile/index.html>)

3. DGIP: Learn to Counter Copyright Piracy from CODA Japan

The Directorate General of Investigation and Dispute Resolution of the Directorate General of Intellectual Property (DGIP) visited the Content Overseas Distribution Association (CODA) office in Japan to exchange experiences in improving the quality of efforts to combat copyright piracy.



"To counter counterfeit and pirated goods circulating in the offline and online market, the Indonesian government has formed an Operational Task Force consisting of law enforcement agencies and relevant ministries," he said at the Japanese CODA Office on Thursday, December 8, 2022.

The Director of CODA said that CODA is an organization in Japan that acts as an organization that protects and promotes culture abroad. He also explained that eradicating copyright piracy is very difficult nowadays, given the vast number of infringements committed online.

However, CODA anticipates the violation by registering one brand, namely the CJ brand. If any copyright owner whose rights are violated can use the logo, then it can be reported as trademark infringement. "The CJ

brand covers 4 classes, namely class 9: CD, DVD, Bluray, game software; class 16: publications, class 28: toys; and class 41: electronic publication, pictures, and videos via the internet", he explained.

CODA also formed a team tasked with conducting investigations against those who engage in online piracy. "There are 4 teams to carry out legal investigations to investigate the parties who do piracy, especially investigations into sites that do not want to provide information on their IP addresses," he added.

Another step taken by CODA is to use Google to remove programs suspected of infringing copyright and to *take down* offending sites by sending requests to the CDN and asking to stop advertising on those pirated sites. In order to make this happen, CODA engaged copyright-related organizations and three advertising organizations in Japan.

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

4. DGIP: Discussion on Standard Essential Patent Development with WIPO

Currently, World Intellectual Property Organization (WIPO) is working to develop an in-depth understanding of various developments related to Standard Essential Patents (SEPs) around the world.

It is known that there has been an increase in activity in the global discourse surrounding SEP over the past few years, both in terms of cross-border disputes and litigation, as well as policy initiatives in various jurisdictions (varied from licensing and tariff setting to determining essentiality, among others).



A delegation from the Director of Patents, Integrated Circuit Layout Design and Trade Secrets attended a meeting with the Head of Legislative, Policy, and Technology Advice Section, Patents and Technology Sector, WIPO, to discuss the importance of the SEPs especially related to technology access.

WIPO asked for DGIP's further coordination to develop an in-depth understanding of various developments related to SEPs in Indonesia. WIPO also intends to help in facilitating DGIP requirements if needed. DGIP is grateful for WIPO's quick response and hopes that in the future, there will be a capacity-building program that WIPO can provide in this regard.

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

5. DGIP: A Number of IP Achievements in 2022

The Directorate General of Intellectual Property (DGIP) recorded 113,532 copyright applications has been registered this year. This number exceeds the target set at 100,000 applications.

Further, DGIP also succeeded in achieving the performance targets for patent applications. "Our performance target in 2022 is to complete 11,960 patent

applications that are in accordance with legal regulations. However, as of November, 16,057 patent application documents have been completed", said the Directorate of Patents, Layout Designs of Integrated Circuits, and Trade Secrets of DGIP on Tuesday, November 29, 2022 at the InterContinental Hotel.

He also explained that DGIP had completed 27 of the appeal resolution and 79 hearings on patent appeals in a timely manner.



The Directorate of Patents, Layout Designs of Integrated Circuits, and Trade Secrets of DGIP have also completed a total of 174 policy recommendations for the settlement of legal services, where the initial target for this year was 120 policy recommendations.

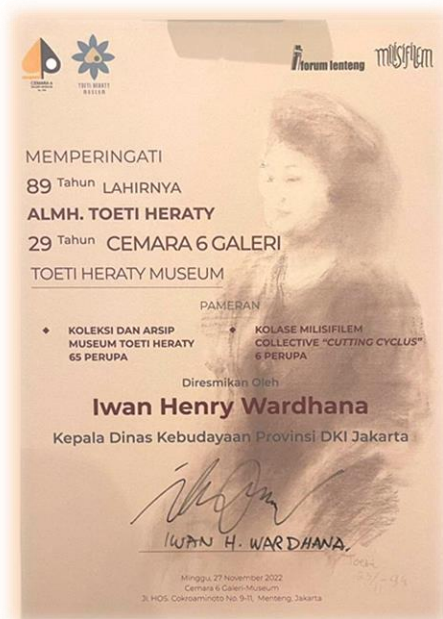
As for trademark applications, DGIP recorded achievements of 105,580 applications.

Throughout 2022, DGIP has also carried out various excellent programs to encourage understanding and protection of Intellectual Property in the community, including Roving Seminar IP activities, Mobile Intellectual Property Clinic, DGIP Teaching, and Shopping Centre Certification. They have also held a Substantive Patent Settlement Workshop on Post-Registration Patent Management with Universities or Research and Development or Business Actors in 10 provinces in Indonesia.

Welcoming 2023, which is designated as the Year of the Trademark, DGIP continues to innovate in order to improve public services based on digital transformation by launching POP (Automatic Approval for Submissions) for Registration of Trademark Licenses, POP for Official Trademark Excerpts, and POP for Trademark Extensions.

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

6. The Commemoration of 89th Anniversary of the Birth of Prof. Dr. Toeti Heraty N. Roosseno



In commemorating the 89th anniversary of the birth of the late poet, artist, and philosopher Toeti Heraty and the 29th anniversary of the Cemara 6 Galeri - Toeti Heraty Museum, two main events were held. The first event was the Toeti Heraty Museum Collection and Archives Exhibition, representing 66 artists with 122 works of art. The second event was The Kolase Milisifilem Collective Exhibition "Cutting Cyclus," which totals 70 works from 6 artists.

Mr. Iwan Wardhana, Head of DKI Jakarta Provincial Culture Office, inaugurated the event. Then, it proceeded with the opening ceremony by Mr. Hilmar Farid, Director General of Culture, who previously delivered his Reflection notes on the figure of Toeti Heraty. The reflection notes were shown and read by Mrs. Debra Yatim.

In the "Cutting Cycle" Collage Exhibition, the collage works on display depart from literary texts that have significance in the past and present. The exhibition's name comes from one of Toeti Heraty's poems entitled "Cyclus". The Collage Exhibition lasts for two months and is open to the public from November 28, 2022, to January 28, 2023. Cemara 6 Gallery - Toeti Heraty Museum, which President Jokowi inaugurated in 2018, will hold public education programs. One of the programs is "Collage Workshop by MilisiFilem x Kamarkost Collective" on Saturday, December 3, 2022.



The Owner and Director of Cemara 6 Galeri - Toeti Heraty Museum, Inda C. Noerhadi, conveyed that this exhibition was an attempt to introduce the various collections of fine artworks that Toeti Heraty had collected during her lifetime since 1959 to the general public. She also wants to educate the broader community that this nation once had a multitalented and multifaceted figure who, during her lifetime, continued to elevate the cultural richness of the archipelago through her works.

During her lifetime, Toeti Heraty wished there were some institutes and universities had Intellectual Property and Creativity Development study programs. Therefore, currently, some related parties are in the process of establishing institutes and universities with such study programs.

(source: Biro Oktroi Roosseno Indonesia)

7. Update Status of Some Dispute Cases in Indonesia

Pursuant to our previous newsletter, where we informed you of 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 "SUPER MARIO BROS"

One of the most influential gaming companies from Japan, Nintendo Company, Ltd., has succeeded in defending the "SUPER MARIO BROS" trademark.

The Defendant filed an appeal for cassation, but the application was rejected. Therefore it was decided to grant the Plaintiff's lawsuit in its entirety, and it was stated that the trademarks Super Mario Bros, Mario, and Luigi characters and their variants owned by the Plaintiffs were well-known trademarks.

The Cancellation Law Suit Against Trademark "STARBUCKS"

After losing its lawsuit at the Commercial Court level, Starbucks Company filed a judicial review to the Indonesian Supreme Court. Their judicial review was granted, and

the panel Judges also granted the Plaintiff's claim in its entirety.

They declared to cancel the "STARBUCKS" trademark, which belongs to PT. Sumatra Tobacco Trading Company. They also declared that the "STARBUCKS" trademark belonging to the Plaintiff was a well-known mark.

The Cancellation Law Suit Against Trademark "COMIX"

The Commercial Court has rendered its decision to Shenzhen Comix Group Co., Ltd.'s lawsuit entirely. They declared the "COMIX" trademark belonging to the Plaintiff as a well-known mark. They stated that the "COMIX" trademark belonging to the Defendant was considered to have similarities in its essential part with Comix Group Co., Ltd.'s mark and further considered its registration of having bad faith.

Furthermore, we inform you of the update of some IP Lawsuit cases in the 2021-2022 newsletter editions as follows:

1. Trademark Cancellation lawsuit of "BMC": reconciliation between BMC Switzerland AG and local businessman;
2. Trademark Cancellation lawsuit of "YOSKAWA": still under cassation stage;
3. Trademark Cancellation lawsuit of "EYLURE": civil case lawsuit Number 37/Pdt.Sus-Merek/2022/PN Niaga Jkt.Pst revoked;

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

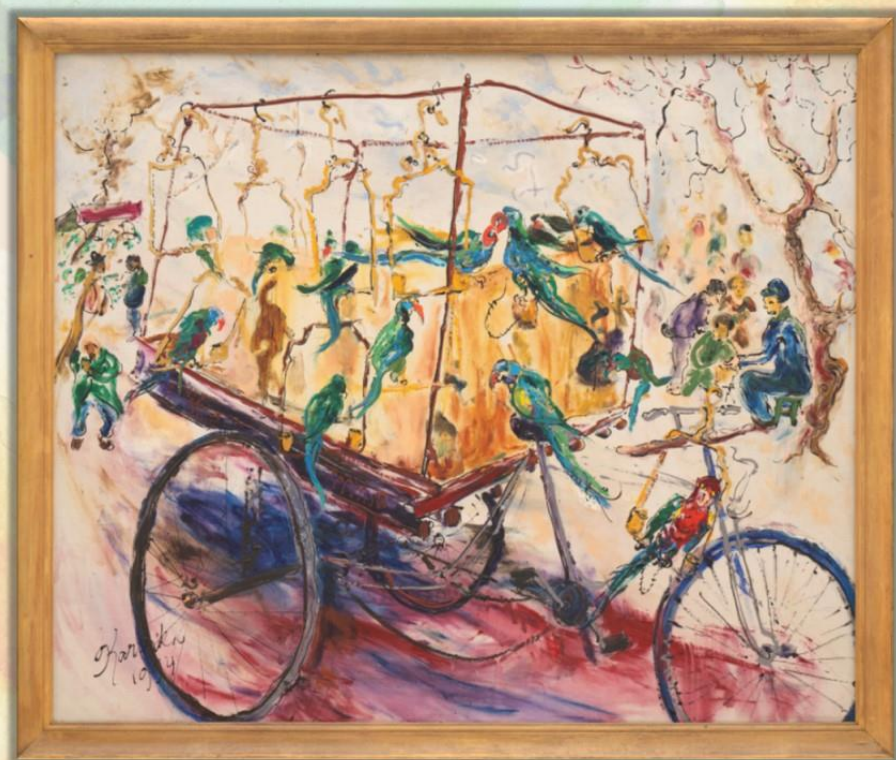
(source: <http://sipp.pn-jakartapusat.go.id>)



(Anno 1951)

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*Season's
Greetings*
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*Wishing You a Happy
and Prosperous New
Year 2023!*



Birds on a Bicycle | Kartika Affandi, oil canvas, 90 x 112 cm, 1994.



(Anno 1951)

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