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### 1. Indonesia Trademark Update: NATURE REPUBLIC and NATUREREPUBLIC

Nature Republic Co., Ltd. was founded in March 2009 in Myeong-dong, Seoul. They served products which leverage technology to manufacture products like body lotions, face cleansers, face masks, and hair care products, enabling customers to use professional cosmetics. In 2009, they opened the first store outside Korea, i.e in Thailand. A year later, they also opened the first store in Malaysia. Every year they opened their store in other countries such as Cambodia, Japan, Philippines, Mongolia, USA, Vietnam, Myanmar, China, and many more.

## TRADEMARK DISPUTE

They continued to expand their store and business in beauty cosmetics industry. The consistency of sales and manufacturing of products until now has maintained its quality therefore these products from South Korea, have spread in various parts of the world, one of them is Indonesia. In Indonesia itself, there are already several stores spreading across the country.

In Indonesia, Nature Republic Co., Ltd found that there was a similar NATUREREPUBLIC's trademark which has been registered at DGIP by a local businessman with Registration No. IDM001051008. The Defendant's trademark was registered in the class 35, while the Plaintiff's trademark was registered in the class 3.

Goods in class 3 includes makeup tools for making lines above the eyes (eyeliner), powder pads for cosmetics, bases for makeup, lipsticks, nourishing creams, sun protection creams, cleansing creams, regular lotions, sun protection lotions, lotions for the skin, perfumed oils.

Goods in class 35 include sales agency services for cosmetics, retail store services, online retail store services, wholesale store services featuring cosmetics and cosmetic kits, retail services or wholesale services for natural flowers and trees, export - import services for pharmaceutical supplies, pharmaceutical equipment, drugs and cosmetics, and others.

Pursuant to this matter, Nature Republic Co., Ltd filed a cancellation lawsuit to the Jakarta Commercial Court with a case number 55/Pdt.Sus-HKI/Merek/2023/PN Niaga Jkt.Pst. They stated that the NATUREREPUBLIC's trademark owned by the Plaintiff is a well-known trademark. They also stated that the NATURE REPUBLIC's trademark in class 35, with Registration No. IDM001051008 in the name of the Defendant was registered with bad faith and has similarities in principle with the NATUREREPUBLIC's trademark with Registration No. No. IDM000259056 in class 3 belonging to the Plaintiff.

They requested the panel of Judges to declare the NATURE REPUBLIC's trademark owned by the Defendant resembles the name of the

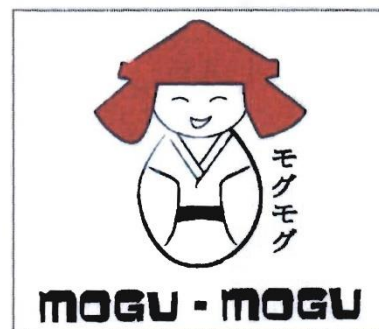
legal entity Nature Republic Co., Ltd., which is the name of the company owned by the Plaintiff and the use of the name NATURE REPUBLIC by the Defendant does not have any consent from the Plaintiff. The Plaintiff also requested the panel of Judges to cancel the NATURE REPUBLIC's trademark, class 35, under Register No. IDM001051008 on belonging to the Defendant with all legal consequences.

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

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

## 2. Indonesia Trademark Update: Court of War in MOGU-MOGU Trademark

Thailand-based company which engaged in manufacturing and distributing food and beverages, SAPPE Public Company Limited, filed a cancellation lawsuit against a local company at the District Court in Central Jakarta on 17 March 2023 under the case number 37/Pdt.Sus-HKI/Merek/2023/PN Niaga Jkt.Pst.



The reason for filing the lawsuit is due to the fact that the MOGU-MOGU + Logo's trademark was registered at DGIP by PT. Delta Continental Indonesia under registration No. IDM000487642 to protect the types of

goods included in class 30 such as bread, coffee, biscuits, pastries, ice cream, sponge, tar cakes, and cookies.

The plaintiff found that PT. Delta Continental Indonesia did not use the said trademark for 3 (three) consecutive years in trading activities goods in Indonesia since the date of registration which is February 2<sup>nd</sup>, 2016.

They requested the panel of Judges to delete the MOGU-MOGU + Logo trademark, class 30, under Register No. IDM000487642 belonging to the Defendant with all legal consequences.

PT. Delta Continental Indonesia is an industry in ice cream processing, other dairy products, bakery and cake products, processed food and cooking, coffee, herb infusion, tea, and soft drinks.

On the other hand, SAPPE Public Company Limited began a snack business producing Thai snacks such as Thai-style cookie, candied peanuts, tamarind and crispy krong krong under 'Piyajit' trademark in 1973.

The Mogu Mogu drink was first launched in 2001. It was known as the world's first functional drink made from fruit juice and coconut jelly.

Currently, SAPPE has 12 product trademarks in 5 categories created by SAPPE players and business partners.

Some drinks are made from Thai agricultural products, including Mogu Mogu, Sappe Aloe Vera and All Coco. Sappe's products are being distributed in 98 countries worldwide with a strong will to build Sappe to become a global trademark.

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

### 3. DGIP: Protection of Sound, Holograms and 3D Designs as Non-Traditional Marks

The use of a conventional mark which only in the form of words and a logo is often considered to leave only little impression on the customer's memory. Corporations are starting to use brand characteristics in the form of sound, holograms, and even 3-dimensional designs to attract consumers.

Director of Marks and Geographical Indications at the Directorate General of Intellectual Property (DGIP) explained that Indonesia already has provisions governing the requirements and procedures for registering unconventional marks.



"We have amended the previous trademark regulations in Law no. 20 of 2016 concerning Marks and Geographical Indications which regulates how sound, holograms and 3D designs can be registered as unconventional brands," he explained.

Furthermore, The Director of Marks explained that the registration of non-conventional marks shall conducted through merk.dgip.go.id. It's just that the applicant must attach a non-traditional trademark form and describe the trademark clearly.

"In registering a sound mark, applicants can attach notations and sound recordings and sonograms (recordings or images produced

from ultrasonic examinations)", he said. The sound marks itself has been used by local, both large corporations and SMEs marks.

Furthermore, he explained that the hologram mark has also been used as a product identity for banking and shopping center. This type of mark can be registered by fully describing how many perspectives are available, what are the visible appearances, colors, movements, and so on. Meanwhile, the 3D mark has become a distinctive element for food products and perfume bottles. This mark can be registered by attaching a shape image from several sides showing the dimensions of the mark.

"However, it should be noted that this is indeed a bit close to industrial design. However, this design is different and distinctive therefore that it can be registered as a trademark," he explained.

Even so, there are some tips for non-traditional brands to be a good distinctive character. The mark must be innovative, unique, disruptive, and must learn from the customer experience.

Meanwhile, the nature of a disruptive brand is a brand that disrupts the market or changes the way the industry operates. Equally important in brand utilization is brand protection at DGIP.

As an additional information, trademark registration can not only add value to products. Trademark can also increase consumer loyalty, making it easier to remember in order to be successful as a market leader.

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

#### 4. DGIP and Korean Delegation Discuss Copyright Protection



The Ministry of Culture, Sports, and Tourism from Korea and Interpol visited the DGIP office on Tuesday, 09 May 2023. On this occasion, the representative of MCST explained about the implementation of the Global Online Content Protection Seminar which will be held on June 12-15, 2023 in Seoul.

"The aim of this activity is to establish cooperation between Indonesian and Korean investigators. In addition, in the activity, the participants will also share knowledge related to Copyright policy in their respective countries", he said.

In addition, the activity will also discuss the status of global illegal content distribution which is currently rampant and how to deal with it under the protection of Copyright laws in both countries, as well as the introduction of Copyright protection programs.

An Interpol representative who was present at the meeting, also spoke about the development of copyright in the world, especially in Indonesia. He said that no one can predict what will happen in Indonesia in the next 5 years, because there are already many people abroad who watch Indonesian films and music and many like them.

"Not only that, I also see that Indonesian people have a friendly and cheerful nature, so they can create interesting and unique content," he concluded.

During the Global Online Content Protection Seminar organized by the Ministry of Culture Sports and Tourism (MCST) and the Korean Copyright Protection Agency (KCOPA) on June 13-14, 2023, the participants shared information related to the enforcement of copyright law, both in Korea and Indonesia. This is a very important thing, where Indonesia is seen as very strategic, both in terms of territory and population.

"From this activity, we hope that the entire Indonesian delegation can learn a lot from Korea regarding legal protection in the field of copyright, especially in the online media that has become more popular lately. This is very important where South Korea is one of the countries that is quite influential in development of copyright," said the DGIP representative in his speech.

The activity was also followed by several, including the National Police of the Republic of Indonesia, the Ministry of Communications and Informatics, the Attorney General of the Republic of Indonesia, as well as Indonesian legal practitioners.

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

## 5. The Roosseno Award XI – An Award for A Journalist and Curator of Contemporary Art Who Consistently Speaks Out for The Unheard

The Roosseno Award conducted by Biro Oktroi Roosseno has been held since 2011. Initially, the Roosseno Award honored research institutions. However, in the past few years the award has been given to individuals.



In addition, the Roosseno Award has also begun to expand the scope of the award, not only in the field of engineering or technical but also to other fields such as the environment or work ethic, and this year it was awarded to a journalist and curator of contemporary art.

Several Indonesian individuals who have received the Roosseno Award are the third President of the Republic of Indonesia; *B.J. Habibie*, a humanist figure; *Franz Magnis Suseno*, Professor at Tarumanagara University; *Wiratman Wangsadinata*, The 1<sup>st</sup> Chair of the National Committee for Women; *Saparinah Sadli*, an Indonesian Medical figure; *R. Sjamsuhidajat Ronokusumo*, Indonesian leaders and former Governor of Jakarta; *Basuki Tjahaja Purnama*, and Minister of Forestry in the *Orde Baru* era; Emil Salim.

This year, the Roosseno Award XI was awarded to Carla Bianpoen on June 26 at

Toeti Roosseno Plaza Auditorium, Kemang, South Jakarta. This event was also a celebration of the firm's 72<sup>nd</sup> anniversary which coincided on June 22.



Carla Bianpoen is a journalist and curator of contemporary art who consistently speaks out for the unheard. Carla Bianpoen's dedication in highlighting the development of contemporary art in Indonesia, especially the works of women artists, was considered by the jury. The testimonial board that selected Carla felt that Carla's work of art should be considered and valued as a part of Intellectual Property.

The director of Biro Oktroi Roosseno, Inda Citraninda, said that this award was a mandate from the late Toeti Heraty N. Roosseno who wanted to provide the widest possible opportunity for Indonesian women artists with their creativity and work.

*(source: Biro Oktroi Roosseno)*

## 6. Celebrating Intellectual Property Day 2023 With Free Consultation and Talk Show at Sarinah, Jakarta

The Association of Intellectual Property Rights Consultants (AKHKI) in collaboration with the Directorate General of Intellectual Property (DGIP) held the AKHKI Expo World IP Day 2023 which was held on

Friday, May 26, 2023 at the Sarinah Thamrin Atrium, Jakarta. The main topic was "The Role of Women in Creative Economic Development and Trademark Protection".

The event began with a welcome speech by several related figures. The Director of Biro Oktroi Roosseno, Mrs. Migni Myriasandra, also gave a speech as the committee chairman of the AKHKI Expo World IP Day 2023 and vice president of AKHKI.



The purpose of this activity is to raise the awareness of the importance of intellectual property rights for creators, brand owners, inventors, and for everyone who has creativity that has been realized to be protected by intellectual property rights.

There were more than 32 consultants as well as the DGIP team who participated to provide free consultations to the public. In addition, there were AKHKI awards given to public figures who are considered to play a major role in the empowerment of Intellectual Property in Indonesia.

Speakers at the talk show were from the local businessman, SME associations, and the Trademark Examination Coordinator from DGIP.

*(source: Biro Oktroi Roosseno)*

## 7. INTA Annual Meeting 2023

During INTA Annual Meeting 2023, thousands of trademark attorneys and service providers converge on a major city to network, exchange ideas, and review the previous years' developments in the world of trademarks. It is one of the largest gatherings of its kind which took place in Singapore from 16 to 20 May 2023.

It was five days of meeting new colleagues and enjoying the several social events. The events featured a diverse range of engaging activities. It included meetings, courses, training, interactive workshops, educational programs, and so many hospitalities events which were very valuable for attendees.

Each INTA has its own uniqueness every time. And it was the perfect occasion to reconnect with friends and make new connections.

This year, besides attending the INTA's conference, Biro Oktroi Roosseno also had an exhibition booth located in the Innovation Marketplace starting on May 17-19, 2023.



Moreover, at this year INTA, Biro Oktroi Roosseno also held a Reception. The reception took place in The National Gallery Singapore, on May 17<sup>th</sup>, 2023.



We were very pleased since the reception attended by more than 100 guests who was also member of INTA and attending INTA 2023 Singapore.



We thank our clients and partners for their continuous trust. And we are eager to help you in protecting your IP.

*(source: Biro Oktroi Roosseno)*



(Anno 1951)

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