



This edition newsletter contains:

1. Implementation of Patent by the Government of the Republic of Indonesia for Antiviral and Antiretroviral Medicines
2. Indonesia Formally Ratifies Nagoya Protocol and Rotterdam Protocol
3. Commencement of Patent Prosecution Highway (PPH) between DGIP and JPO
4. INTA Anti Counterfeiting Workshop with Civil Servant (PPNS) 2013
5. Technical Guidance For The First Level Patent Examiner And The Patent Examiner Candidate
6. Forum Group Discussion: Draft Implementing Regulation (RPP) on Patent
7. ROOSSENO AWARD 2013 - The 62nd year anniversary of BIRO OKTROI ROOSSENO
8. International Spice Conference, Ambon, Moluccas, August 19-21, 2013

1. Implementation of Patent by the Government of the Republic of Indonesia for Antiviral and Antiretroviral Medicines

On September 5, 2012, the President of the Republic of Indonesia issued a Presidential Regulation Number 76 of Year 2012 regarding Implementation of Patent by the Government for Antiviral and Antiretroviral Medicines. The content of this regulation still has a relation with the previous one, only added with the very urgency on the prevention of Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS) and Hepatitis B in the Republic of Indonesia (hereinafter refers to as "Indonesia"), also continuing the policy toward Antiviral and Antiretroviral medicines that still patented. Moreover, the Presidential Decree Number 83 of Year 2004 on the Implementation of Patents by Government on Anti Retroviral Drugs, as

amended by the Presidential Decree Number 6 of Year 2007, is no longer adequate as a legal basis.

The Minister of Health of the Republic of Indonesia appointed pharmaceutical industries as patent executors, for and on behalf of the Government of Indonesia (hereinafter refers to as "the Government") to implement patent on Antiviral and Antiretroviral medicines. Pharmaceutical industries will remunerate the patent holder in the amount of 0.5% (zero point five percent) per year from the net selling of Antiviral and Antiretroviral medicines. They said remuneration will be ceased when the patent protection period is expired or cancelled in accordance with the laws and regulations.

Pursuant to the said Presidential Regulation, PT KIMIA FARMA (PERSERO) Tbk was appointed by and on behalf of

The List of Antiviral and Antiretroviral medicines are as follows:

NO	NAME OF ACTIVE SUBSTANCE	PATENT HOLDER	PATENT NUMBER	IMPLEMENTATION PERIOD
1	Efavirenz	Merck & Co, INC	ID 0 005 812	Up to the end of patent protection period (August 07, 2013)
2	Abacavir	Glaxo Group Limited	ID 0 011 367	Up to the end of patent protection period (May 14, 2018)
3	Didanosin	Bristol – Myers Squibb Company	ID 0 010 163	Up to the end of patent protection period (August 06, 2018)
4	Combination of Lopinavir and Ritonavir	Abbot Laboratories	ID P 0023461	Up to the end of patent protection period (August 23, 2018)
5	Tenofovir	Gilead Sciences, Inc	ID 0 007 658	Up to the end of patent protection period (July 23, 2018)
6	Combination of Tenofovir and Emtricitabin	Gilead Sciences, Inc	ID P0029476	Up to the end of patent protection period (November 3, 2024)
7	Combination of Tenofovir, Emtricitabin and Efavirenz			

the government to carry out the implementation of patent on antiviral and antiretroviral medicines in Indonesia based on the Ministry of Health Decree

No. 109/MENKES/SK/III/2013 dated March 1, 2013. (Source: many)

2. Indonesia Formally Ratifies Nagoya Protocol and Rotterdam Protocol

The Republic of Indonesia has formally ratified Nagoya protocol on May 8, 2013 when Law No. 11 of 2013 was launched. The said law pertains to the ratification of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization. Indonesia signed the Nagoya Protocol on May 11, 2011.

According to Environment Minister, the enactment of Law No. 11 of 2013 is important for Indonesia to realize its commitment to protecting biodiversity. As a part of Like Minded Megabiodiversity Countries (**LMMCs**), Indonesia has been a potential supplier of genetic resources. Ratification of Nagoya Protocol into its national legislation would strengthen the preservation of genetic resources as well as in the issue of biopiracy.

The Government has also ratified Rotterdam protocol on May 8, 2013 with the launching of Law No. 10 of 2013 pertaining to the ratification of the Rotterdam Convention on the Prior Informed Consent (**PIC**) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

As people may be aware, trade in hazardous chemicals and pesticides may be important for development activities but it must be governed in such a way to protect the community. By ratifying the convention the Govt. intends to have equal rights and mutual access to information (on the circulation of hazardous chemicals and pesticides) to protect the nation from the impact of the hazardous substances. The enactment of Law No. 10 of 2013 on ratifying the Rotterdam Convention is also important to enable the country to take part in controlling the circulation of hazardous chemicals and pesticides in the world.

The enactment of the said law is a starting point for Indonesia to become a party to the Rotterdam Convention. Indonesia signed the convention on September 11, 1998. To date, at least 152 countries have ratified the convention.

Currently, registration system in importation of certain hazardous chemicals and pesticides has been implemented in integrated manner via online system called "Indonesia National Single Window" (**INSW**) at Ministry of Environment. Therefore, ratification of Rotterdam Convention will technically and economically support the operation

of industries which relies on said related importation. (Source: many)

3. Commencement of Patent Prosecution Highway (PPH) between DGIP and JPO

In April 2013, the Indonesia's DGIP and the Japanese Patent Office (**JPO**) signed the "Joint Statement of Intent" on cooperation in the field of patent examination. Both sides agreed to commence a pilot program called Patent Prosecution Highway (**PPH**) as of June 1, 2013. Patent applicant can now submit a PPH request for either PCT or non-PCT application.

The PPH is a scheme whereby patent applicants whose applications have been determined as patentable by a patent office are entitled to request, via a simple manner, an accelerated examination of the corresponding applications in another patent office.

In another arrangement between JPO and DGIP, as of June 1, 2013, the JPO will act as competent International Searching Authority (**ISA**) and International Preliminary Examining Authority (**IPEA**) for any PCT international applications filed with the DGIP of Indonesia. (Source: DGIP and JPO)

4. INTA Anti Counterfeiting Workshop with PPNS 2013



On June 26 – 27, 2013, International Trademark Association (**INTA**) held a workshop in Jakarta with the title “*INTA Anti Counterfeiting Workshop with PPNS 2013*”. The participants of this workshop are mostly Civil Servant (**PPNS**) and also other participants in related fields. The topics of this workshop are “How to identify the evidence and source of information during the raid”.

Many illegal businessmen realized that they can be raided by the relevant authorities at any time. Therefore at the present they have spies everywhere and implementing Standard Operation Procedure specifically to eliminate, hide or even destroy the evidence. In this workshop, the trainer giving a solution in relation to assess the kind of violation, handling with the preliminary evidence, interview process until evaluating the interview result.

A lot of positive feedback as well as questions raised by the participants, for example how to distinguish genuine products and fake ones, the danger for the consumer, until the prosecution that had been successful.

Counterfeiting is a huge problem since it is a serious violation for the trademark holder, posing a serious threat to the health and safety for consumers and harm the local economy as well as legitimate business owners. Exchanging knowledge with PPNS on the issue of practical action is very important in improving the fight against counterfeiting. Following the president of INTA’s visit to the PPNS office last April, INTA welcomes the opportunity to engage in quality improvement and trademark protection in Indonesia to provide a useful meaning of exchange

between PPNS and the trademark owners. (Source: MIAP June 2013)

5. Technical Guidance For The First Level Patent Examiner And The Patent Examiner Candidate



The First level patent examiner and the patent examiner candidate of the Directorate General of Intellectual Property Rights (**DGIP**) gained technical learning on classification and search from Mr. Daisuke NAWA, Expert from the Japan Patent Office. Not only the examiners and examiner candidates, but also the businessman from the pharmaceutical field, academics, and researchers are obtained lessons in the technical guidance. This technical guidance is a collaboration between the Directorate General of Intellectual Property Rights with the Japan International Cooperation Agency (**JICA**).

For the DGIP, all material that given during the technical guidance is very meaningful for the first examiner and the examiner candidate, since DGIP requires new patent examiners who will fill the lack or gap as a patent examiner in the DGIP. For other participants, the event was very useful to be implemented in the place where they work. Through questionnaires that distributed to the participants, the

majority gave a positive response to the material and the presentation given by Mr. Daisuke NAWA.

Patent Classification Process and Patent Search is a process that aims to find relevant prior art in the field of invention technique that aims to determine the chances of success of an invention. At the present, the process that usually conduct by the patent examiner or researchers, academics and the business world, they using the existing data base in the World Intellectual Property Organization (**WIPO**) or the United State Patent and Trademark Office (**USPTO**). The other benefit in the classification process and the patent search are:

1. To anticipate the possibility of patent infringement;
 2. To direct the research and development;
 3. To avoid the overlapping in doing the research;
 4. To predict the future of technology.
- (Source: DGIP)

6. Forum Group Discussion (FGD): Draft Implementing Regulation (RPP) on Patent

Directorate General of Intellectual Property Rights (**DGIP**) held the FGD on draft Implementing Regulation (RPP) in



the field of Patents that have been carried out on September 23 – 25, 2013. In the discussion, there are a few

suggestions and feedback to enhance the RPP of Law No. 14 of 2001 regarding Patent. The RPP should be prepared systematically in advance so the preparation of the chapter will be based on what has been delegated by Law No. 14 of 2001 regarding Patent. Further it has to be adjusted by the flow of patent registration.

In the said FGD, it was agreed that the substance of the patent publication will consists of 2 (two) chapters, namely: a publication prior to the substantive examination process within a period of 6 (six) months and publication that occur in each step of the application.

(source: DGIP)

7. ROOSSENO AWARD 2013 - The 62nd year anniversary of BIRO OKTROI ROOSSENO



Six researchers from various universities and institutions in the country has received Roosseno Award 2013, in Jakarta, on Thursday, August 1st 2013.

"Unlike previous years, this year award is given to the researchers in the field of Indonesia Spices," said President Director of Biro Oktroi Roosseno, Prof. Dr. Toeti Heraty Noerhadi-Roosseno. She added that Biro Oktroi Roosseno retains to provide tangible support for the

serious Indonesian researcher in their research field.

The theme of this year research is the Indonesia Spices. The participants of this research grant are mostly coming from nationwide research centres and universities. Biro Oktroi Roosseno in collaboration with the Indonesian Spices Council awarded 6 (six) researchers as the winner who were selected by the Committee chaired by Dr. Ir. Adi Sasono (President of Indonesia Spices Council) and their research are funded accordingly by BOR.

Besides obtaining research grant, the winners were invited to the **International Spices Conference** in Ambon, Moluccas, East Indonesia.

This event was held to celebrate the 62nd year anniversary of Biro Oktroi Roosseno that was established on **June 22nd, 1951**. The celebration was held at the Oktroi Plaza, 7th floor, Jakarta, and the ceremony was opened with seminar by six researchers who presented their research report. (source: Press release)

8. International Spice Conference, Ambon, Moluccas, August 19-21, 2013

To promote the expansion of spice crops, the Indonesian Spices Council and other partnering organizations (**Biro Oktroi Roosseno** is one of them), has organized an International Conference on Spices with a focus on "Revitalization of Spice Quality and Production in the Perspective of Sustainability and Environmental Responsibility."

The conference created the opportunity to overcome quality constraints and

improve productivity while identifying key opportunities and challenges that all stakeholders face in the current market. A focus on sustainability and the environment will complement discussions and forum topics.

This opportunity built a prosperous future for the spice crops of Indonesia while simultaneously creating a forum for open dialogue between the many stakeholders in the international and local spice industry. The conference includes valuable activities such as, a field trip to a local nutmeg plantation and processing plant as well as culinary demonstrations using local spices.

The conference activities also combined with Spice Exhibitions. Direct contact has been made with businesses to invite special guests, especially importers and exporters from all over the world. Attendees take benefit from increased participation in the spice market and knowledge of the industry as well as create strong ties and partnerships with other key stakeholder and conference participants.

In this opportunity, President Director of Biro Oktroi Roosseno, Prof. Dr. Toeti Heraty Noerhadi-Roosseno, was presenting her paper in the seminar with the abstract below.

SPICES : History and Tragedy

Spices have been used since the time of the Pharaoh's in Egypt, in the process of mummification. The sacred body in the sarcophagus in the pyramids, the body of Christ wrapped in linen, used incense and aromated with spices. Spices became a symbol of the holy, the sacred, heaven and paradise. Three conquistadors Christopher Columbus, Vasco da Gama and Ferdinand Magelan sailed around the globe for spices, found America, Malabar

in India fighting competition of Muslim traders, the Portuguese looking for the spice islands, finally found Ternate (1512) after the fall of Malacca (1511), while Tidore (1521) was discovered by Spain. Competition continued between Portugal and Spain, and as its consequence between Ternate and Tidore.

Key person in this dramatic spice competition was Rainha Boki Raja, queen of the Sultan of Ternate, daughter of the Sultan of Tidore, mother of 3 sultans who all died young, all of them by poison. Boki Raja was leading the successful uprising of her people against the Portuguese in 1530, surrounding and blockading the fort, releasing her 2 sons and ministers. Trade in spice continued, but the Portuguese plotted against her and exiled her and her family to Goa for 7 years in 1535. She was rehabilitated back to the throne, while her last son, was poisoned in Malacca on the way back from Goa to Ternate. Finally her stepson Chairun took the throne and confiscated her goods. She moved in with daughter and Portuguese son in law was

baptized and moved to Goa, where she died far from home, forgotten by her people.

Tragedy continued, after 35 years reigning Chairun (1535-1570) was murdered by the Portuguese as well as Babullah (1570-1583) his successor. After Sri Lanka, In 1641 Malacca surrendered to the Dutch, followed by the Malabar port. Authority moved from Portuguese/Spanish to Dutch/English hands, The English gave up by renouncing the Moluccas for new Amsterdam or New York in America. After the adventures of the Middle Ages. The world shrunk, agricultural products are growing in variety and quality, the dining table was completed with coffee, tea, sugar, and finally coca cola with its secret ingredients of spices. Spices lost its fascination as an ordinary commodity, for a changing democratic taste. Reason enough to regain for Indonesia the status of the "spice country" to regain its glory, increasing its world trade.

(source: rempahindonesia2013.com and Prof. Dr. Toeti)



(Anno 1951)

BIRO OKTROI ROOSSENO

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 & migni@iprbor.com
Website : <http://www.iprbor.com>