



# Biro Oktroi Roosseno

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## This Edition newsletter contains:

1. **Geographical Indication Market in Indonesia**
2. **Dispute PT Selaras Sejati and PT The Pakubuwono Development**
3. **Dispute Board of Indonesian National Arbitration (BANI)**
4. **Buccelati Holding Italia S.p.A sues local Businessman**
5. **Lawsuit PT. Pusaka Iwan Tirta and Batik Iwan Tirta brand**
6. **Toeti Heraty N. Roosseno, Indonesian luminary**

## 1. Geographical Indication Market in Indonesia

Indonesia – the world's fourth most populous nation – is experiencing a rapid growth in the middle class, which helped to transform the country's consumer market. Businesses in a wide range of industries can expect to capitalize on both the strong purchasing power and the high labor skills of the middle class.<sup>1</sup>

Indonesia, the USA, Canada, India, and Australia are among the countries with the best cultures in the world for people to start a new business. The results are

drawn from a survey of 24,537 adult citizens across 24 countries.

Due to the economic growth of Indonesian consumers, the demand for agricultural products has sparked renewed interests. However, this boost in demand has not played down the importance of differentiation and segmentation of agrifood markets. Quite the contrary, fast-paced economic and urban development unleashes the growth potential of markets for differentiated and value-added products.<sup>2</sup>

A geographical indication (GI) is a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to

that origin. In order to function as a GI, a sign must identify a product as originating in a given place.<sup>3</sup>

The Republic of Indonesia has been developing the concept of “geographical indications” since 2001, with the establishment of a legal framework to improve competitiveness, benefit producers, develop local communities and stimulate local economies. In fact, GIs have the potential to create an economic force for the remote regions of Indonesia, contributing to job creation, increasing the incomes of farmers and producers and contributing to GDP, as well as to the social strength of communities. The economic and social benefits of GIs could be very significant indeed. Thanks to its efforts of improvement, Indonesia has become one of the leading ASEAN countries in developing GIs.<sup>4</sup>

The Directorate General of Intellectual Property (DGIP) within the Ministry of Law and Human Rights have given protection on GIs including Kopi Arabika Gayo (Gayo Arabica Coffee), Lada Putih Muntok (Muntok White Pepper) or Madu Sumbawa (Sumbawa Honey), among others.<sup>5</sup>

International GI producers, understanding the importance of this emerging market, have also gain their foothold in Indonesia. Foreign GI products which have been registered in Indonesia, i.e. Champagne (IG.00.2008.000001), Parmigiano Reggiano (IG.00.2010.0000024), Tequila

(IG.00.2014.000004), and Grana Padano (IG.00.2014.000010).<sup>5</sup>

Biro Oktroi Rooseno has the capability in assisting the registration of GI products. With the experience of facilitating the registration of Tenun Sutera Mandar (IG.00.2014.000001) since the very beginning of the process, we can assure GI producers that they will be supported by the most qualified team in registering their products as meticulous as having your own tailored couture.

Lastly, to all the GI producers and stake holders, Indonesia is welcoming you!

*Source: see references*

## **2. Dispute PT Selaras Sejati and PT The Pakubuwono Development**

PT. Selaras Sejati and PT. The Pakubuwono Development are in dispute at the Central Jakarta Commercial Court on Trademark.

PT Pakubuwono Development, as the plaintiff, is a developer of luxury residences in Kebayoran Baru. The plaintiff also has registered *Pakubuwo* word’s trademark. The trademarks are *Pakubuwono Signature* with registration no. IDM000374582 registered on November 9<sup>th</sup>, 2012; *The Pakubuwono House* with registration no. IDM000373143 registered on October 30<sup>th</sup>, 2012 and *The Pakubuwono*

*Townhouse* with registration no. IDM000377784 registered on December 3<sup>rd</sup>, 2012.

Over all, the trademarks are in the class 36 that protect services on the management of apartment houses, apartment rentals, and management of land and residential buildings.



Meanwhile, PT Selaras Sejati, as the defendant, is an apartment developer in Bekasi with focus on middle class segmentation.

According to PT The Pakubuwono Development, they are the exclusive holder of *Pakubowono's* trademark because the company has been using and registering the brand *The Pakubuwono* since 2002, which registered by PT Mandiri Eka Abadi, the subsidiary of PT The Pakubuwono Development.

The plaintiff's attorney said that, the trademark of PT Pakubuwono Development has been renewed by the Directorate of Intellectual Property until November 18<sup>th</sup>, 2022 under registered No. IDM000393272.

The defendants' attorney said that "The *Pakubuwono* cannot be claimed as the plaintiff's right because it is in the public

domain". He said that *The Pakubowono* name is one of the figure in Indonesia. Although, *Pakubuwono* also used as the street name. It means that *The Pakubuwono's* name has become public domain. The Grand Pakubuwono @Bekasi has been registered under IDM0005045589.

Source : from many

### 3. Dispute Board of Indonesian National Arbitration (BANI)



The dispute between the two parties of Badan Arbitrase Nasional Indonesia (BANI) / Indonesian Arbitration Board has not yet got a final decision. The BANI which is located in Sovereign Plaza filed a lawsuit against the other BANI which is located in Mampang.

BANI of Sovereign Plaza, as the plaintiff, attempted to cancel the defendant's BANI Mampang trademark, because it was considered as hindering the registration of the plaintiff's mark in the Directorate General of Intellectual

Property (DGIP). BANI Mampang trademark was also deemed to have similarity in principal with the plaintiff's trademark

BANI Mampang trademark has been registered in the DGIP since 2002. Meanwhile, BANI Sovereign Plaza has just filed for trademark registration in DGIP last year and is still at the examination stage.

In the Article 4 jo. Article 7 paragraph 2 of the BANI's Statute stated that the board of BANI is appointed or decided by the founding board. Based on that statute, BANI Sovereign Plaza considered that the BANI Mampang had violated the provisions.

The management of BANI Sovereign was handed over to the heirs of BANI's founder who had passed away. BANI Sovereign argued that with the late of BANI's founders, Priyatna Abdurrasyid and Harjono Tjitrosoebono, their responsibilities automatically falls to the heirs.

*Source: from many*

#### **4. Buccelati Holding Italia S.p.A sues local Businessman**

Italian jewelry manufacturer, Buccellati Holding Italia S.p.A, filed a cancellation lawsuit for the Gianmaria Buccellati trademark belonging to the local businessman, Lie Giok Lan, in Central Jakarta Commercial Court.

The Italian jewelry company filed lawsuit due to the similarities in essential part with the plaintiff's mark, which uses the word Buccellati in Indonesia. The similarities between the two trademarks can be seen from the writing, pronunciation, as well as type of goods that are protected. Both are included in the class 14 that protect jewelry products.

Buccellati Holding's attorney says his client is the only company entitled to the Gianmaria Buccellati trademark in the world. It's based on the name of the founder and owner of the company namely Mario Buccellati who then delegated his business to his child, Gianmaria Buccellati.



The combination of the words Gianmaria and Buccellati is the creation of the plaintiff which later became a trademark that has differentiation and uniqueness.

In response to the lawsuit, the Lie Giok's party has submitted their response to the panel of judges. The defendant argued that the Buccellati Holding's lawsuit should be considered as expired. "The Lie Giok Lan's trademark registered at the Directorate of Trademark since August 18, 2008," said Lie Giok Lan's attorney.

According to Lie Giok Lan's attorney, the plaintiff's lawsuit is contrary to Article 77 paragraph (1) of Law no. 20/2016 on Trademarks and Geographical Indications. The Article states that the cancellation of lawsuit can only be filed within 5 years of registration.

Therefore, the term of the cancellation by the plaintiff has been 9 years. "Our exceptions that the plaintiff's claim has exceeded the limit should be acceptable," said Lie Giok Lan's attorney.

Meanwhile, in the principal case, Lie Giok's party claimed to be the first party to use and register the trademark, Gianmaria Buccellati.

In Indonesia, the Defendant's trademark was registered with No.IDM000318638 in 2008 while the plaintiff's trademark was registered with No.IDM002016055178 on November 9, 2016.

*Source: from many*

## **5. Lawsuit of PT. Pusaka Iwan Tirta and Batik Iwan Tirta brand**

Who does not know Iwan Tirta? Born as *Nusjirwan Tirtaamidjaja* on April 18, 1935, Iwan Tirta was a famous Indonesian batik fashion designer.

PT Pusaka Iwan Tirta, founded in Jakarta on April 21, 2008, is the legal owner of the trademark design of Iwan Tirta.

In June 2017, PT. Pusaka Iwan Tirta had to face a bitter fact because the panel of judges rejected the lawsuit against the Trademark Appeal Commission and the Directorate General of Intellectual Property.



The judges agreed with the Directorate General of Intellectual Property that PT. Pusaka Iwan Tirta brand has the similarity in conceptual and appearance, as well as the same type of goods in the class 24, compared with the other Iwan Tirta brand which has been previously registered as *Batik Iwan Tirta*. Moreover, both brands have elements of the same word; "Iwan Tirta".

According to PT. Pusaka Iwan Tirta's attorney, the decision of the panel of judges is unfair and does not consider the evidence of the plaintiff. Further, the plaintiff has obtained the mandate from the late Iwan Tirta to continue his business by preserving the cultural heritage of batik belonging to the late Iwan Tirta. This trust has been legalized in a letter signed on the seal by the late Iwan Tirta as an authentic proof that has been provided before the panel of judges on the agenda of the evidence.

The lawsuit started when the plaintiffs filed a trademark of the PT. Pusaka Iwan Tirta brand at Directorate

General of Intellectual Property on June 28, 2012, with agenda No.D002012031327. The Plaintiff claimed that PT. Pusaka Iwan Tirta is a company founded by maestro batik the late Nursjirwan Tirtaatmadjaja or Iwan Tirta. However, the Directorate General of Intellectual Property on the official letter rejected the application of the trademark on March 3, 2015 with reason that the plaintiff's brand has similarities with the previously registered *Batik Iwan Tirta* brand. The verdict of the Directorate General of Intellectual Property is conforming to Article 6 paragraph 1 of Law no. 15/2001 on brands and believes that the brand has possibility outwit consumers.



Upon the rejection, PT. Pusaka Iwan Tirta submitted a letter of appeal to the Trademark Appeal Commission on March 18, 2015. However, the Trademark Appeal Commission continues to reject the application of PT. Pusaka Iwan Tirta's trademark registration. In the lawsuit file, the plaintiff declares that his brand has no similarity with *Batik Iwan Tirta* brand. Plaintiffs claim to have different image of rice and cotton in its brand, while the picture is not owned by the brand *Batik Iwan Tirta*.

Moreover, the case was registered in the Central Jakarta District Court since 23 February 2017 with case No.8 / Pdt.Sus-HKI / Brand / 2017 / PN Pn.Jkt.Pst.

Source: from many

## 6. Toeti Heraty N. Roosseno, Indonesian luminary

*Toeti Heraty*, who was born in Bandung on November 27, 1933, loves to read various types of books since her childhood. She is the eldest child of a well-known Construction Expert in Indonesia, who was also the recipient of the Mahaputra Award in 1984, *Prof. Dr. Roosseno*.

As one of Indonesia's most inspiring Indonesian woman in the field of literature and art-culture, *Toeti Heraty* is also known as feminism anti-mainstream in the world of modern poems. She is also considered as the only woman among Indonesian writers in the contemporary Indonesian poets. With a philosophical background at Rijk Universiteit, she actively teaches Philosophy at several universities. In 1994, *Toeti Heraty* became an Extraordinary Professor at the Faculty of Literature at the University of Indonesia. She also became a chairman of the Jakarta Arts Council from 1982 to 1985, a rector of the Jakarta Arts Institute (IKJ) and also in the Advisory Board of the Association of Muslim Intellectuals (ICMI) and the Coalition of Women's Advisory Council of Indonesia.



She is also known as one of the first generation of feminist who wrote many important opinions about women. According to her, "Feminism is under lied with a lawsuit of justice". In the context of social-politics in Indonesia, *Toeti Heraty* looks at the contradictions of women's struggle with discrimination to the women in the local regulations in various regions. On the other hand, it has grown motivation from women-writers in the literary world.

*Toeti Heraty* also actively participate in the several national as well as international festivals such as the International Poets Festival, Rotterdam (1981), International Writing Program at Iowa University, Iowa City (1984) and The Frankfurt Book Fair, Germany (2015, 2016).

Many of her poems have been translated into several foreign languages such as English, German, French and Dutch. Her first collection and second collection of poems was "*Sajak-Sajak 33*" in 1974 and "*Mimpi dan Pretensi*" in 1982. While some of her books known as *Dialog dengan Kematian*, *Lika-Liku Dasawindu*, *A Time A Season*, *Hidup Matinya Seorang Pengarang*, *Calon Arang-Kisah Perempuan Korban Patriarki*, *Nostalgia-Transedensi*, *Wanita Multidimensional*, *Woman in Asia : Beyond the Domestic Domain*, *Manifestasi Puisi Indoneisa-Belanda*, *Seserpih Pinang Sekapur Sirih* and *Aku dalam Budaya*.

For her dedication and contribution to works especially in the literature field, as well as a tribute, *Toeti Heraty* received Award of Honors from President of Indonesia, in category *The Honors of Bintang Parama Dharma Culture*. The ceremony of embedding the honors was held on August 15, 2017 at the State

Palace, by the President of Indonesia, *Jokowi*.

There were 8 people who have been selected to receive the Honors this year, based on the criteria for the selection of these figures in accordance with Law No. 20/2009 on Degree, Service Signs, and Honorary Signs :

#### ***The award of Bintang Mahaputra Adipradana***

1. Prof. Bagir Manan (Chairman of Supreme Court 2001-2008)
2. The late KH Hasyim Muzadi (member of Presidential Advisory Board 2014-2017)

#### ***The award of Bintang Mahaputera Utama***

1. Marianna Sutadi (Vice Chairman of the Supreme Court in Judicial Field 2004-2008)

#### ***The award of Bintang Jasa Utama***

1. Christiandy Sanjaya (Vice Governor of West Kalimantan)

#### ***The award of Democracy Enforcement Star***

1. Hadar Nafis Gumay (Member of General Election Commission 2012-2017)

#### ***The award of Budaya Parama Dharma***

1. The late Soejatmoko (philosopher, educator)
2. The late Dullah (painter)
3. Toety Heraty Noerhadi Roosseno (philosopher, educator, author)

The award of honors was a part of the series of commemoration of the 72<sup>nd</sup> anniversary of Republic of Indonesia. This honor was given as recognition for their contribution in improving, promoting and nurturing the culture of the nation and the state.

## References of Article 1

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