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1. Indonesia Trademark Update: Unraveling the BITUBO Trademark Turmoil

In Intellectual Property Rights, disputes over trademarks can often become contentious battles, as seen in the case between Bitubo Company and a local businessman concerning the trademark "BITUBO" at the Central Jakarta District Court.

Bitubo Company, a well-established automotive or related industry entity, has appealed to the panel of judges to assert its rights to the trademark "BITUBO" in Indonesia.



The company claims exclusive ownership and the sole entitlement to register and use the mark within the country. Its argument is that "BITUBO" is not just any trademark but a well-known mark under Indonesian law, thus deserving of higher legal protection.

The dispute arises from the registration of the trademark "BITUBO" under registration No. IDM000533087 in class 12, reportedly by a local businessman who has become the Defendant. Class 12 typically covers goods related to vehicles or vehicle parts, suggesting a potential overlap in the industry and consumer market.

Bitubo Company contends that the registration of the trademark "BITUBO" in class 12 under Reg.No.IDM000533087 was filed with bad faith and malicious intent. They argue that this registration was filed in bad faith, implying that the Defendant was aware of Bitubo Company's prior use and reputation associated with the "BITUBO" mark.

Another significant claim is the similarity between the marks owned by Bitubo Company and the Defendant. The company explained that these marks are substantially similar and are used for similar goods within the automotive sector, potentially leading to consumer confusion.

In response, Bitubo Company has petitioned the court for several remedies, including:

- Declaring Bitubo Company as the rightful and exclusive owner of the "BITUBO" trademark in Indonesia.
- Recognizing the "BITUBO" mark as a well-known trademark.
- Cancelling or declaring null and void the Defendant's registration of "BITUBO" in class 12.
- Ordering the removal of the Defendant's trademark registration from the official register and publication in the Official Gazette of Marks.
- Requiring the Defendant to bear the costs associated with the legal proceedings.

The case is still being heard at the Commercial Court of Central Jakarta. The legal battle between Bitubo Company and local entrepreneurs is proof of the importance of trademark protection in protecting intellectual property rights.

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

2. Indonesia Trademark Update: The Absolut Company Aktiebolag Takes Legal Action Over the Trademark "ABSOLUT"

Currently, Absolut company Aktiebolag has commenced legal proceedings against alleged trademark infringement of its famous brand "ABSOLUT" in Indonesia. The case, registered under case number 44/Pdt.Sus-HKI/Merek/2024/PN Niaga Jkt.Pst in the Central Jakarta District Court, highlights the company's firm stance on protecting its brand identity and market position.



Founded in 1917 and headquartered in Stockholm, Sweden, The Absolut Company Aktiebolag has carved a significant position in the global spirits industry. It is widely recognized for its featured products, Absolut vodka, which has become synonymous with premium quality and distinctive branding strategies.

Absolut vodka's journey began with its founder, L.O. Smith, who aimed to create a vodka of absolute purity. The brand's name, "ABSOLUT", emerged through strategic considerations, including legal constraints in trademark registration. The Swedish spelling and the addition of "Country of Sweden" to its label further solidified its heritage and distinctiveness in the marketplace.

The lawsuit filed by The Absolut Company Aktiebolag asserts several claims aimed at safeguarding its IP rights, therefore as a Plaintiff, The Absolut Company requested the Court to:

- Fully Grant the Plaintiff's Claim: The company seeks complete affirmation of its rights over the "ABSOLUT" trademark and its variations.
- To declare the Ownership and Well-Known Status: The plaintiff requests recognition as the first user and sole legal owner of the brand "ABSOLUT", also seeking declaration of its status as a well-known trademark.
- Assertion of Similarity and Bad Faith: The lawsuit contends that the defendant's "ABSOLUT" trademark under registration No. IDM00755524 in class 32 is either entirely similar to the plaintiff's well-established trademark. Furthermore, it alleges that this registration was made in bad faith.
- To Cancel the Defendant's Registration: The primary relief sought includes the cancellation of the defendant's "ABSOLUT" trademark under registration No. IDM00755524 in class 32 and its removal from the General Register of Brands.
- Costs and Legal Fees: The defendant is also requested to bear the costs incurred during these legal proceedings.

This legal action emphasizes the commitment to maintain the integrity and exclusivity of its trademarks in the global marketplace. By seeking legal remedies, it can prevent potential consumer confusion and unauthorized use of trademarks, thereby protecting market share and brand reputation.

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

3. Singapore Trademark Update: Dissimilarity of Marks and Trademark Protection

Securing a trademark is crucial for businesses in the ever-evolving landscape of intellectual property. A strong trademark acts like a flag, waving to consumers and distinguishing your brand from competitors.

However, a recent case in Singapore underscores the importance of another key factor in trademark registration: dissimilarity.

The case of Bytedance Ltd v Dol Technology Pte Ltd [2024] SGIPOS 5 involved the social media giant Bytedance, owner of the hugely popular platform "TikTok," challenging a



trademark application for "Tiki" by a Singaporean firm. Despite Bytedance's established brand recognition with "TikTok," the Intellectual Property Office of Singapore (IPOS) ruled favor of Dol Technology. The reason? The mark "Tiki" itself lacked sufficient dissimilarity from "TikTok" to warrant exclusive trademark rights.

Why Dissimilarity Matters

Imagine walking into a supermarket aisle filled with identical cereal boxes. How would you choose a brand? Trademarks exist to prevent this very confusion. They allow consumers to easily identify the source of a product or service. When two marks are too similar, it creates a likelihood of confusion – consumers might mistakenly believe the goods or services come from the same source. This confusion not only harms the established brand but also misleads the public.

The Dissimilarity Test

So, how similar is too similar? IPOS considers various factors when evaluating dissimilarity, including:

- Visual Similarity: How similar do the marks look when written or presented visually?
- Phonetic Similarity: Do the marks sound alike when spoken?
- Conceptual Similarity: Do the marks evoke similar ideas or concepts in the consumer's mind?

The "Tiki" Case: A Lesson in Dissimilarity

In the Bytedance case, while "TikTok" and "Tiki" might not appear visually identical phonetically, they share a similar sound. Furthermore, "Tiki" is a well-established term associated with Polynesian culture, potentially creating a conceptual link for consumers. This lack of dissimilarity led IPOS to reject Bytedance's trademark infringement claim.

Protecting Your Brand

Companies can safeguard their trademarks by:

- Conducting thorough trademark searches: This helps identify existing marks and assess potential conflicts before filing an application.
- Choosing distinctive marks: Opt for marks that are inherently different from existing trademarks and don't mislead consumers.

Conclusion

Brand recognition is valuable, but dissimilarity is the cornerstone of a strong trademark. By understanding the importance of dissimilarity and conducting proper due diligence, companies can confidently navigate the trademark landscape, ensuring their brands stand out in the marketplace and avoid confusion among consumers. The "Bytedance" case serves as a stark reminder – brand recognition alone can't guarantee trademark success. Choose your marks wisely, and ensure they are sufficiently dissimilar from existing ones to secure the legal protection your brand deserves.

(source: Biro Oktroi Roosseno Singapore)

4. DGIP: Participates in 72nd ASEAN Working Group on Intellectual Property Cooperation Meeting

The 72nd ASEAN Working Group on Intellectual Property Cooperation (AWGIPC) meeting was held recently in Da Nang, Vietnam, from April 22 to 26, 2024. It marked an important gathering for intellectual property stakeholders across ASEAN member countries. The Indonesian delegation, led by

representatives from the Directorate General of Intellectual Property (DGIP), played an important role in discussions to advance regional IP initiatives and collaboration.

The Indonesian delegation consisted of key figures, including the Director of Cooperation and Education, the Director of Patents, Integrated Circuit Layout Design (DTLST), Trade Secrets, the Director of Intellectual Property Information Technology, and the Director of Investigation and Dispute Resolution.



The AWGIPC serves as a crucial platform where ASEAN member countries and dialogue partners converge to address the ASEAN Intellectual Property Rights Action Plan (AIPRAP) for 2016-2025. This plan, designed to enhance IP frameworks and cooperation, remains a cornerstone for regional integration and development.

The meeting commenced with comprehensive updates on the progress of ASEAN Member States (AMSs) regarding Priority Economic Deliverables (PED) and other critical milestones for 2024. Of particular note is the ongoing review of the ASEAN Intellectual Property Cooperation Framework Agreement (AFAIPC), facilitated by the World Intellectual Property Organization (WIPO). This review is expected to lay the groundwork for the next phase of

AIPRAP (2025-2045), aiming for deeper integration and harmonization of IP policies across ASEAN.

The priorities for 2024 were outlined, focusing on initiatives such as developing national policies and laws related to geographical indications, traditional knowledge, and traditional cultural expressions. Further, the efforts to establish an ASEAN roadmap for IP valuation were highlighted, reflecting ASEAN's proactive stance in adapting to global trends.

In its role within AWGIPC, Indonesia is actively engaged in several deliverables crucial to the regional IP landscape. This includes the establishment of the ASEAN Intellectual Property Rights Helpdesk and the development of databases for genetic resources and traditional knowledge, as well as initiatives aimed at bolstering IP infrastructure within ASEAN.

A significant aspect of the AWGIPC meeting was the engagement with dialogue partners, including prominent entities such as the European Patent Office (EPO), European Union Intellectual Property Office (EUIPO), WIPO, and the United Kingdom Intellectual Property Office (UKIPO). This partnership supports the implementation of AIPRAP and fosters opportunities to improve IP services and frameworks across ASEAN.

Further, Timor Leste participated as an observer at the AWGIPC meeting for the first time.

The 72nd AWGIPC meeting in Da Nang provided a dynamic forum for ASEAN member countries and partners to chart the future course of IP cooperation.

The meeting, which included discussions on AIPRAP, strategic initiatives for 2024, and better collaboration with dialogue partners, demonstrated ASEAN's commitment to advancing IP rights and fostering innovation in the region.

Indonesia's active engagement demonstrates its role in shaping the ASEAN IP landscape, encouraging greater harmonization and effectiveness in cross-border IP governance.

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

5. DGIP: Empowering MSMEs through Strategic Intellectual Property Assistance Program



On June 24, 2024, the Directorate General of Intellectual Property (DGIP), in collaboration with the World Intellectual Property Office (WIPO) and the Japan Patent Office (JPO), held a Strategic Intellectual Property Assist Program activity at the Manhattan Hotel, Jakarta. The event aimed at bolstering Micro, Small, and Medium Enterprises (MSMEs) in Indonesia. There were 110 participants representing various sectors crucial to Indonesia's economic landscape.

Among the participants were MSMEs affiliated with the Association of Indonesian Women Entrepreneurs, Jakpreneur,

Ministry of Tourism and Creative Economy, Department of Industry, Trade, Cooperatives and Small and Medium Enterprises, and Mandiri Bank. The program, spearheaded by WIPO, is tailored to equip entrepreneurs with the knowledge and tools to navigate and leverage IP systems domestically and internationally.

"In this activity, participants will learn how to identify, protect, and commercialize their intellectual property products effectively," remarked the Director of Patents, Integrated Circuit Layout Design (DTLST), and Trade Secrets. The emphasis on maintaining and optimizing product value underscores the program's commitment to fostering sustainable growth within the MSME sector.

Highlighting the significance of IP registration, the Secretary of the Department of Industry, Trade, Cooperatives, Small and Medium Enterprises of the DKI Jakarta Provincial Government affirmed, "Protecting ideas and information of commercial value is paramount for MSMEs. Our province supports brand registration initiatives aimed at safeguarding and promoting the products of local entrepreneurs."

In addition to advocating for IP rights, the DKI Jakarta Provincial Government actively assists MSMEs in brand development to enhance market presence and fortify commercial viability. This integrated approach ensures that businesses not only thrive locally but also establish a robust reputation that extends beyond regional boundaries.

The event also featured insights from the Director of the WIPO Singapore Office, who encouraged active participation and dialogue among participants. "Through this program, we aim to empower MSMEs by providing

expert guidance on navigating IP systems and unlocking the latent value of intangible assets," he affirmed. His sentiments were echoed by the Director of the International Cooperation Division of the Japan Patent Office, who underscored the program's role in fostering an enabling environment for MSMEs and startups to flourish.

The Strategic Intellectual Property Assist Program is a testament to international collaboration and commitment to nurturing entrepreneurship in Indonesia. By equipping MSMEs with the knowledge and resources to harness the power of intellectual property, the program not only safeguards innovation but also propels economic growth and competitiveness on a global scale.

As Indonesia continues to pave the way for MSMEs to thrive in a knowledge-driven economy, initiatives like these underscore the transformative potential of intellectual property in shaping the future of business and innovation.

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

6. DGIP: Strengthening the Global Patent with the European Patent Office

The Patent Appeal Commission, representing Indonesia's Directorate General of Intellectual Property, conducted a virtual meeting with the European Patent Office (EPO) on Wednesday, June 26, 2024. This meeting marks an important step towards encouraging international collaboration and knowledge exchange in patent law and enforcement.

The primary objective of the meeting was to facilitate a comprehensive discussion on various aspects of patent protection systems. Key topics included examining the

enforcement practices of patent laws in respective countries and exploring mutual learning and improvement.

The Public Policy Coordinator at the European Patent Office emphasized the importance of such engagements in strengthening global patent systems. He highlighted the value of sharing experiences and insights to collectively enhance the efficacy and fairness of patent protection worldwide.



During the meeting, the Deputy Chair of the Patent Appeals Commission presented an overview of Indonesia's regulatory framework and operational practices.

"In resolving a patent case, the Patent Appeal Commission carries out three legal competencies, namely receiving, examining, and deciding," the Deputy Chair stated. This structured approach ensures thorough examination and fair judgment in resolving patent disputes within Indonesian jurisdiction.

Furthermore, the Commission member elaborated on their procedural norms, highlighting the importance of summoning relevant parties for hearings to elucidate case details. In addition to stakeholder input, the Commission seeks opinions from expert witnesses, leveraging the expertise of patent specialists and examiners with scientific backgrounds.

"Apart from related parties, we also ask for opinions from witnesses and experts in their fields to get input. We added that we have patent experts and examiners with scientific backgrounds," he added.

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

7. Enhancing Trademark Protection through AIPPI Indonesia Webinar on Japan-Indonesia Procedures



On June 4, 2024, AIPPI Indonesia Group held an international webinar entitled "Trademark Protection Procedures in Japan and Indonesia." The webinar attracted a diverse audience, including Intellectual Property Consultants, Law Firm Staff, Small and Medium Business entrepreneurs, Researchers from Government Research Institutions and Private Research Institutions, and general public observers of IP, especially Trademarks.

Mrs. Migni Myriasandra, Managing Director of Biro Oktroi Roosseno, as the Chairwoman of the Webinar committee, stated in her opening speech, "This webinar aims to explain the important aspects of trademark registration and protection, particularly focusing on the procedures and challenges faced in both Japan and Indonesia."

Mr. Harry Wirawan, an Indonesian Intellectual Property from Biro Oktroi Roosseno, was the first speaker in the webinar. In the second session, Mr. Koji MURAI, a Japanese Patent and Trademark Attorney, also presented an interesting topic.



The discussions were centered around the trademark examination stage, addressing scenarios where trademark applications face refusal from the Directorate of Trademarks and Geographical Indications in Indonesia or at the Japan Patent Office. The speakers also provided insights on handling objections from third parties regarding trademark applications.



Mr. Wirawan elaborated on the trademark registration procedures in Indonesia, emphasizing the nuances of the process and

related office actions. He also explained the preparation and drafting process of trademark responses/oppositions.

In the second session, the webinar explained about the Japanese trademark system. Practical strategies for overcoming refusal grounds at the Japanese Patent Office were also highlighted, providing attendees valuable tips.

This webinar is an essential platform for knowledge exchange and capacity building in trademark regulation between Indonesia and Japan. The event aims to empower SMEs and other attendees to navigate trademark challenges effectively, fostering a more robust IP ecosystem by equipping them with practical insights and strategies.

This webinar reinforces the importance of trademark protection and is concerned with boosting economic growth and encouraging innovation in both countries.

For SMEs, having a registered trademark shields them from infringement and enhances credibility and consumer trust by signifying the authenticity and origin of their products or services. Moreover, trademark ownership facilitates market expansion, boosts competitiveness, and ensures legal safeguards under the law.

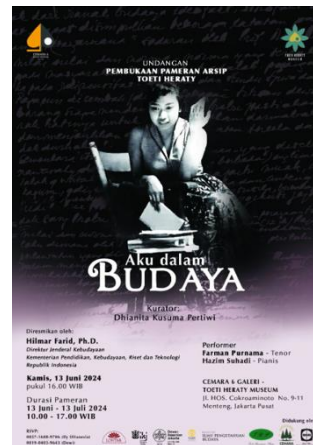
(source: Biro Oktroi Roosseno)

8. The Archive Exhibition of Toeti Heraty Heraty: "AKU DALAM BUDAYA - The Self Within Culture"

June 13, 2021 was our great sadness for the passing of *Toeti Heraty N. Roosseno* at the age of 87. She was the President Director of *Biro Oktroi Roosseno*, who was also the first generation of Indonesian feminist

thinkers, a great Indonesian poet and writer, philanthropist, philosopher, a humanist, a high integrity and dedicated professor and lecturer, an IP consultant, an excellent professional and a kind-hearted leader, which she consistently kept until her last moment.

Thus, to commemorate and celebrate her thoughts, *Cemara 6 Galeri - Toeti Heraty Museum* is organizing the archive exhibition "Aku dalam Budaya."



Toeti Heraty made significant contributions to Indonesian thought and culture. One of her renowned and notable contributions is her dissertation, "Aku dalam Budaya," a study of cultural philosophy theory and methodology. This dissertation earned her a Doctor of Philosophy degree from the Faculty of Literature at the University of Indonesia and also made her the first woman in Indonesia to attain a PhD in Philosophy.

This dissertation was first published by *Pustaka Jaya* in 1984 and reissued in 2013.

The exhibition gathered 250 cultural writings authored by Toeti Heraty from 1961 until her passing in 2021. It takes place at *Cemara 6 Galeri - Toeti Heraty Museum*, located at *Jl. HOS Cokroaminoto No. 9-11, Menteng, Jakarta Pusat*, from June 13 to July 13, 2024.

This archive exhibition was inaugurated by Hilmar Farid, the Director General of Culture at the Ministry of Education, Culture, Research, and Technology (Kemendikbud Ristek), who was also Toeti Heraty's former student.



Curated by Dhianita Kusuma Pertiwi, this exhibition features various archives, such as photos, timelines, bibliographies, selected books, essays, documentary videos, and objects from Toeti Heraty's residence. It also features expert speakers from various fields, reflecting Toeti Heraty's contributions in education, arts, culture, philosophy, politics, and business. Discussions and book reviews are also held during the exhibition to enrich public knowledge about Toeti Heraty and her thoughts.

(source: Biro Oktroi Roosseno & many)



(Anno 1951)

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