

## This Edition Newsletter contains:

1. **Circular for New Patent Law No 65 Year 2024 (The Third Amendment to the Indonesian Patent Law No. 13 Year 2016)**
2. **Indonesia Trademark Update: How the Trademark “HOWSOLPAN” Showdown Unfolds**
3. **Indonesia Trademark Update: Infringement in the Lighter Industry, Zippo vs. Zipper**
4. **Singapore Update: Distinctiveness Over Reputation: Key Takeaways from Apple’s Trademark Opposition Loss**
5. **DGIP: Riyadh Design Law Treaty - A Breakthrough in Global Industrial Design Protection**
6. **DGIP: Improving Public Services Through Technology**
7. **DGIP: Indonesian Law Minister and Japanese Government Strengthen Cooperation in Intellectual Property Sector**
8. **A Short Documentary Film of Rainha Boki Raja : The Sixteenth Century Queen of Ternate**
9. **Update Status of Some Dispute Cases in Indonesia**

1. **Circular for New Patent Law No 65 Year 2024 (The Third Amendment to the Indonesian Patent Law No. 13 Year 2016)**



The Indonesian Government has made the third Amendment on the Patent Law, which previously amended through the Law No. 11 year 2020 concerning Job Creation which then amended by Law No. 6 year 2023, and currently it was amended for the Third time through Law No. 65 year 2024.

This amendment is to streamline the Patent Law with the dynamic development of technology practices. Herewith we would

like to convey that the Government of Indonesia has stipulated an amendment of the Patent Law which comes into effect on October 28, 2024.

Some important changes on Law No.65 Year 2024 concerning Patent can be found in detail [here](#)

## 2. Indonesia Trademark Update: How the Trademark “HOWSOLPAN” Showdown Unfolds

On October 17, 2024, a lawsuit was filed by a South Korean company, Howsol Co., Ltd. against a local businessman. Howsol Co., Ltd. known as one of the leading manufacturers of aluminum composite panels in Korea with the “HOWSOLPAN” trademark, filed a lawsuit at the Central Jakarta District Court under case number 106/Pdt.Sus-HKI/Merek/2024/PN Niaga Jkt.Pst. The dispute revolved around the right to use the “HOWSOLPAN” trademark registered by the Defendant in class 6.



Howsol Co., Ltd. which has international markets including countries such as Egypt, Indonesia, Iran, Vietnam, and South Africa, claimed that they were the rightful owner of

the “HOWSOLPAN” trademark which has been used consistently in their various products, such as aluminum composite panels and other metal-based panels. They argued that the Defendant's filing of the “HOWSOLPAN” trademark with registration number IDM000903576 in class 6 was not filled in good faith, as the mark had been used by the company for a long time.

The company also argued that the Defendant's registration was an attempt to usurp its widely recognized and internationally marketed mark, thus affecting its reputation and legal rights. Moreover, the South Korean company requested that the registration of the “HOWSOLPAN” trademark with Registration Number IDM00090357 in class 6 on behalf of the Defendant be declared null and void. They want the registration revoked along with all its legal consequences.

Howsol Co., Ltd. requested that the court declare that they are the first user and rightful owner of the trademark “HOWSOLPAN + LOGO”. They hope to have this mark recognized as part of their brand identity that is already known in the international market.

Howsol Co., Ltd. also requested that the court order the Co-Defendants to record the cancellation of the “HOWSOLPAN” trademark in the General Register of Trademarks and strike it off the register. This is a measure to ensure that the mark is not illegally used by other parties.

In addition, Howsol Co., Ltd. also requested that the registration of the trademark “HOWSOLPAN + Logo” with Application Number DID2024095932 in class 6 on September 23, 2024 in the name of the Plaintiff be accepted and recorded in the

General Register of Trademarks. This is a move to protect their brand in the Indonesian and international markets.

This dispute certainly affects the industries in which both parties operate. Howsol Co., Ltd., which is a manufacturer of aluminum composite panels and various other products, has a wide and important market in various countries, including Indonesia. As a company that emphasizes quality and innovation, they want to protect their brand from being misused by other parties, especially in a highly competitive market like Indonesia.

On the other hand, the local entrepreneurs involved in this dispute are also certainly hoping to protect their businesses and investments. Defendants may have to rename and re-register their trademark if they lose the rights to the “HOWSOLPAN trademark.

Currently, this case is still at the early court examination stages and awaiting the verdict of the court

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

### **3. Indonesia Trademark Update: Infringement in the Lighter Industry, Zippo vs. Zipper**

In the business world, trademarks have a very important role, both as a corporate identity and as a means to protect the exclusive rights to the products or services offered. Therefore, trademark disputes often arise when two or more parties claim rights over the same or similar marks. One example of a trademark dispute that occurred was between Zippo Manufacturing Company (Plaintiff) and PT

Mega Lighterindo Internusa (Defendant). The case, registered under case 114/Pdt.Sus-HKI/Merek/2024/PN Niaga Jkt.Pst in the Central Jakarta District Court, focused on infringement of the Plaintiff’s “ZIPPO” trademark, alleging that the Defendant was using a substantially similar trademark, “ZIPPER”, in class category 34, which relates to cigarette and lighter-related products.



Zippo Manufacturing Company, an American company known for its iconic lighter products, has registered “ZIPPO” trademarks in various countries. Furthermore, the Defendant, PT Mega Lighterindo Internusa, is an Indonesian company that produces various types of lighters and is registered as the holder of the trademark “ZIPPER” in Indonesia, specifically in class 34 for lighter products.

The Plaintiff filed a lawsuit to cancel the “ZIPPER” trademark owned by the Defendant, on the grounds that it bears a significant similarity to their well-known mark, “ZIPPO”. In this lawsuit, the Plaintiff requests that their petition be accepted and granted in its entirety by the court. The Plaintiff states that they are legitimate owner as their “ZIPPO” trademark is a well-known mark that has been registered and is widely used in the international market. The plaintiff explained this status gives Zippo Manufacturing Company the exclusive right

to protect their mark from unauthorized use by other parties.

The Plaintiff claims that the “ZIPPER” trademark owned by the Defendant, registered in class 34 (lighter products), is substantially similar to the Plaintiff's “ZIPPO” trademark. In their lawsuit, the Plaintiffs listed a number of marks that they owned, including:

- ZIPPO & Painting Trademark (Registration Number: IDM000729674)
- ZIPPO (word) Mark (Registration Number: IDM000565310)
- ZIPPO (word) Mark (Registration Number: IDM000202777)
- ZIPPO embers painting mark (Registration Number: IDM000629692)

The trademarks were all registered in advance and used for similar products.

The Plaintiff also asserts that the “ZIPPER” trademark owned by the Defendant has very clear similarities with the well-known trademark “ZIPPO”, both in terms of writing and depiction, especially in relation to the same category of goods, namely lighters.

The Plaintiff requests that the court cancel the registration of the “ZIPPER” trademark owned by the Defendant in Indonesia with registration number IDM001026236. This cancellation is to apply to the entire type of goods registered under the said mark. Further, the Plaintiff also requests that the decision to cancel this trademark be notified to all relevant parties within 14 days after the decision is issued, in accordance with the applicable provisions of the Trademark Law.

Currently, this case is still at the early court examination stages and awaiting the verdict of the court.

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

#### 4. Singapore Update : Distinctiveness Over Reputation:

##### Key Takeaways from Apple’s Trademark Opposition Loss

In the ever-evolving world of intellectual property, even the most iconic brands face challenges in protecting their trademarks. The recent decision in *Apple Inc v Penta Security Inc [2024] SGIPOS 10* serves as a reminder that trademark law is as much about distinctiveness and context as it is about reputation.

Apple Inc., renowned for its globally recognized “APPLE” trademark, opposed Penta Security Inc.'s trademark application for “**WAPPLES**”, a brand associated with cybersecurity solutions. Apple contended that “**WAPPLES**” is visually, phonetically, and conceptually similar to “APPLE”, potentially causing confusion among consumers regarding the source of the goods and services.

Penta Security Inc., on the other hand, argued that “**WAPPLES**” is distinct, both in appearance and meaning, and catered to a different segment of the technology industry.

The Intellectual Property Office of Singapore (IPOS) carefully analyzed the opposition under the Trademarks Act, focusing on the following aspects:

1. **Similarity of Marks:** IPOS found that “**WAPPLES**” and “APPLE” are sufficiently different. The addition of “W” and “S”, along with the distinctive sound and appearance of “**WAPPLES**,” minimized any likelihood of confusion.

2. **Similarity of Goods and Services:**

While both parties operate within the tech sector, the specific nature of their goods and services is deemed unrelated. "APPLE" is primarily associated with consumer electronics and software, whereas "**WAPPLES**" is tied to cybersecurity solutions.

3. **Likelihood of Confusion:**

IPOS concluded that consumers, especially those familiar with the tech industry, would **not** confuse the two marks, given their distinctiveness and the differing nature of their offerings.

Consequently, IPOS dismissed Apple's opposition, allowing Penta Security's "**WAPPLES**" trademark to proceed to registration. This decision underscores the principle that even globally recognized trademarks cannot claim exclusivity over words that are sufficiently transformed to create a unique identity.

**Key Takeaways**

- **Distinctiveness Matters:** This case underscores the importance of evaluating the overall impression of trademarks. Even well-known brands like "APPLE" cannot monopolize common word elements, especially when additional letters or syllables create a distinct mark.
- **Comprehensive Assessment:** IPOS's holistic approach—considering visual, phonetic, and conceptual differences—highlights the multifaceted nature of trademark evaluation.

- **Market Context:** The decision reflects the necessity of assessing the specific goods and services associated with each mark, rather than relying solely on the general industry sector.

**Conclusion**

The *Apple Inc v Penta Security Inc* case serves as a valuable reminder that trademark disputes are nuanced and require a holistic analysis of the marks, the context of their use, and the perceptions of the target audience. For businesses, it serves as a reminder to adopt a strategic approach when selecting trademarks, ensuring they are distinctive and defensible within their specific market context.

*(source: Biro Oktroi Roosseno Singapore)*

**5. DGIP: Riyadh Design Law Treaty - A Breakthrough in Global Industrial Design Protection**

A total of 900 participants from 158 member countries of the World Intellectual Property Organization (WIPO) gathered at the King Abdul Aziz International Conference Centre (KAICC), Riyadh, Saudi Arabia, from 11 to 22 November 2024 to attend the Diplomatic Conference on Design Law Treaty (DLT). The conference concluded with a monumental agreement known as the Riyadh Design Law Treaty, which aims to strengthen the protection of industrial designs worldwide.

The Riyadh Design Law Treaty is expected to be a solution to the challenges faced by designers and creative industry players in protecting their work internationally. The treaty focuses on simplifying the industrial registration process to make it easier,

faster, and more affordable. With a more efficient system, designers can more easily protect their creative works both in the domestic and international markets and thus encourage the rapid development of the creative sector.



In his opening speech, WIPO Director General Daren Tang emphasized that industrial design is more than just a legal matter. “Industrial design is not just about law, but also a means to build businesses, support livelihoods, and create a better future,” he said. He also revealed that the achievement of this agreement is inseparable from more than two decades of negotiations involving many countries with various different legal and cultural backgrounds.

The Riyadh Design Law Treaty not only offers protection for contemporary designs but also introduces provisions to protect traditional and cultural designs. This move is a crucial step in preserving the diversity and cultural heritage valuable to many WIPO member countries.

In an official statement on the Opening Declaration agenda, the Delegation of the Republic of Indonesia (RI), Director of Cooperation and Education of Indonesia, underlined the importance of creating a balanced and inclusive agreement by considering the differences in legal systems, cultures, and needs of developing countries.

This included the ratification of the Rules of Procedures led by the Director General of WIPO, as well as the election of several important figures in strategic positions. Peru was elected as Chair of Committee I, which deals with articles relating to substantive provisions (articles 1-21), while Germany was elected as Chair of Committee II, which deals with administrative provisions (articles 21-32). The Indonesian delegation also played an important role with the election of an Indonesian representative as a member of the Credentials Committee.

The conference concluded with the signing of the Final Act of the Riyadh Treaty on Design Law by representatives from all participating countries. In his closing remarks, the Director General of WIPO expressed his appreciation for the success of the conference in reaching an agreement despite facing a number of challenges, especially regarding voting and quorum issues for the European Union.

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

## 6. DGIP: Improving Public Services Through Technology

In the midst of the rapid development of the world of information technology (IT), the Directorate of Information Technology (IT) of the Directorate General of Intellectual Property (DGIP) has shown their commitment in improving the quality of public services. In the 2024 Performance Evaluation Meeting held at Shangri-La Hotel Jakarta, various significant achievements made by the Directorate of IT were presented by the Junior Expert Intellectual Property Analysts as representatives of the Directorate of IT. These achievements illustrate their

dedication to advancing the quality of IT services in supporting DGIP as an institution that serves the needs of the community and stakeholders.



One of the main achievements presented was the Directorate of IT's efforts in maintaining the quality standards of the IT service management system oriented to ISO 20000-1:2018. Through regular surveillance or monitoring mechanisms, the Directorate of IT ensures that the implemented service management system remains effective and in line with international standard requirements. This process aims to continuously improve the quality of IT services, while ensuring customer satisfaction remains a top priority. This monitoring also serves to identify areas that can still be improved, to ensure that all services provided remain at an optimal level.

In addition to focusing on service quality, the Directorate of IT also consistently maintains strict IT security aspects, optimizes the efficiency of IT system resources, and conducts routine maintenance of existing IT infrastructure. Not only that, the IT Directorate also actively builds strategic collaborations with various stakeholders and provides training and technical support to existing human resources. This not only strengthens DGIP's internal systems, but also improves the capabilities of human resources in managing and utilizing technology properly.

In patent search, advanced features such as more precise AND-OR search logic, as well as the ability to search in PDF documents, make it easier to find relevant information. In addition, an in-depth search on the Patent Cooperation Treaty (PCT) system for up to 1000 patent lists, as well as a login feature that allows saving of search results, further enhances the efficiency of the process.

The application of artificial intelligence in the search for patents, brands, and industrial designs is expected to greatly simplify the examination process which has so far required considerable time and effort. Hopefully, the application of this technology will further strengthen the Intellectual Property (IP) ecosystem in Indonesia, as well as support the growing growth of innovation in various sectors. Through continuous commitment and efforts, it shows that technology not only supports but also becomes the main driver in providing better and more sophisticated public services.

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

## **7. DGIP: Indonesian Law Minister and Japanese Government Strengthen Cooperation in Intellectual Property Sector**

On Thursday, December 12, 2024, the Minister of Law and Human Rights of the Republic of Indonesia, along with the Director General of Intellectual Property (DGIP) and a number of senior leaders, held an important meeting with the Government of Japan. The meeting which took place in Jakarta aimed to strengthen bilateral cooperation between the two countries in various fields, particularly in the legal and Intellectual Property (IP) sectors.

In his speech, the Indonesian Minister of Justice expressed his high appreciation for the close diplomatic relations that have existed between Indonesia and Japan since 1958. He emphasized the importance of this relationship in various sectors, especially the economy and law. “I appreciate the well-established cooperative relationship between the Governments of Indonesia and Japan, especially in the economic sector and the legal field,” he said, expressing gratitude and hopes to further strengthen these ties in the future.

The meeting also served as an introduction to the new Japanese Ambassador to Indonesia. Along with the organizational restructuring that took place at the Indonesian Ministry of Justice, now the entire scope of cooperation in the legal field is fully under the authority of the ministry. This meeting also discussed the addendum of bilateral cooperation, as a follow-up to the Plan of Action agreed upon in Tokyo in 2019. The Covid-19 pandemic had hampered the implementation of some parts of this plan, but now a new momentum is presented to realize common goals.

One of the main agendas in this meeting was the discussion of strengthening cooperation in the field of intellectual property. Through the Memorandum of Cooperation (MoC), the Ministry of Law of Indonesia and the Ministry of Justice of Japan has agreed on the assignment of an IP expert from Japan to be placed in the DGIP. The purpose of this assignment is to increase the capacity of DGIP employees and create a business environment that supports innovation in the field of IP.

The Japanese Ambassador to Indonesia also expressed the hope to extend the cooperation, which will end in September

2025, and consider the assignment of additional experts to support human resource capacity building and various DGIP programs.



Further, the DGIP along with the Japan International Cooperation Agency (JICA) also agreed to continue the project “Patent Examination for Prompt Grant of High-Quality Patent Rights.” The project aims to accelerate the process of granting high-quality patents, which is expected to provide significant benefits to the Indonesian economy, by opening up great opportunities for technological innovation and development.

At the end of the meeting, the Indonesian Minister of Law emphasized his commitment to continue supporting Japanese investment in Indonesia. “Japan’s contribution is enormous in national economic development, especially in creating new jobs in Indonesia. We are committed to supporting the sustainability of this cooperation for mutual interests,” he said.

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

## 8. A Short Documentary Film of Rainha Boki Raja : The Sixteenth Century Queen of Ternate

Rainha Boki Raja's life story was adapted into Prose Lyrics by Toeti Heraty, a renowned Indonesian writer. The prose was also published as a book, which gives a

deeper insight into Rainha Boki Raja's life and struggles. Further, the story of Rainha Boki Raja's heroic life was recently brought to the big screen as a tribute to Indonesia's historical heroes.

The executive producer of the film is Inda Citraninda Noerhadi, one of the children of the late Toeti Heraty. Inda Citraninda Noerhadi, who is also the director of the Biro Oktroi Roosseno, played an important role in making this film happen as a tribute to her mother and to further introduce the story of Rainha Boki Raja to today's generation.

The 29-minute film is directed by Fendi Siregar, with a script by Linda Christanty, music by Ananda Sukarlan, and voiceover by Christine Hakim. The documentary is produced in Indonesian with English subtitles, and is shown in HD color format.



It tells the story of the extraordinary struggle of the 16th century Queen of Ternate, Boki Nukila, also known as Rainha Boki Raja. She was the daughter of the Sultan of Tidore who was married to Sultan Bayanullah of Ternate. After the death of her husband, Boki Raja led the Sultanate of Ternate and faced threats from Portuguese colonizers who wanted to control the Maluku region and its spices.

The film highlights the Rainha Boki Raja's leadership against not only foreign colonialism, but also the patriarchal culture that dominated at the time. With great

fighting spirit, she fought against imperialism and defended the sovereignty of his kingdom. Ternate, one of the largest maritime kingdoms in Indonesia, has a long history of more than 750 years and is now a cultural heritage.

A Short Documentary Film of Rainha Boki Raja received international recognition, with a nomination as Best Short Documentary at the 2024 Indonesian Film Festival, as a testament to the importance of Rainha Boki Raja's story in Indonesian history.

*(source: Biro Oktroi Roosseno Indonesia)*

## 9. Update Status of Some Dispute Cases in Indonesia

Pursuant to our previous newsletter, where we informed you of several interesting IP-related cases, herewith we would like to provide you with the results of some of the cases as follows:

### The Cancellation Law Suit Against Trademark "YOSKAWA"

The Central Jakarta Commercial Court granted the Plaintiff's claim in its entirety. The judges declare that the Plaintiff's "YOSKAWA" trademark is a well-known mark. They also declare that the Plaintiff's trademark is an essential part of the name of the Plaintiff's legal entity, YOSHIKAWA CORPORATION.

### The Cancellation Law Suit Against Trademark "EV ELECTROVOICE"

The Central Jakarta District Court has granted the trademark cancellation lawsuit filed by Bosch Security Systems, LLC in its entirety. The court declared the Plaintiff's

“EV and Logo” and “ELECTRO-VOICE” trademarks as well-known marks. And stated that the trademark “EV ELECTROVOICE” with Registration Number IDM000328996 and the trademark “EV ELECTRO-VOCAL + Logo” with Registration Number IDM000419658 on behalf of the Defendant are substantially similar to the well-known trademarks “EV and Logo” and “ELECTRO-VOICE” owned by the Plaintiff.

The Defendant did not accept the decision and filed an appeal. However, in the Constitutional Court Decision on Monday, 12 August 2024 stated that they rejected the Defendant's Cassation petition.

#### The Cancellation Law Suit Against Trademark "SF SONIC"

Exide Industries Limited has been declared as the legal owner and right holder of the registered mark SF SONIC in Indonesia.

The Central Jakarta Commercial Court granted the Plaintiff's claim in its entirety. They ordered the Directorate of Trademarks and Geographical Indications to cancel the registration of the mark “SF SONIC” with Registration Number IDM000922301 dated November 16, 2020 in the name of the Defendant, by removing the registration of the mark from the General Register of Marks, with all legal consequences.

However, the Defendant filed an appeal for cassation, but the application was rejected. Therefore it was decided to grant the Plaintiff's lawsuit in its entirety.

Furthermore, we inform you of the update of some IP Lawsuit cases in the 2023-2024 newsletter editions as follows:

1. Trademark Cancellation lawsuit of "LOWA": still under cassation stage;
2. Trademark Cancellation lawsuit of "HI-SILK21 KENKOKANRI": still under cassation stage;
3. Trademark Cancellation lawsuit of "ABSOLUT": still under cassation stage;

We will keep updating the IP-related cases at the Indonesian court.

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

2025



(Anno 1951)

BIRO OKTROI ROOSSENO



Traditional House | Rumah Joglo, Central Java.  
Courtesy of kompasiana.com

*Season's  
greetings*

Wishing You a Happy  
and Prosperous New Year 2025!



## BIRO OKTROI ROOSENO

### Indonesia Office

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)  
Website : [www.iprbor.com](http://www.iprbor.com)

### Singapore Office

6 Eu Tong Sen Street The Central  
SOHO 1 #07-14  
Singapore, 059817

Phone No. : (65) 69621329  
Fax. No. : (65) 69621332  
E-mail : [mail@borinternational.com](mailto:mail@borinternational.com)  
Website : <https://www.borinternational.com/>