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1. **Indonesia Trademark Update: How Long the Batteries Fight Will Last in Court**

Chung Pak Investment Limited was founded in 1981. The company was set up by a group of experts in battery production, and now, Vinnic is one of the major battery manufacturers in Asia. Its head office is based in Hongkong, with one battery products manufacturing factory located in Shunde, Guangdong, Mainland China, employing a total of approximately 1,800 professionals.

The Company's line of business includes the wholesale distribution of electrical apparatus and equipment wiring supplies. To increase the quality, efficiency and create an environmentally friendly product, Vinnic has invested significantly to the production base with advanced machinery from Japan, Germany and US and conducts large scale R&D. In the past years, Chung Pak has invested significantly in advanced machinery to develop environmentally friendly battery products to expand its existing business and networks.

The Group mainly produces for industry use, including local and overseas toy and household product manufactures, and to a lesser extent, for retail sales in the US and European consumer markets.



In Indonesia, The Hongkong based company found that the trademark of "VINNIC" has been registered by a local businessman under registration No. IDM000186576 at the Indonesian Trademark Office (DGIP). Both trademarks protected the type of goods in class 9, such as Television, radio, tape, recorder, VCD/CD/DVD/LD player, video plane, satellite dish, electric iron, fittings for electricity, step up and step down for electricity, transformer, ampere meter, stabilizer, speaker, loudspeaker, batteries, alarms, antennas, electric battery chargers, electric cables, telephone cables, fuse wires, electric bells, doorbells, cash registers, photocopiers, telephone sets, hand phones, radio calls, etc.

Pursuant to this matter, The Company filed a cancellation lawsuit against the said local businessman at the District Court of Central Jakarta on October 25th, 2022. The Plaintiff did not accept the Defendant's action and stated that the mark "VINNIC" with Registration No. IDM000186576 on behalf of

Defendant have not been used for 3 (three) consecutive years in the trade of goods since the date of their registration or at least 3 (three) years before the lawsuit was filed.

They requested the court to delete/cancel the "VINNIC" trademark under Registration No. IDM000186576 belonging to the Defendant, which protects the type of goods in class 9 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 hearing stages and shall await for the court's verdict.

(source: <http://sipp.pn-jakartapusat.go.id>; <http://vinnicalkalinebattery.weebly.com/>); <https://vinnicpower.com/pages/about-us>)

2. Indonesia Trademark Update: Which Oil that Brings Eminence

Leybold GmbH filed a lawsuit against a general local trading company, PT Nafvira, for using a similar mark. The Swedish company stated that they are the legal owner and the first registrant internationally of the mark "LEYBONOL". The lawsuit was filed in the Central Jakarta District Court on September 29th, 2023.

Defendant's trademark was filed at the Directorate of Trademarks, Directorate General of Intellectual Property and registered under registration No. IDM000660478. Defendant's trademark has been registered on November 22nd, 2019. Both trademarks protect type of goods in class 4 such as lubricating oil, grease, motor vehicle lubricating oil, non-chemical additives

for engine oil, non-chemical additives for fuels, non-chemical additives for gasoline, non-chemical additives for motor oil, non-chemical additives for lubricants, lubricating oil for industry, etc.

The Plaintiff requested the court to declare that the "LEYBONOL" trademark on behalf of Defendant under registration No. IDM000660478 has similarities in its essential part or whole with the well-known trademark "LEYBONOL" belonging to the Plaintiff.

They requested the court to declare that the "LEYBONOL" trademark belonging to Defendant shall be canceled along with all legal consequences since it has been registered in bad faith.



Leybold GmbH, based in Cologne, is part of the Swedish industry group Atlas Copco. The company's core competencies recognized globally as a leader in industrial and high vacuum applications as well as for its strong engineering competences and next generation products. The company launches high-quality vacuum pump oil with the trademark "LEYBONOL".

Meanwhile, PT Nafvira initially positioned itself as a general trading company supplying various needs for factories in East Java. Later, they started a service business, especially

repair services for vacuum pumps, heat exchangers and forklift batteries.

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.leybold.com>)

3. Singapore Trademark Update: ASIA Security Conference & Exhibition and Anti-Counterfeiting, Trademark & Brand Protection conference, Singapore (26th and 27th July 2023)

The main discussion of the conference was that in today's highly interconnected market, protecting a brand's identity against counterfeiters has become an essential measure to ensure the long-term success of the brand name. Counterfeit goods represent an ever-increasing global challenge, causing immense economic losses and damaging brand reputation.

The proliferation of counterfeit products is not limited to luxury items anymore, as counterfeiters exploit the vulnerabilities of trademarks across various sectors. No industry is immune to this menace, from fashion apparel to electronics, pharmaceuticals to automotive parts. The main speakers at the conference were representatives from the respective Customs offices from the Philippines, Malaysia, and Cambodia, as well as legal counsel from companies, notably from Philip Morris Lego, and representatives from IP offices around the world. The speakers mainly spoke about the challenges of illicit trade in counterfeit products and how it's impacting the global economy in ASEAN countries, especially when there is a high supply and demand for fake

products, particularly during the festive season.

Case Study in China on seizing counterfeit goods in relation to the brand Lego:

Two multi-million-dollar companies in China were selling counterfeit Lego products. An example of one such brand is called "Lebin". We were shown a video of how the Police in China meticulously planned and coordinated the raid with the legal counsel and representatives of the brand Lego, how the police were very cooperative, and how closely they worked with Lego's legal representative to crack down and seize all the counterfeit goods stored in the warehouses, together with how the people involved were arrested.

Raising Awareness and Proactive Monitoring:

The speakers emphasized how a lot of trademark owners are not protecting their IP appropriately using the right tools and not being aware of how a counterfeit process is taking place. Yearly, about 40 billion dollars is being spent on brand protection trademarks in the ASEAN countries. One such problem that some of the brand owners are currently facing is that counterfeit bags are being ordered from Bangladesh (minus the labels and tags). Once they enter certain countries, the labels are replaced and sold at high prices. This way, the goods at customs cannot be seized as there is no label, and port it port gets more challenging to be held at the port itself. Some customs officers need to be fully trained to immediately take note that some of the goods are also being counterfeited. To control these situations, the speakers spoke about solutions to what measures are currently being taken and what measures to undertake moving forward to prevent corrupt trade.

Examples include constantly educating law enforcement agencies on counterfeit goods, getting trained to identify smuggling activities, and raising public awareness of counterfeit goods. Other ways to prevent counterfeit sales include:

- Getting authorized representatives of the said brand names to identify the products when the product arrives at the port.
- Obtaining a certificate of authenticity.
- Tightening the policy on e-commerce platforms.

It is also essential to utilize technology-driven tools, including online monitoring and brand protection software, to identify unauthorized sellers, counterfeit products, and brand infringements. As the main products that are being counterfeited are cigarettes and alcohol as well as pharmaceutical products, there is also a high population of the public at risk. Given this, the officers should promptly act upon such discoveries and take legal measures immediately.

Example of an authentication application:

The exhibitors who were part of the conference were mainly companies that market and promote authentic products and applications. An example of one such company is a brand called 'LAAVA.' Please see website: <https://laava.id/>. Consumers can easily download the application using their smartphone to scan the product label, where they will receive a verification of the product's authenticity and a summary of the brand. 'Laava' provides a trusted gateway for brand consumers so that the products can be imported and exported safely.

Case study: An individual bought a vintage wine from a well-known supermarket in Shanghai, and when they scanned the

barcode using the 'LAAVA' app, it turned out that the wine was fake. This case study showed that not all places could be trusted against counterfeit products.

Conclusion:

Counterfeit operations continue to pose a significant threat to brands around the world. By implementing comprehensive counterfeit prevention strategies, businesses can protect their trademarks, preserve financial stability, and retain consumer trust. Through increased awareness, education, and closer collaborations, consumers can collectively combat this pervasive issue and ensure a safer, more trustworthy marketplace for all.

(source: Biro Oktroi Roosseno Singapore)

4. DGIP: Plan to Fight IP Infringement in 2024

The Director of Intellectual Property Investigation and Dispute Resolution stated that the Directorate of Investigation and Dispute Resolution has achieved the 2023 flagship program. This was presented at the 2023 Performance Evaluation Meeting on Thursday, December 7th, 2023.

One of the achievements is the certification of Intellectual Property-based shopping centers in 2023. He said that there are 28 provinces consisting of 87 shopping centers. "Out of the 28 provinces, there are 140 shopping centers that have been certified during 2023. As for the extension of shopping center certification that has been granted in 2022, there are 19 from 11 provinces," he said.

Not only that, he also said that DGIP has done several times provide education and prevention directly to the tenants in one of the shopping centers. After providing education, the Directorate of Investigation and Dispute Resolution also gave an appreciation of the certification to the tenants as an example and motivation for other tenants to be able to produce and sell with their own brand.

"This is also influential in providing an understanding of IP awareness to business actors so that they do not sell and buy fake goods," he explained.

In 2024, the Directorate of Investigation and Dispute Resolution will launch the IP Crime Forum, which is a collaborative forum that focuses on handling and eradicating crimes in the field of IP at the national and international levels.



"This forum aims to unify the efforts of Ministries/Government Agencies, Brand Owners, Industry Players, E-commerce, as well as international institutions in order to comprehensively overcome the threat created by the violation of IP," he said.

He hopes that in 2024 the Directorate of Investigation and Dispute Resolution will be able to improve the handling and resolution of IP criminal cases and be able to resolve disputes through mediation conducted by certified mediators.

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

5. DGIP: Madrid System Utilization in Indonesia at the Business IP Asia Forum in Hong Kong

The Directorate General of Intellectual Property (DGIP) discussed Madrid system utilization in Indonesia at the Business Intellectual Property (BIP) Asia Forum 2023 which was held in Hong Kong, Friday, December 8th, 2023.

Director of Brands and Geographical Indications who attended the activity said that trademark applications through the Madrid system increased for three consecutive years from 2019-2021, and experienced a slight decline in 2022 and 2023.

"As we can see in the graph, trademark applications through the Madrid system on average cover 10% of the total DJKI trademark applications," he said.



He also explained DGIP's success in eliminating the backlog of trademark applications in 2022 and reducing the waiting time for trademark applications to the shortest in DJKI's history. Further, he discussed the challenges in commercializing IP in Indonesia, such as the lack of public awareness in commercializing IP products.

In the initial session of this activity, Darren Tang as Director General of WIPO said that ASEAN had experienced a significant increase in the number of brand applications, led by

Indonesia. The total number of applications from ASEAN countries has increased by 400% over the last 30 years, so that currently ASEAN has emerged as a new IP power.

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

6. A Concert to Commemorate the 90th Anniversary of the Birth of the Late Prof. Toeti Heraty N. Roosseno

Apart from being active in intellectual property rights, academic, literary, and philosophical activities, music was close to the heart of The Late Prof. Toeti Heraty N. Roosseno who is nicknamed "The Baronese of Culture". Toeti Heraty is also famous as an accomplished classical pianist.

In 2002, Toeti Heraty and Avip Priatna were the founders of the Jakarta Concert Orchestra (at that time called the Jakarta Chamber Orchestra). Since then, she has been on the JCO board of directors until she passed away in 2021. Not only JCO, she was also on the board of directors of the Batavia Madrigal Singers. During her lifetime, she was an opera music enthusiast, having supported the organization of complete opera performances including Camille Saint-Saëns' Samson et Dalila in 2006. The staging of the opera La Traviata was her dream to be performed in Jakarta.

Her love for classical music, especially opera music, inspired the deceased's family to collaborate with the Jakarta Concert Orchestra led by maestro Avip Priatna to hold a concert in honor of the late Prof. Dr. Toeti Heraty, as well as commemorating his 90th birthday, with the title "The Baronese of Culture". The event was held on Saturday December 2nd, 2023.



Toeti Heraty had dreamed of staging G Verdi's opera La Traviata (La Dame aux Camellias, a play by Alexandre Dumas). And this was successfully fulfilled in the concert by performing excerpts from the opera, namely "Ah Fors'e lui...Sempre Libera", "Parigi O Cara", and "Libbiamo ne' lieti calici".

A composition titled "to the Port" by Farman Purnama, with lyrics taken from a poem by Sang Baronese, has become a special world premiere performance at the concert.

(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:

Patent Dispute for Oil Palm

Firstwave Technology Sdn. Bhd. filed a patent lawsuit to the two local companies. The Malaysian company has succeeded in defending the patent for the invention relating to a sterilizer for processing palm fruit bunches and other similar fruits using steam, comprising of an extending vessel, a hinge device, and a tilting device in various tilted positions under control conditions.

The Plaintiff filed an appeal for cassation after their petition was rejected at the Central Jakarta Commercial Court. Therefore, Supreme Court decided to grant the petition for cassation of the Plaintiff, and legally declare that the Plaintiff is the legitimate Patent Holder and Owner of the Invention of a Sterilization Device for Processing Palm Oil Bunches and Other Similar Fruits with Patent Certificate Number ID P 0023361, dated 30 April 2009.

The Cancellation Law Suit Against Trademark "CROSSTREK"

The Commercial Court has rendered their decision to grant Subaru Corporation's lawsuit to cancel the CROSSTREK trademark belonging to Defendant.

They declare the registration of the CROSSTREK trademark in the name of the Plaintiff null and void. In addition, the judge also stated that the CROSSTREK trademark in the name of the Plaintiff has 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 removal lawsuit was filed.

The Cancellation Law Suit Against Trademark "SAHARA "

Zebra Co., Ltd. has been declared as the legal owner and right holder of the registered mark SARASA which has been legally registered in Indonesia and has obtained legal protection since May 11, 2011 with registration number IDM000341839 (formerly Number 503181).

The Central Jakarta Commercial Court granting the Plaintiff's claim. The defendant did not accept the decision and filed an appeal. However, the result was that the Supreme Court rejected the appeal.

Furthermore, we inform you of the update of some IP Lawsuit cases in the 2020-2023 newsletter editions as follows:

1. Trademark Cancellation lawsuit of "FLORASIS": still under cassation stage;
2. Trademark Cancellation lawsuit of "RYZEN": civil case lawsuit No. 20/Pdt.Sus-HKI/Merek/2023/PN Niaga Jkt.Pst revoked;
3. Trademark Cancellation lawsuit of "NATURE REPUBLIC": civil case lawsuit No. 55/Pdt.Sus-HKI/Merek/2023/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)

BIRO OKTROI ROOSSENO

Season's Greetings

Wishing you a happy and
prosperous New Year 2024!

Wastra | East Nusa Tenggara





(Anno 1951)

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