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# Biro Oktroi Roosseno

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Kantor Taman A-9 Unit C1&C2 Jl. DR. Ide Anak Agung Gde Agung (Mega Kuningan), Jakarta 12950 - INDONESIA

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## This edition newsletter contains:

1. The "AUTOBLACKTHROUGH" Trademark Remains to PT. Djarum
2. Trademark Dispute, Gudang Garam Defeat Gudang Baru
3. Donald Trump Sues Indonesian Businessman
4. "BIORE" won the trademark cancellation case against "BIORF" in Cassation Stage
5. "ORI Mal", an award for every Mal or shopping center which is free from counterfeit products
6. Java Coffee has registered their geographical indications
7. Indonesian businessman was sued by *the Gunners* for selling products with Arsenal Trademark and Logo
8. The Conflict of "SOEKARNO" Movie
9. 80<sup>th</sup> birthday celebration of Prof. Dr. Toeti Heraty Noerhadi-Roosseno

### 1. The "AUTOBLACKTHROUGH" Trademark Remains to PT. Djarum



The tobacco company PT Djarum won a trademark lawsuit 'Autoblackthrough'. As a result, the automotive show which held by the cigarette company from Kudus was still allowed to wear the name 'Autoblackthrough'.

The lawsuit was filed by Lie Reza H Aliwarga as a trademark licensor of 'Autoblackthrough'. The panel judges of the Commercial Court of Central Jakarta (Central Jakarta District Court) have considered that the claims of the plaintiff was not accepted.

Against the victory of PT. Djarum, the plaintiff's attorney, Jaswin Damanik still do not know whether he has to file an appeal or not. While the attorney of PT. Djarum, Musa Sinambela, claimed it was the right decision.

Trademark dispute between Reza H Aliwarga with Djarum has been going on since the beginning of July. At that time, the plaintiff claimed to be the licensee of the trademark 'Autoblackthrough' by the agreement with Adhi Soebekti on October 12, 2009. (Source: many)

## 2. Trademark Dispute, Gudang Garam Defeat Gudang Baru



Indonesia's top cigarette company, Gudang Garam, won a trademark dispute concerning the kinds of goods for cigarette with similar trademark, Gudang Baru. Defeated party, Ali Khosin, appealed to the Supreme Court (MA).

As reported by the District Court of Surabaya, the case began when Gudang Garam do not accept that Ali produce cigarettes with similar trademark through the PR Jaya Makmur. Ali has been filed the cigarette with similar trademark under Registration No. IDM000032226 dated March 21, 2005 and Registration No. IDM000042757 dated July 14, 2005 for the kinds of goods in class 34 at the General Register of the Directorate General of Intellectual Property.

To cancel a trademark of Gudang Baru, a lawsuit was filed to the Surabaya District Court in May 2013. After 4 months, the panel of judges which headed by Syarifuddin Ainor Rafiek with panel members namely Unggul Ahmadi and

Suhartoyo have been granted the petition of Gudang Garam. In addition to that, the District Court also ordered the Ministry of Justice and Human Rights Directorate General of Intellectual Property to revoke the GUDANG BARU and Device from the list of trademark. (Source: many)

## 3. Donald Trump Sues Indonesian Businessman

USA famous businessman, Donald J Trump sues Indonesian businessman, namely Robin Wibowo. Donald Trumps has accused Robin of using a trademark which is similar to his own name, for retail businesses purposes.

He appealed against Robin's registered trademark 'Trumps' to the Directorate General of Intellectual Property Rights on June 17, 2010. Robin's trademark 'Trump' was registered under number IDM000252416 to protect services in class 35 such as shops or retail.

In his objection, Donald has declared himself as a world-renowned international businessman from New York, USA. His name has been used as an organization established as Trump Organization. Therefore, Donald listed a number of trademarks including the use of his name to a large number of countries. In the U.S., the Trump trademark has been registered and protected under the local laws since April 20, 1999.

Donald Trump's trademarks have also been protected under the law in Australia, Japan, Russia, Ukraine, Thailand, and New Zealand. Meanwhile, in Indonesia, the Trump trademark has been registered since October 14, 2010 and as for the Donald Trump trademark itself has been registered since May 4, 2012. (Source: many)

#### 4. "BIORE" won the trademark cancellation case against "BIORF" in Cassation Stage



BIORE has been known as one among other famous Japanese trademarks for cosmetics in Indonesia, which owned by Kao Corporation. Therefore they have been filed their trademark since June 17, 1982 in Indonesia. However, apparently there is a resembled trademark for "BIORF", which has been registered under the name of PT Sintong Abadi in Indonesia on January 16, 2012. Knowing this fact, Kao Corporation claims cancellation of trademark BIORF, which allegedly similar with Kao Corporation registered and well-known trademark BIORE, even though both trademarks

evidently covers different kinds of goods.

BIORE lose in the commercial court stage. The commercial court panel of judges decided to reject the lawsuit on May 24, 2012. Consequently, BIORE filed the cassation. In this cassation stage, BIORE restated that their trademark is a well known trademark and the opposing party had a bad intention when filed the trademark "BIORF".

On the panel of judge's decision, the panel of judges have stated that "BIORE" is a well known mark and trademark "BIORF" has substantial similarity with "BIORE" which covers goods in a different class. The panel of judges have also stated that PT Sintong Abadi has a bad intention when filed the trademark and it is contrary to the public interest. Therefore PT Sintong Abadi should stop all of the use of trademark "BIORF" as its cancellation consequences. (Source: detik.com)

#### 5. "ORI Mal", an award for every Mal or shopping center which is free from counterfeit products



The governance of Jakarta supported by Indonesia anti counterfeiting society and Indonesia Directorate General of Intellectual Property Rights have been

issued the Governor's call No 9 of 2013 concerning the IPR protection against counterfeit products which traded in Mal/supermal/plaza and other shopping centers.

The said governor's call is one of the governor's efforts to enforce the IPR protection, particularly which related to computer software in copyright field. One of the supporting programs is the "Ori Mal" program. The word of ori refers to the term "original". As its literature meaning, this award addressed to every mal, supermall, plaza or other shopping centers which is free from counterfeit products. The selection and assessment process will be started in December and ended in February 2014.

The announcement of "Ori Mal" will be announced in March 2014 and will not only stop at this stage since every winner will be continuously monitored to maintain their consistency and its seriousness in the IPR protection.

(Source: detik.com)

## 6. Java Coffee has registered their geographical indications



Java coffee has filed the geographical indication (GI) application in November 2012 and already registered on November 29, 2013. There are three main indicators in GI application, namely: nature, human and combination between nature and human factors. Further, the other requirement is there should be a community to protect the GI. The application should met all of the said requirements.

Java coffee is a well known coffee originally from Mountain Ijen, Bondowoso, East Java. The coffee met the indicator as required in Indonesia Government Regulation No 51 of 2007 concerning GI, namely: combination between nature and human factors and protected under community, namely: "Perhimpunan Masyarakat Perlindungan Indikasi Geografis (PMPIG) Kopi Arabika Ijen-Raung".

In general, Coffee plants planted under shade have a tendency as easily to decompose with the C / N ratio of less than 15 and a soil pH between 5.8-6.35. Those nature conditions are optimal for the growth of the coffee plant.

As a nature factor, Java coffee could only growth in plateau region with topographic variation between flat, undulating and hilly. Ijen plateau - roar mountains located at the altitude between 900-1500 m above the sea level with an average temperature of 15-25 ° C which is suitable for the cultivation of Arabica Coffee Java Ijen. Further, there are also other supporting natures such

as the dry season for 5 to 6 months (May to September), the type of soil called Andisol which rich with chemical fertility. As a human factor, Ijen mountain - region communities are very concerned to roast coffee processing methods both upstream and downstream. The said score test cup with a medium roasting method ( medium roast ) ranged from 80.27 to 84.88 which made Java coffee has been categorized into “the specialty coffee” by the standards of the Specialty Coffee Association of America with a strong specific taste of sweetness and pungent (spicy).

After the IG application has been granted, Perhimpunan Masyarakat Perlindungan Indikasi Geografis (PMPIG) Kopi Arabika Ijen-Raung (PMPIG) has been determined to maintain the excellent quality of Arabica Coffee Java Ijen-roar in accordance with what is stated in the Book of Requirements Geographical Indications registration proposal.

(Source: wandco-ip.com)

#### **7. Indonesian businessman was sued by the Gunners for selling products with Arsenal Trademark and Logo**



Top Premier League Arsenal FC (Plaintiff) is filing a cancellation lawsuit at the Jakarta Commercial Court against local

businessmen for selling products with their trademark and logo. Three local businessmen who sued are Surjit Kaur, Amarjit Singh Johal, and Manjit Singh Johal (Defendant). They have been accused for "*racking profit*" of the famous and well known trademark Arsenal. Apart from that, the Plaintiff also sued the Directorate General of Intellectual Property Rights cq. Directorate of Trademark as Co-Defendant.

With the Defendant's trademark which previously has been filed under Registration No.542063 and renewed with Agenda No. R002012016824 which covers the goods in class 18, Arsenal assumed that the said registration has been filed with a bad faith. Further, the Defendant's trademark also having substantial similarity with the Plaintiff's famous trademark.

Arsenal is an incorporated company in England and Wales which registered under number 109 244. Since 1886 until now, Arsenal has developing its trademark (Arsenal with Cannon device) with large-scale promotions and constantly through various media both domestically and internationally. For these efforts, the Arsenal FC became one of international famous football club which also recognized by the people around the world, including Indonesia. Further, this trademark also being a part of their company name, The Arsenal FC, Ltd.

The cancellation case still on going at the Jakarta Commercial Court with the absence of the Defendant. (Source: many)

## 8. The Conflict of "SOEKARNO" Movie



Rahmawati Soekarnoputri (daughter of former Indonesian first President) filing a Copyright lawsuit against Multivision Plus Picture (MVP) on December 10, 2013 at the Jakarta Commercial Court.

It was start with the agreement between Rahmati and Multivision Plus Picture (MVP) to create a historical movie of the Indonesian First President, Soekarno. According to Rahmawati, the idea of making the Movie 'Soekarno' comes from her. She intended to create a movie about 'Soekarno' for educational purposes without too much attention to the commercial side. Rahmawati has met Hanung Bramantyo (the movie director) to discuss the movie project. After meeting with Hanung, then, she introduced by Raam Punjabi Director of MVP until finally they agreed to cooperate on October 17, 2011.

Rahmawati also very concerned about the actor who will plays the main role. There are three candidates actors which will be played as Sukarno that sugested by MVP

and Hanung, namely Agus Kuncoro, Ario Bayu and Darius Sinathrya. However, according to Rahmawati none of them met the criteria of Soekarno. Further, she proposed other actors which are Imam Wibowo and Andrie Djarot. MVP and Hanung disagree with Rahmawati and they have choosen Ario Bayu as the strongest candidate. Meanwhile, Rahmawati still disagree with Ario Bayu and she proposes her step son instead, Anjasmara, which according to her is fit for the role.

Since MVP and Hanung fixed on their decision to pick Ario Bayu, Rahmawati then cancel the cooperation with MVP as of June 20, 2013. She also regrets that the movie project is still running and even promoted.

Before filing a lawsuit to the Commercial Court, On September 12, 2013 Rahmawati deliver a warrant to MVP and Hanung which stated that with the cancellation of contract, the production and promotion of the movie 'Soekarno: Independence of Indonesia' should be stop. On September 23, 2013 Rahmawati file a police complaint regarding Hanung statement on the media based on defamation according to Article 310 Indonesian Criminal Law (KUHP) with the report No.TBL/ 3315 / IX / 2013 / PMJ / Ditreskrimum. Rahmawati said that Hanung mentioned on the media that "the chaotic of 'Soekarno' movies was made by Rahmawati to seek popularity", which is not true.

After filing a copyright lawsuit at the Jakarta Commercial Court, on the next day the court issued a temporary injunction on the case under

No.93/Pdt.sus/HakCipta/2013/PN.Niaga.Jkt. Pst. In the said injunction, the Jakarta Commercial Court ordered to MVP and Hanung to temporarily suspend the distribution, broadcasting and announcement of movie Soekarno specially the scene on page 35 of the script. Beside, the Court also ordered the production team of movie 'Soekarno' to deliver the master film and script to Rahmawati.

**MVP spoke person, Aris Muda response to Rahmawati demand and temporary injunction from the Commercial Court as follows:**

1. The temporary injunction from the Court has not been received officially, and if so, MVP will be further review to understand the provisions and provide further feedback;
2. Regarding the copyright issues of the movie, there is an improper explanation of the copyright titles as determine by the Court. MVP pictures never write the title of the movie script 'Bung Karno: Indonesia Merdeka'. MVP pictures have registered the movie with the title 'Soekarno' at the Directorate General of Intellectual Property Rights;
3. *Regarding the scene at page 35 of the movie script, the said scene has been deleted previously before Rahmawati file a lawsuit and the said movie has been censored by Film Censor Institution.*

Beside prohibiting film 'Soekarno: Indonesia Merdeka', Rahmawati also file a civil suit on the Jakarta District Court on November 1, 2013 under No.499/PDTG/2013/PN Jakpus. In the said

suit she demand for MVP and Hanung to pay the compensation in the amount of 100 billion rupiahs, ask MVP to stop the promotion and will not broadcast the movie and she willing to return the money from MVP as agreed on the previous agreement.

On January 7, 2014 the Jakarta Commercial Court has issued their decision to rejected Rahmawati's claims, therefore the movie 'Soekarno' still allow to be played in the theatres. The Judges said that the claims could not be proven and the scene as stated at the movie script in page 35 is also could not be proven in the circulated movie. (Source: many)

**9. 80<sup>th</sup> birthday celebration of Prof. Dr. Toeti Heraty Noerhadi-Roosseno**



On 24 September 2013, just 2 months before her 80th birthday, academicians from the Faculty of Humanities, University of Indonesia (FIB UI), especially from the Department of Philosophy and Program, held a Retirement Ceremony for Prof. Dr. Toeti Heraty Noerhadi-Roosseno at the the Japan Study Auditorium Center (PSJ) UI, to appreciate her merit and work in the development of education; especially philosophy, art and culture. The event

was attended by family, friends, colleagues, students and former students of various levels, from undergraduate to Doctoral Degree, and FIB UI lecturers.

During the event, Prof. Dr. Toeti Heraty also launched series of her books entitled "*Aku Dalam Budaya*" (I'm In Culture) second edition, published by PT Gramedia; "*Calon Arang*", bilingual edition, published by the Yayasan Obor Indonesia ; and "*Berpijak pada Filsafat; Kumpulan Sinopsis Disertasi Program Pascasarjana Filsafat FIB UI*" (Dissertation Synopsis Anthology of the Philosophy Graduate Study of Faculty of Humanities, University of Indonesia), which is published by Komunitas Bambu. Although entering her retirement, Prof. Dr. Toeti Heraty's significant role and broad knowledge in the fields of philosophy, arts and culture, will continue to be required in the development of the philosophy study in FIB UI and Indonesia in general, said Dr. Risnowati Martin, Vice Dean of FIB UI. Likewise, as a promoter for post graduate student of University of Indonesia, Prof Dr Toeti Heraty will hold her last doctorate promotions for her PhD students on January 20<sup>th</sup>, 2014. Her students, Iqram Sulhin from Department Of Criminology, FISIP UI will present his dissertation entitled "*Irasionalitas Pemenjaraan*" (Imprisonment Irrationality) and Dini Marina Heppy from Accounting Department, FE UI will present "*Gambaran Manusia dalam Neoliberalisme: sebuah penelusuran pemikiran FA Hayek*" (The Description of Human in Neo-liberalism : A Study of FA Hayek Arguments).

Prof. Dr. Toeti Heraty, the President Director of the Biro Oktroi Roosseno, celebrated her 80th birthday on 27 November 2013 with Jakarta Chamber Orchestra Concert held at a hotel in Jakarta. The theme of the celebration was, "For Me, Life Begin at 80".

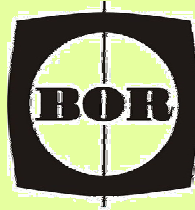
"At the age of 80, this year, I really feel free. I feel free to do what I want. I do not want to be dictated by others. Yes, basically I have no burden. I want to play the piano again, doing things I like," she said.

Prof. Dr. Toeti Heraty's residence in Menteng, Central Jakarta, is also a gallery-museum for Indonesian artists' art and craftworks.

"My life is full of adventures. I love life and I try to enjoy every moment by doing just about anything. Time is very valuable, as well as health," said Prof. Dr. Toeti Heraty.

Prof. Dr. Toeti Heraty expression illustrates that she will not stop engaging activities, in addition to be the leader of Biro Oktroi Roosseno. Prof. Dr. Toeti Heraty is still an active member of the Indonesian Academy of Sciences, an institution that was established as a forum for experts of various disciplines in Indonesia, as well as still involved in activities at Cemara 6 Gallery (that will be inaugurated as a Gallery-Museum in 2014), Jakarta Academy, Indonesian Culture Circle, the Indonesian Legal Aid Foundation, and a variety of arts, social and cultural activities.

(/jk, Source: many)



(Anno 1951)

## **BIRO OKTROI ROOSENO**

Intellectual Property Protection, Licensing,  
Franchising, Unfair Competition, Advocacy &  
Legal Consultation and Litigation

Kantor Taman A9, Unit C1 & C2  
Jl. Dr. Ide Anak Agung Gde Agung (Mega Kuningan),  
Jakarta 12950, Indonesia  
P.O. Box 4585, Jakarta 10001

Phone No. : (62-21) 576 2310 (Hunting System)  
Fax. No. : (62-21) 576 2301, (62-21) 576 2302,  
eFax. No. : (65) 6826 4084  
E-mail : [iprlaw@iprbor.com](mailto:iprlaw@iprbor.com) & [migni@iprbor.com](mailto:migni@iprbor.com)  
Website : [www.iprbor.com](http://www.iprbor.com)