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1. Indonesia Trademark Update: Beauty Class in Court



Central Jakarta District Court is currently handling the case for the cancellation of the EYLURE trademark. Plaintiff, in this case, is a UK company named ORIGINAL ADDITIONS BEAUTY PRODUCTS LTD. The company serves the retail and professional markets with its three leading beauty brands: Eylure, Elegant Touch, and Salon System. Original Additions is a company with many years of experience with distribution established in over 40 countries.

On the other side, the Defendant, in this case, is a local businessman who registered the EYLURE trademark under registration number IDM000438370 to protect the type of

goods/services in class 3 in the form of eyelashes.

In their lawsuit, the plaintiff submitted the details of the lawsuit as follows:

1. To grant the Plaintiff's lawsuit in its entirety;
2. To state the EYLURE trademark, both the wording, logo and a combination of both registered in the name of the Plaintiff (in case the EYLURE Brand Owned by the Plaintiff) is a well-known brand;
3. To declare Plaintiff as the sole legal owner and rights holder of the EYLURE well-known trademark in both the wording, logo, and a combination of the two (in case the EYLURE trademark is owned by the Plaintiff);
4. To declare the registration and/or renewal of the EYLURE trademark on behalf of Defendant under registration number IDM000438370 to protect the type of goods/services in class 3 has been done/filed on the basis of bad faith;
5. To declare the registration and/or renewal of the EYLURE trademark on behalf of the Defendant under registration number IDM000438370 to protect the type of goods/services in class 3 has similarities in principle or in whole with the well-known trademark "EYLURE" belonging to the Plaintiff on similar goods/services;
6. To cancel or declare the cancellation by the law of registration and/or renewal of the EYLURE brand on behalf of Defendant under registration number IDM000438370 to protect the type of goods/services in class 3 dated

(registration) 24 November 2014 (in case of Object of Plaintiff);

7. To order Defendant to immediately delete the EYLURE brand on behalf of Defendant under registration number IDM000438370 to protect the type of goods/services in class 3 dated (registration) 24 November 2014 (in case of Object of Lawsuit) from the Official Brand News;
8. To order Defendant to announce the deletion/cancellation of the EYLURE trademark on behalf of Defendant under registration number IDM000438370 to protect the type of goods/services in class 3 dated (registration) 24 November 2014 (in case of Object of Lawsuit) in the Official Brand News;
9. To order Defendant to submit and comply with this decision; and
10. To order the Defendant by paying the costs of the case arising from the court.

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

2. Indonesia Trademark Update: FLORASIS and Its Trademark Dispute

Zhejiang Yige Enterprise Management Group Co., Ltd. found a similar trademark of FLORASIS in Indonesia. Pursuant to this matter, the China-based company filled a cancellation lawsuit against a local businessman at the Central Jakarta District Court with Case Number 42/Pdt.Sus-HKI/Merek/2022/PN Niaga Jkt.Pst.

In a petition to the Central Jakarta District Court, Plaintiff stated that the FLORASIS

trademark and its painting with the registration No. IDM000845258 of Defendant has similarities in principle to the FLORASIS Trademark Name + Kanji Letters and Logo belonging to Plaintiff. They requested the panel of judges to declare Plaintiff as the FLORASIS Trademark + Kanji Letters and Logo owner. They also requested the panel of judges to declare Defendant has bad faith on the FLORASIS trademark and its painting with the registration No. IDM000845258.



Plaintiff's trademark of FLORASIS was filed under application number DID2022012173 in class 3 (i.e., nail polishes, make-up, eyebrow cosmetics, skin creams, lipsticks, beauty masks, essential oils, perfumes, rouge, eyebrow pencils, eye shadow, body cleansing preparations, dental care, air freshener, wipes impregnated with make-up removing preparations, etc.)

Plaintiff's trademark FLORASIS was also registered in class 3 (i.e., body deodorants, cosmetic creams and gels for the face, cosmetic creams for the skin, fragrance, air fresheners, soaps, etc.)

They requested the panel of judges to punish Defendant by implementing the cancellation of registration of Defendant's FLORASIS trademark and its painting, with registration No. IDM000845258 to delete it from the

General List of trademarks and to announce it in the Trademark Official News.

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

3. DGIP: Get to Know More About Madrid Protocol

Trademark registration through the Madrid protocol system is a one-stop system solution for brand owners to get trademark protection in the international market. The Madrid protocol system with this administrative mechanism aims to obtain brand protection in many countries more effectively, transparently and at a more affordable cost.

At the DGIP Learning Organization Activities on April 8, 2022, the Director of Brands and Geographical Indications conveyed that with the basic application menu on the Madrid protocol system, applicants who wish to apply for a trademark abroad do not need to wait until the mark is registered with the DGIP. Even if the registration process is still in progress, the Madrid Protocol can be submitted.

One of the Trademark examiners at DGIP said that this Madrid protocol is not substantive and provides an alternative route for trademark owners to register their trademarks abroad. The trademark protection only applies to trademark law in the destination country and is given a trademark protection period of 10 (ten) years.

"If the trademark protection period expires, the trademark owner can apply for an extension of trademark protection for all countries or selected countries," he said. Protection on trademark registration through the Madrid

protocol has coverage in 125 member countries of the Madrid protocol.

Furthermore, at the Learning Organization activity with the theme 'Madrid Protocol Registration System, Indonesia as a Destination Country' on Friday, 22 April 2022, one of the Trademark examiners explained the role of Indonesia in international trademark registration, namely as a country of origin and as a destination country.



"The role of DGIP as a country of origin is to bridge registered trademark owners to register trademarks through the Madrid protocol system, and to date, there have been approximately 102 trademark applications," as explained by one of the Trademark Examiners.

Meanwhile, the role of DGIP as a destination country is to conduct substantive examinations of international trademark registrations and make decisions on applications for international trademark registration.

"The international trademark examination at DGIP has a maximum period of 18 months, which is based on Indonesian national law, namely Law Number 20 of 2016 concerning trademarks and geographical indications," she said.

In terms of the results of the substantive examination of the application for an international mark, there will be 3 (three) possible initial decisions that must be issued by the DGIP.

"First, if the DGIP issues no decision within a period of 18 months, the application for international registration is automatically registered. Second, namely, is the Statement of the grant of protection. And the third is the Notification of provisional refusal," she said.

In addition, the Madrid Protocol application submitted to the destination country may receive an Invalidation decision, which a decision is made by an authorized official or office in the destination country which cancels an international registration.

"This cancellation could be due to a lawsuit in court or a violation of the law which results in the protection of international marks in the area being canceled," she said. This notification of invalidation can affect all types of goods or only some types of goods. On this cancellation decision, the applicant cannot file an appeal.

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

4. Examining a Design Including a Graphic Image Workshop by DGIP and JICA

The Directorate General of Intellectual Property, in collaboration with the Japan International Cooperation Agency, held an online workshop, "Examining a Design Including a Graphic Image," on 30 - 31 May 2022.

The workshop became one of the forums for exchanging information for DGIP industrial design examiners with the Japan Patent Office (JPO) examiners, who have an overview of legal protection in industrial design, especially in Japan. This exchange is relevant due to the importance of legal protection based on industrial design in Indonesia.



"The protection and development of industrial design-based products can develop competitiveness and benefits for producers, build excellent markets and encourage the country's economic activities," said the Coordinator of Foreign Cooperation at the Workshop.

He also said that this industrial design really determines the price in the market because industrial design is a process of creation and discovery that is inseparable from product terms. The potential of industrial design creations in Indonesia is a valuable asset not only for local producers but also a driving force for the Indonesian economy if it can be commercialized properly.

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

5. The Patent Appeal Commission of the Republic of Indonesia Rejects and Accepts Two Patent Applications in an Open Session

The Patent Appeal Commission of the Republic of Indonesia held an open session via the YouTube platform of the Directorate General of Intellectual Property (DGIP) on Thursday, June 2, 2022. Through this open session, the Patent Appeals Commission decided to accept a patent appeal filed by Yamaha Hatsudoki Kabushiki Kaisha through the appellant's attorney and reject a patent

appeal filed by FMC Corporation through his appeal attorney.

The first trial was chaired by Ir. Hotman Togatorop, who decided to accept the applicant's appeal registration number 07/KBP/I/2002 against patent number IDP000063640 with the title Stator and Stator Core for Rotary Electric Machines and Rotary Electric Machines.

"Correction of the description in accordance with the comparison matrix of the description and claims of this application is considered not to expand the scope of the invention so that it does not conflict with the provisions of Article 69 paragraph (4) of Law No. 13 of 2016 concerning patents," he explained.



"That the correction to claim 1 by adding the word side by side is considered supported by the description and does not expand the scope of the invention so that it does not conflict with the provisions of Article 69 paragraph (4) of Law No. 13 of 2016," he added.

On the same occasion, the second session, chaired by Drs. Syafrizal decided to reject the appeal registration number 05/KBP/II/2021 for the rejection of the patent application number P00201708737 with the title *Creamer Kental Manis* invention.

He also explained that the patent appeal application is considered not to meet the provisions referred to in Law No. 13 of 2016

concerning patents, which are not new and do not contain inventive steps.

"The Patent Appeal Commission of the Republic of Indonesia conveys the results of the Appeals Council's decision to the Minister of Law and Human Rights of the Republic of Indonesia and asks the Minister of Law and Human Rights of the Republic of Indonesia to record and announce the results of the decision of the Appeals Council through electronic and/or non-electronic media," he said.

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

6. Discussion Regarding the Development of the Patent Protection System in Indonesia



The Directorate General of Intellectual Property (DGIP) discussed the development of the patent protection system in Indonesia with the Director General of WIPO (World Intellectual Property Organization) Daren Tang in the 43rd Round Session of the Inter-Governmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC GRTKF).

Several things were discussed at the meeting, including the Individualized Training and Learning Management System for Trademark

Examiners (ITLMS), the latest developments in IPAS 4.0, and the IP Consulting Project for Capacity Building for Small and Medium Units (SMEs).

To improve the ability of DGIP examiners, the Director of Patents, Layout Designs of Integrated Circuits and Trade Secrets plans to improve their skills through internship programs.

He also conveyed the main focus or priority in the future work program, namely strengthening the patent system in Indonesia by improving the quality of patent examiners and the quality of examination results. Therefore, he hopes that WIPO will be able to contribute to economic development in Indonesia.

In preparation for the upcoming WIPO General Assembly, the Director General of WIPO hopes to meet with the Minister of Law and Human Rights to discuss cooperation and programs to further advance the IP system in WIPO Member States, including Indonesia.

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

7. Support Higher Education for Women through Toeti Heraty Scholarships

Commemorating of one-year memorial for Toeti Heraty Noerhadi-Roosseno on June 13th, 2022, the Women's Journal Foundation held the launch of the **Toeti Heraty Scholarship (THS)** and a public discussion entitled "Higher Education for Indonesian Women" through the Zoom platform.

Toeti Heraty Noerhadi-Roosseno is one of the founders of the Women's Journal Foundation; a non-profit organization which engaged in research and education, and publishing the

Women's Journal in 1996 as the first feminist magazine in Indonesia.

Recognized as a well known academic figure, Toeti Heraty Noerhadi-Roosseno is also one of the founders of the Department of Philosophy – University of Indonesia. She is also known as a feminist figure who always fights for equality for women and supports the women's movement. She believes that knowledge and research on gender and philosophy in Indonesia is very important and needs to be supported. Because of this, the scholarships are currently being awarded to those interested in the study of feminism and gender as well as philosophy within the framework of Indonesia's social and cultural diversity.



The launch of the scholarship program for women was initiated by the four children of Toeti together with the Women's Journal Foundation (YJP). According to Toeti's youngest child and YJP supervisor, Dr. Cyril Noerhadi, the scholarship program aims to continue Toeti Heraty's ideals.

The Toeti Heraty Scholarship selection involves well-known judges who are experts in their fields, namely: Prof. Dr. Girl Arivia Effendi, Dr. Karlina Supelli, Prof. Dr. Musdah Mulia, Prof. Dr. Sulistyowati Irianto, and Abby Gina Boang Manalu, M.Hum., who managed to select the best 9 candidates among over 150 participants.

Dr. Darwin Cyril Noerhadi who is the son of Toeti Heraty Noerhadi-Roosseno through his speech as the Board of Trustees and Supervisors of the Women's Journal Foundation said that the selected candidates have depth in their respective fields.

This commemorating of one-year memorial for Toeti Heraty Noerhadi-Roosseno is then followed by a launching book written by Toeti Heraty Noerhadi-Roosseno and Indrawati Ganjar Roosheroe; *Dialogue with Death and the Life of Microorganisms*.

(source: many)

8. Indonesia – Hungary Joint Exhibition Contemporary Arts 2022 : *Celebrating Diversity*

On May 30, 2021, the Hungarian's officials, elites and socialites joined together with some Indonesian and Hungarian artists for the opening of the 2022 Joint Exhibition: Celebrating Diversity, Indonesia-Hungary Contemporary Arts. held by the Indonesian Embassy in Budapest, Hungary.



The exhibition, which is collaboration between Indonesian and Hungarian painters, was held at a well-known and prestigious historical place; The Stefania Palace, Budapest and involved seven Indonesian artists and five Hungarian artists. It was also collaboration between Hungarian curators; Ari Kupsus, from Ari Kupsus Gallery and an Indonesian Curator; Dr. Inda Citraninda Noerhadi; one of Prof. Toeti Heraty Roosseno's daughters, from Cemara 6 Gallery.



This painting exhibition is a continuation of the Art of artist exchange program in 2019 was initiated by the Ambassador of the Republic of Indonesia to Hungary; Dimas Wahab and the late Prof. Toeti Heraty Roosseno; a well-known Indonesian feminist, philosopher and humanist. The exhibition was also attended by a special guest of honor from the Hungarian Government; the Head of State Protocol of the Hungarian Ministry of Foreign Affairs and Trade, Mr. Iván Medveczky. In the opening speech, he expressed his surprise at the idea of this art collaboration.



"This Joint Exhibition is expected to increase good and sustainable cultural cooperation. Hungary is a country that values art very much, so we need to promote Indonesia as a country who has many artists in artistic and cultural works" said the Ambassador of the Republic of Indonesia (Indonesian Ambassador) to Hungary Dimas Wahab in a press statement.

More than 200 invited guests attended the opening of the exhibition. The activity is getting more interesting with the existence of cultural arts performances in the form of traditional dances and traditional music from Bali. Invited guests can also enjoy local Indonesian snacks such as onde-onde, solo sausage and risoles.

(source: many)



(Anno 1951)

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