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1. Indonesia Trademark Update: ROCKBROS Trademark Dispute



Currently, cycling is becoming one of the people's favorite activities. Cycling has become a form of identity – it is a way for individuals to feel like they are part of a community and have a sense of belonging. Some groups' uniforms when they ride symbolize a form of companionship, just like any other sports team. There is an unwritten agreement to ride together and be friends. Despite no more car-free days, for the time being, more people are biking than ever before.

In 2020, the attention toward cycling had made a huge turn. Increasingly, more households in Indonesia own a bike and are actively using it. More and more people are slowly shifting their hobbies towards biking.

One of the reasons for this phenomenon is the pandemic. With new restrictions on how many people can sit in a car and malls closed, people have started coming up with new ideas for tackling boredom and staying healthy.

Cycling as a sport, though, is becoming increasingly popular worldwide, especially among the rising middle-class, with many local bike races and Critical Mass events. The relationship between structural parts for bicycles and riders can be very tricky. For example, finding the right bike saddle isn't always easy.

The bicycle craze that happens from year to year has caught the attention of several industries. They saw signs of surging bicycle popularity and started offering comfortable bicycles in accordance with the terrain and tastes of the rider. Yiwu Rock Sporting Goods Co., Ltd. is one of them.

The Chinese company was established in 2010 and specialized in developing, manufacturing, and trading bicycle parts and sports accessories.

Their main products include bicycle bags, bicycle helmets, cycling glasses, cycling gloves, bicycle lights, and bicycle helmets. Their products are sold to distributors and retailers domestically and globally. Their "ROCKBORS" products are very popular in the global market, especially in Southeast Asia, Europe, and America.

In Indonesia, Yiwu Rock Sporting Goods Co., Ltd. encountered a problem when a local businessman registered the mark ROCKBROS. Pursuant to this matter, the company filed a cancellation lawsuit with registration No. 56/Pdt.Sus-HKI/Merek/2022/PN Niaga Jkt.Pst in the Central Jakarta District Court on June 29, 2022.

Defendant's trademark was filed at the Directorate of Trademarks, Directorate General of Intellectual Property under registration No. IDM000834873. Both trademarks protect the type of goods in class 12, such as Structural parts for bicycles, bicycle bells, bicycle cranks, water bottle cages for bicycles, bicycle pedals, saddle covers for bicycles, air pumps for bicycle tires, pumps for inflating bicycle tires, bicycle chain, bicycle brake, bicycle horn, etc.

Plaintiff stated that ROCKBROS under registration number IDM000834873 belonging to Defendant has similarities in principle with the well-known ROCKBROS trademark, logo, and its variations belong to them. Plaintiff also stated that the ROCKBROS trademark belonging to Defendant was registered in bad faith, intending to imitate, plagiarize, or follow the ROCKBROS trademark, logo, and its variations belonging to Plaintiff.

Plaintiff requested the court to grant Plaintiff's lawsuit in its entirety and declare that the ROCKBROS trademark, logo, and variations belonging to Plaintiff are well-known trademarks or have been widely known by the general public for many years.

Plaintiff also requested the court to declare that the mark belonging to Defendant be

canceled and ordered the Defendants to submit and obey the court's decision in this case by canceling the registration of the ROCKBROS mark under registration No IDM000834873 belonging to Defendant by canceling the registration of the mark from the General Register of Marks and announcing it in the Official Gazette of Marks in accordance with the provisions of the applicable Mark Law.

This case is still in the early court examination stages and awaiting the court's verdict.

(source: <http://sipp.pn-jakartapusat.go.id>;
<https://rockbros.en.alibaba.com>)

2. Indonesia Trademark Update: One of The CROSSTREK Trademarks will be Crossed Out



One month after launching in Indonesia, Subaru Corporation launched a new third-generation Subaru XV car named CROSSTREK. However, the company, best known for its line of Subaru automobiles, found a similar trademark to CROSSTREK in Indonesia. Pursuant to this matter, the Japan based company filed a cancellation lawsuit against a local businessman at the Central Jakarta District Court with Case Number 81/Pdt.Sus-HKI/Merek/2022/PN Niaga Jkt.Pst.

CROSSTREK trademarks belonging to Defendant have been registered in the General Register of Mark with Registration No. IDM000516343 to protect the type of goods in class 12 on January 25, 2016, and Registration No. IDM000523588 to protect the type of service in class 35 on March 14, 2016.

The type of goods in class 12 such as car bodies, brake pads for automobiles, connecting rods for land vehicles, other than motor and engine parts, vehicle bumpers, car chassis, windshields, vehicle seats, cars, chains anti-skid, non-skid chain, steering wheel for car, seat belts for a vehicle seat, shock absorber suspension for a vehicle, etc.

The type of service in class 35 such as business management assistance, public relations, services from other parties (business assistance), compilations of information into computer databases, provision of services for other purposes (ordering of goods and services for other businesses, rental of office machinery and equipment, advertising, the sales promotion for others, etc.

In a petition at the Central Jakarta District Court, Plaintiff stated CROSSTREK trademarks belonging to Defendant have not been used for 3 (three) consecutive years in the trade of goods/services in the jurisdiction of the Republic of Indonesia at least before this Cancellation Lawsuit was filed.

Plaintiff requested the court to declare that the mark belonging to Defendant would be canceled and ordered the Defendants to submit and obey the court's decision in this case by canceling the registration of the CROSSTREK mark under Registration No.

IDM000516343 to protect the type of goods in class 12 and Register No. IDM000523588 to protect the type of service in class 35 belongs to Defendant by crossing out the mark's registration from the General Register of Marks and announcing it in the Official Gazette of Marks in accordance with the provisions of the applicable Mark Law.

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

(source: <http://sipp.pn-jakartapusat.go.id/>
<https://www.subaru.com>)

3. Singapore Trademark Update: Swatch AG (Swatch SA) (Swatch Ltd.) vs Apple Inc. [2022] SGIPOS 13

No introduction is needed for the parties involved in this case as the battle was between the tech giant, **Apple Inc.**, and the world-renowned Swiss watchmaker, **Swatch AG**.

As the Hearing Officer aptly mentioned in his decision, “the parties in this case are no strangers to each other” as this is not the first time that the parties have crossed swords. Both the Applicant (Apple Inc.) and the Opponent (Swatch AG) have been embroiled in legal disputes worldwide for a while now, with their known earlier clash in Singapore dating back to 2018.

In this matter, the trademark application of **Apple Inc.** (“the Applicant”) for its “**THINK DIFFERENT**” Mark in Class 09, was opposed by **Swatch AG (Swatch SA) (Swatch Ltd.)** (“the Opponent”).

It is noteworthy that in 2018, Apple Inc. had relied on its earlier mark “THINK DIFFERENT” in Class 09 to oppose Swatch AG’s applications for “TICK DIFFERENT” in Classes 09 and 14, which led to the proceedings in “Apple Inc. v Swatch AG (Swatch SA) (Swatch Ltd.) [2018] SGIPOS 15”. In that case, Apple Inc. argued based on the grounds of ‘confusing similarity’, ‘passing off’, and ‘bad faith’, but was unsuccessful on all grounds it relied on.

In this opposition, the Opponent, Swatch AG, contended that the Applicant, Apple Inc., made its application to register the Application Mark in bad faith, and thus relied only on Sections 7(6) of the Trade Marks Act to oppose the subject Application.



Bad Faith – Section 8(6)

In theory and practice, there are several possible heads of bad faith under which Section 7(6) can be established. Examples include, (i) the applicant not being the owner of the mark nor entitled to register the mark; (ii) the applicant attempting to ride on the Opponent’s goodwill and reputation, to benefit from a favorable association; (iii) the applicant is not having a bona fide intention to use the mark; and, possibly, (iv) the specification being too wide.

An allegation of bad faith is deemed to be a serious one and should not be upheld unless it is fully and properly pleaded, and distinctly proved. Therefore, a bad faith inquiry is very fact-dependent, and will rarely be possible by a process of inference.

For an opposition under this ground, the undisputed burden of proof falls on the Opponent and there is no overall onus on the Applicant during examination or in opposition proceedings.

Swatch's Mark	Apple's Mark
Tick different	THINK DIFFERENT

In this opposition, the Opponent alleged that the Application was made in bad faith as:

- (a) the Applicant had no intention to use the Application Mark;
- (b) the Applicant had intended to ride on the Opponent's goodwill and reputation and to benefit from a favourable association;
- (c) the Applicant had intended to use the Application Mark as a tool to oppose others for any application, registration, and use of any two-word expression with the word "different" being the last word in the expression; and
- (d) the Applicant was not the bona fide proprietor of the Application Mark.

The Hearing Officer examined all four allegations and deemed that none of the four had been made out by the Opponent.

Concerning the first allegation, the Hearing Officer opined that it may be premature to conclude that the Applicant did not intend to use the mark, and suggested that is always open to the Opponent to make an application for revocation if the Applicant indeed does not use its mark within the required period after registration. Whereas, for the third allegation, he found that the Opponent had not established the alleged intent (to use it as a tool to oppose) or logically explain why even if that was the intent, such intent amounts to bad faith.

Moreover, it appeared that the Opponent did not address the points on both the second and fourth allegations, in its written submissions nor at the hearing despite pleading it in its grounds of opposition. Thus, the Hearing Officer was unable to conclude or agree based on the Opponent's bare assertions.

Further, the Hearing Officer also commented on the internal contradiction in the allegations; as the Opponent alleged that the Applicant had no intention to use the Application Mark, but also submitted that the Applicant intended to ride on the Opponent's reputation in the Opponent's Marks and that the Applicant intended to use the Application Mark to oppose others. Hence, the Opponent's pleading under Section 7(6) and its submissions, both written and oral, did not correlate well.

In his decision, the Hearing Officer further reminded opponents of an opposition to pay attention to how their grounds of opposition are crafted, right from the commencement of proceedings.

As a result, the ground of opposition under Section 8(6) failed, and accordingly, the applicant's mark was allowed to proceed to registration. However, the applicant was only entitled to 20% of its costs, to be taxed, as the Applicant had filed an overwhelming amount of evidence containing materials which were not integral to the case.

(sSource: <https://www.ipos.gov.sg/docs/default-source/resources-library/hearings-and-mediation/legal-decisions/2022/swatch-v-apple-2022-sqipos-13.pdf>)

4. DGIP: Focus Group Discussion on Blockchain, Cryptocurrency, and Metaverse

The industrial revolution 4.0 has brought many fundamental changes in the way of life and human work processes, both from the economic, social, educational, and cultural aspects. The industrial revolution 4.0 has made the boundary between the physical world and the virtual world thinner; this is marked by the emergence of metaverse technology.

The metaverse is a set of virtual spaces where users can create and explore the world with other internet users. The application of Augmented Reality (AR) and Virtual Reality (VR) in forming the virtual space is able to bridge the digital world and the physical world so that humans can move easily from the digital world to the physical world and vice versa.

In addition to the metaverse, blockchain technology's development is also progressing during this 4.0 industrial revolution. Blockchain is a digital data

storage system containing records that are linked via cryptography. Blockchain technology has now been utilized by various sectors, one of which is in the financial sector, such as cryptocurrency transactions or cryptocurrencies such as bitcoin.

As the metaverse expands rapidly, the associated legal issues of cybersecurity and enforcement of Intellectual Property rights have become new challenges in most jurisdictions. Therefore, in order to increase understanding regarding technological developments for patent examiners, especially in the electrical field, the Directorate General of Intellectual Property (DGIP) held a Focus Group Discussion (FGD) activity regarding the latest patent issues in the form of blockchain, cryptocurrency, and metaverse on 08 to 10 August 2022.



The FGD activity was attended by 46 participants consisting of Coordinators, Sub Coordinators, Patent Examiners from all levels of expertise in the electrical and mechanical fields, as well as implementers at the Directorate of Patent, Integrated Circuit Layout Design, and Trade Secret. The speakers at FGD were Oscar Dharmawan as CEO of Indodax, Panca Hadi Putra as a lecturer at the Faculty of Computer Science, University of Indonesia, Aldi Raharja as Head of Blockchain Solutions Metaverse Indonesia (WIR Group), and Jeremiah Purba as Senior Associate of Norton Rose Fulbright.

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

5. DGIP: Mediation Training with WIPO



The Indonesian delegation led by Director of Investigation and Dispute Resolution held a meeting with Director Intellectual Property Disputes and External Relation Division World Intellectual Property Organization (WIPO) on September 1st, 2022.

Director of Investigation and Dispute Resolution said that Indonesia needs training from WIPO to improve the ability of mediators in resolving disputes through mediation or arbitration. As the focal point for the protection and enforcement of Intellectual Property law, the Directorate of Intellectual Property of the Ministry of Law and Human Rights needs to improve its mediation capabilities and strategies.

In addition, the Indonesian delegation also held a meeting with the Director of the Regional Bureau for Asia and the Pacific (ASPAC), WIPO Andrew Ong and Senior Counselor Yemin. At the meeting, Director of Investigation and Dispute Resolution stated that Indonesia has an Intellectual Property Task Force. The IP Task Force is a task force for the enforcement of IP laws between ministries and agencies.

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

6. DGIP: Indonesia Attends Advisory Committee Meeting on Intellectual Property Law Enforcement in Switzerland

The Indonesian delegation led by the Director of Investigation and Dispute Resolution, Directorate General of Intellectual Property was present at the 15th Committee on Enforcement (ACE) meeting held by the World Intellectual Property Organization (WIPO) from 31 August to 2 September 2022 at Geneva, Switzerland.

In his general statement, he said that the ACE meeting was very beneficial for Indonesia in its efforts to enforce the law in the field of Intellectual Property to eradicate and combat the circulation of counterfeit and pirated goods.



“This forum serves as a platform to coordinate with public and private organizations to eradicate counterfeiting and piracy, public education, accompaniment, and coordination to implement regional and national training programs for all relevant stakeholders, and exchange of information on law enforcement issues,” he added while delivering his opening remarks at the meeting.

He also emphasized the importance of training programs and technical assistance to WIPO member countries to ensure that each

country implements IP law enforcement effectively. Further, with the rapid development of information technology, the circulation of counterfeit and pirated goods is rampant being traded online through *e-commerce* sites.

DGIP has made efforts to prevent IP violations, including by creating an offline shopping center certification program that is free from the sale of counterfeit and pirated goods. The certification is also planned to be applied to online shopping centers.

Moreover, currently Indonesia has a task force for handling IP violations that is integrated and coordinated between ministries and law enforcement agencies. The task force for handling IP violations consists of the Criminal Investigation Unit of the Police, the Directorate General of Customs and Excise, the Ministry of Finance, the Directorate General of Information Applications, the Ministry of Communication and Information, Drug and Food Control Agency, and DGIP.

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

7. DGIP: Discussion on the Latest Patent Issues in the Fields of Biotechnology, Chemistry, and Pharmacy

The rapid development of technology has resulted in the expansion of the scope of inventions in patent applications, including in the fields of chemistry, pharmacy, and biotechnology. It makes the substantive examination require deeper insight and knowledge.

In order to deal with this, Directorate of Patents, Layout Designs of Integrated Circuits, and Trade Secrets of DGIP held

a Focus Group Discussion (FGD) activity to discuss the latest patent issues in the fields of biotechnology, chemistry, and pharmacy on September 14 to 16, 2022.

Director of Patents, Layout Designs of Integrated Circuits, and Trade Secrets was hoping to help the examiners to obtain information and knowledge in the field by bringing in experts.



Furthermore, he also explained that the result of this activity is to make guidelines such as implementation instructions and technical instructions about the procedures for implementing patent substantive examination related to the new fields.

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

8. Prof. Roosseno was Honored by the 2022 Herman Johannes Award

Prof. Dr. Ir. Roosseno Soerjohadikoesoemo (1908 - 1996), the founder of Biro Oktroi Roosseno, was honored by the 2022 *Herman Johannes* Award in recognition of his exceptional service, dedication, and development work to the Nation during his lifetime.

The award was presented by the Chairperson of Gajah Mada University to Damiyanti Roosseno; Roosseno's youngest

daughter, witnessed by the leaders and the academic community of the Faculty of Engineering, Universitas Gadjah Mada, as well as family representatives who were present, namely Dr. Cyril Noerhadi along with his wife, and Mr. Juzuar Nazief. Dr. Noerhadi is the youngest son of Prof. Toeti Heraty Noerhadi, Roosseno's eldest daughter, while Mr. Nazief is the son of Radiastuti, Roosseno's second daughter.



The Herman Johannes Award 2022 was held to coincide with the 76th Anniversary of the Faculty of Engineering, Gajah Mada University, and the commemoration of the anniversary of the Higher Technical Education in Indonesia on Thursday, February 17, 2022.

The Herman Johannes Award is given by the Alumni Family of the Faculty of Engineering, Gajah Mada University, to person who is considered to have contributed significantly in the development of science and technology in Indonesia.

This award is named after Herman Johannes, a National hero figure who has contributed a lot to the progress of the Nation. Herman was the 7th Minister of Public Works and Reconstruction from 1950-1951 and the second Chancellor of UGM from 1961-1966.

Prof. Roosseno was known as the Father of Indonesian Concrete. He was a civil engineer

who graduated from Technische Hoogeschool te Bandoeng (now Bandung Institute of Technology) in 1932. As a pioneer of concrete construction in Indonesia, his name has always been associated with Indonesian civil engineering.

Prof. Roosseno was a master translator of the drawings and designs of building designers into the forms and structures of his time. Roosseno established the Bureau of Engineers Roosseno & Soekarno (the first President of the Republic of Indonesia) in 1933. Then on April 1, 1944, Roosseno was appointed professor (kyudju) in the field of concrete science at Bandung Kogyo Daigaku.

On March 26, 1949, he was appointed as an extraordinary professor of concrete science at the Universiteit Van Indonesi, Faculteit van Technische Wetenschap in Bandung. Four years later, President Soekarno entrusted him as Minister, including the 10th Minister of Public Works in 1953, the 7th Minister of Transportation in 1953-1954, and the 12th Minister of the Economy in 1954-1955.

In addition, Prof. Roosseno was also entrusted with several development projects, including lighthouse projects such as the Pola Building, Jakarta by Pass, Istiqlal Mosque, Monas, Hotel Indonesia, Wisma Nusantara, Sarinah Thamrin, Hotel Ambarukmo, Hotel Samudra Indonesia, Restoration of Borobudur Temple and the Senayan Asian Games Complex, and other monumental buildings in Indonesia.

Prof. Roosseno also established one of the oldest and the leading firms for Intellectual Property in Indonesia, Biro Oktroi Roosseno, in 1951.

(source: Biro Oktroi Roosseno Indonesia)

9. The Prof. Roosseno Soerjohadikoesoemo's Building at The Gajah Mada University, Yogyakarta

The Faculty of Engineering - Gajah Mada University (FT-UGM) has built a center of educational service with the concept of a Smart and Green Learning Center (SGLC). This building will function as a center for education, research, and innovation and a supporting facility for formulating various strategic policies. The new SGLC building is named Prof. Roosseno Soerjohadikoesoemo's Building.



Smart and Green Learning Center (SGLC)

PROF. ROOSSENO SOERJOHADIKOESOEMO

The inauguration of the new SGLC building, which will be a symbol of pride for FT-UGM, was held on Tuesday, August 2, 2022, directly by Plt. Director General of Higher Education, Research and Technology; Prof. Ir. Nizam, M.Sc., DIC, Ph.D., IPU, Asean Eng. & Rector of Gajah Mada University; Prof. dr. Ova Emilia, M. Med.Ed., Sp. OG(K), Ph.D.,

"The name of this building is to commemorate the services of Prof. Roosseno, who founded the engineering faculty. Approximately 76 years ago, Roosseno, together with Bandung

Engineering students and Herman Johanes, founded the Bandoeng Technical College in Yogyakarta in 1946. This became the forerunner to the establishment of the UGM Faculty of Engineering, "said the Dean of the Faculty of Engineering, Prof. Ir Selo, in a written statement in Jakarta, Wednesday, August 3, quoted from Antara.

Prof. Roosseno, the founder of Biro Oktroi Roosseno law firm and known as the Father of Indonesian Concrete, is the main figure in the establishment of FT-UGM and also the foundation of development based on the attitude of independence and courage, which has become the spirit of the presence of the SGLC Building.

The name Roosseno is commemorated for the ten-story Engineering Research and Innovation Center (ERIC) building in the engineering faculty.



"This is a very special gift on his birthday, we are very grateful and honored for the extraordinary appreciation to Prof. Roosseno, we really hope that, by embedding his name in this new building, it can be an encouragement for all academics in dedicating knowledge and knowledge to build the country," said the representative of the Roosseno family, Dr. Cyril Noerhadi. Dr. Noerhadi hopes that Roosseno's ideas and

thoughts will continue to be an inspiration to all of us.

(source: Biro Oktroi Roosseno Indonesia)



(Anno 1951)

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