

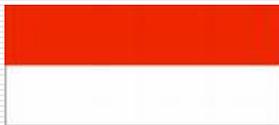
COUNTRY REPORT :

INDONESIAN EFFORTS FOR THE ACCESSION TO MADRID SYSTEM

BY:

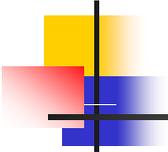
IKA AHYANI KURNIAWATI
CHIEF OF SECTION FOR LEGAL ADVICE

DIRECTORATE OF TRADEMARK
DIRECTORATE GENERAL OF INTELLECTUAL PROPERTY RIGHTS
MINISTRY OF LAW AND HUMAN RIGHTS
REPUBLIC OF INDONESIA



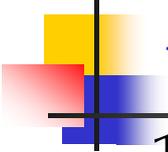
INDONESIA





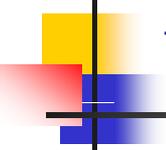
OVERVIEW

- I. THE INDONESIAN TRADEMARKS LAW (TML)
- II. THE STRUCTURAL ORGANIZATION OF THE DIRECTORATE OF TRADEMARKS
- III. THE STATISTICS OF TRADEMARKS APPLICATIONS 2006 – 2008
- IV. THE INTERNATIONAL COOPERATION AGREEMENTS
- V. PREPARATION ON THE ACCESSION



LEGAL FRAMEWORK

1. **TML NUMBER 21 YEAR OF 1961:**
 - First to use principle
2. **TML NUMBER 19 YEAR OF 1992:**
 - First to file principle
 - Provides the provisions for services marks
3. **TML NUMBER 14 YEAR OF 1997:**
 - Complying TRIPS Agreement and TLT
 - provides the provisions for Geographical Indications



LEGAL FRAMEWORK

4. TML NUMBER 15 YEAR OF 2001:

- Provides the provisions of the Commercial Courts for IP disputes.

GOVERNMENT REGULATION (GR) :

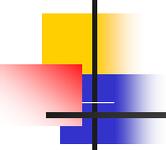
- A. THE GOVERNMENT REGULATION NUMBER 23 YEAR OF 1993 REGARDING THE TRADEMARK APPLICATION PROCEDURE.
- B. THE GOVERNMENT REGULATION NUMBER 24 YEAR OF 1993 REGARDING THE CLASSIFICATION OF GOODS AND SERVICES.

DEFINITION OF TRADEMARK (TML NUMBER 15 YEAR OF 2001)

MARK : IS A SIGN IN THE FORM OF :

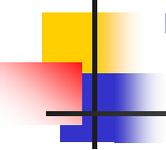
- PICTURE (DEVICE),
 - NAME,
 - WORD,
 - LETTERS,
 - NUMBERS,
 - COLOURS,
 - COMBINATIONS OF THOSE ELEMENTS,
- HAVE DISTINGUISHED FEATURES AND USED IN THE TRADE.

MARKS : TRADE MARKS AND SERVICE MARKS



GROUNDS FOR REJECTION AND CAN NOT BE REGISTERED

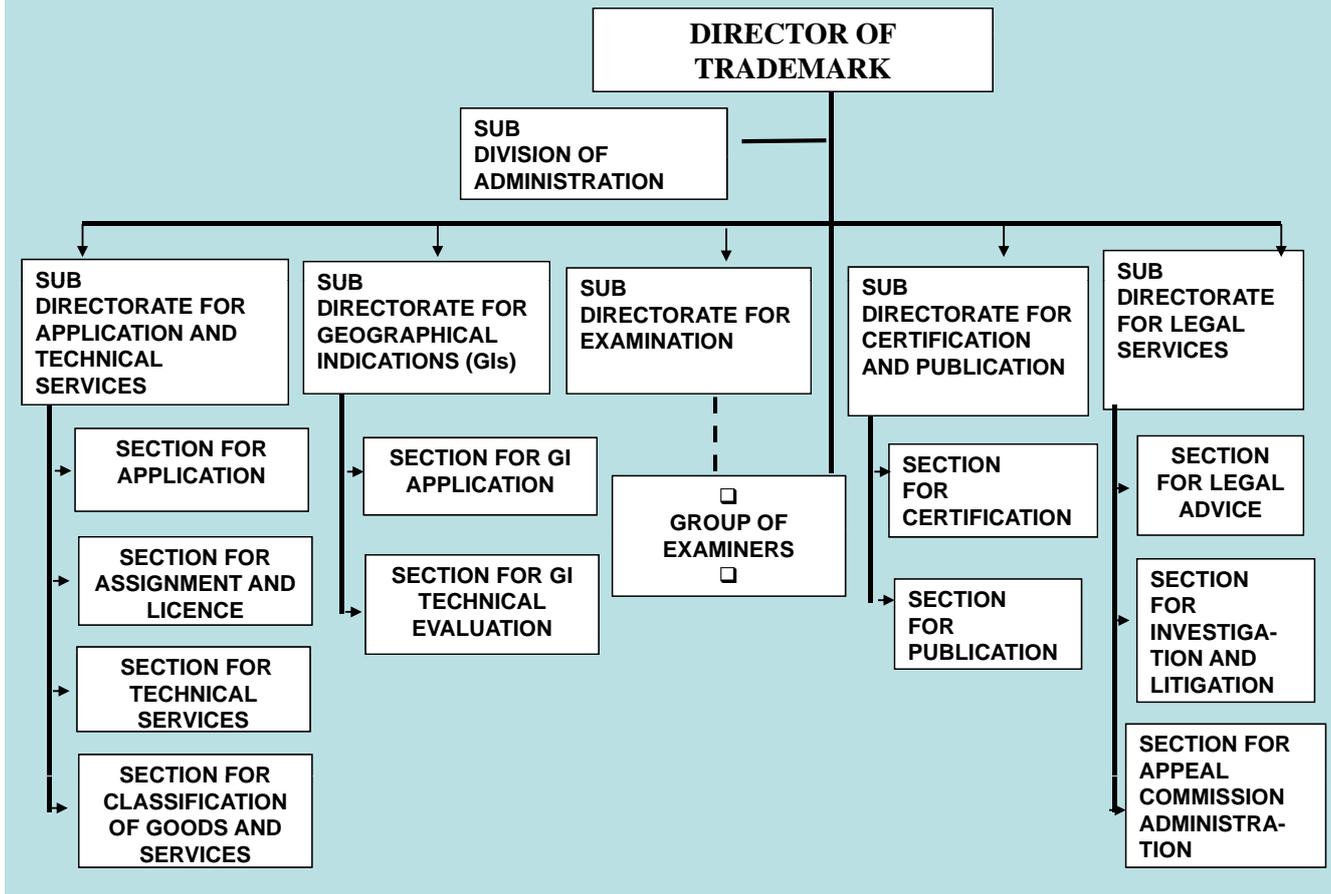
1. HAVING BAD FAITH
 - The mark applied is identical to well known marks.
2. CONTRADICTING WITH MORALITY OF RELIGION, PUBLIC ORDER
3. LACK OF DISTINCTIVENESS
4. DESCRIPTIVE TO THE GOODS OR SERVICES
5. SIMILAR TO PREVIOUS MARKS REGISTERED FOR SIMILAR GOODS AND/OR SERVICES
6. SIMILAR TO WELL-KNOWN MARKS
7. SIMILAR TO GEOGRAPHICAL INDICATIONS



SCOPE OF PROTECTION

- ❖ The Indonesian TML based on the first to file principle.
- ❖ The state grants the exclusive rights to the mark which is registered in the General Register of Marks.
- ❖ The owner of registered marks:
 - enjoys the legal protection for 10 years and it can be renewed.
 - may license their registered marks.

THE STRUCTURAL ORGANIZATION OF DIRECTORATE OF TRADEMARK



JOB DESCRIPTIONS

1. Subdivision of Administration:

- responsible for administration of the Directorate of TM.

2. Sub directorate for Application and Technical Services:

- responsible for receiving applications;
- check classification of goods and services;
- support the trademark examiners to have data of the trademark applications.

3. Sub directorate for Geographical Indications (GIs):

- responsible for receiving GIs application;
- Examine of GI application;
- Substantive examination of GI application.

4. Sub directorate for examination:

- Responsible to substantive examination of trademark application
- Trademark examiners: 6 groups
 1. Chemistry, industry and pharmacy
 2. Metal industry, machinery and electronics
 3. Stationery and home appliances
 4. Textile and garments
 5. foods and beverages
 6. services

JOB DESCRIPTIONS

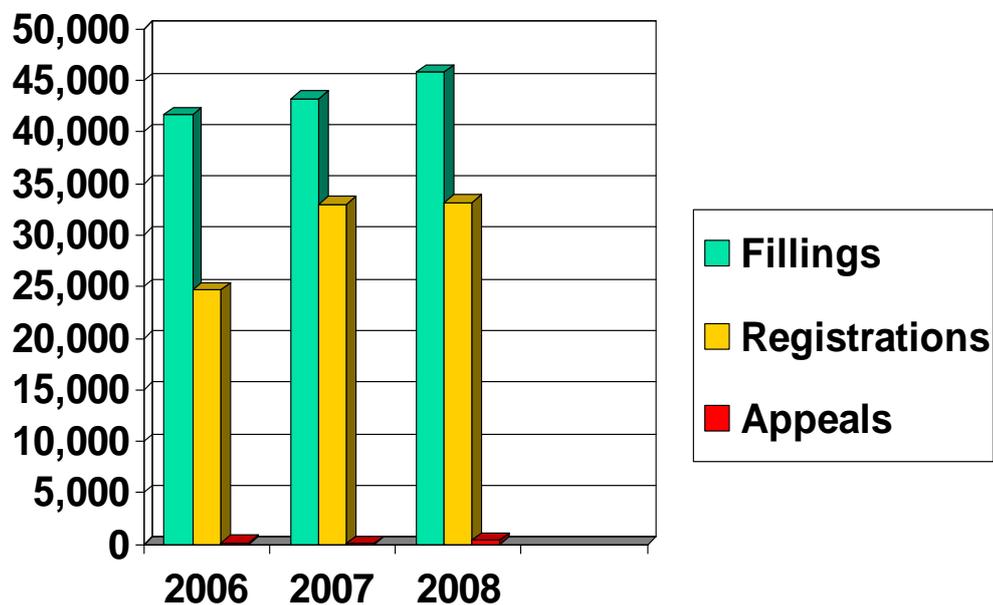
5. Sub directorate for Certification And Publication:

- Responsible to issue certification of trademark
- Responsible to issue trademark publication

6. Sub directorate for legal services:

- Responsible to advice legal issues
- Giving legal advice for litigation
- Giving legal advice for similarity of marks
- Administering of trademark appeal commission

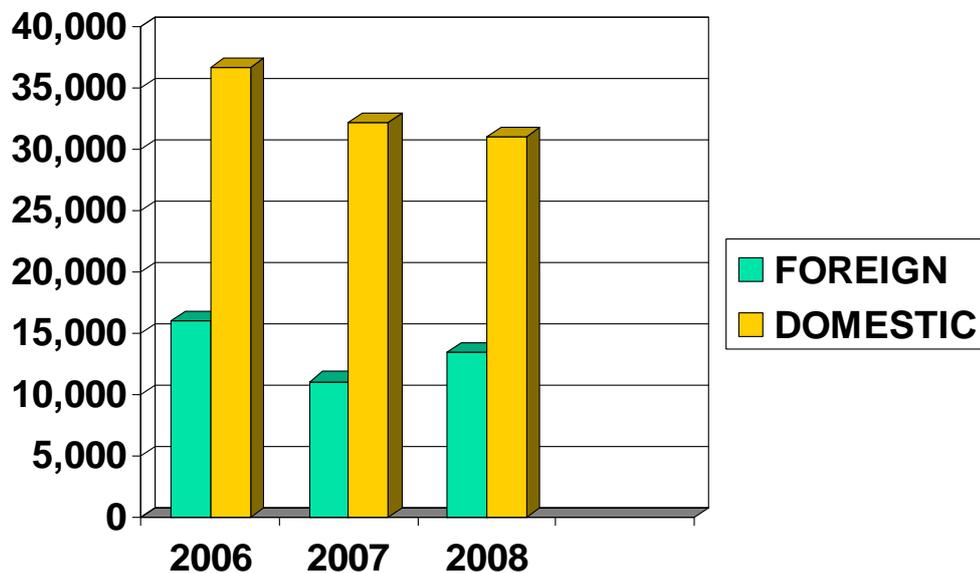
STATISTIC OF TRADEMARK APPLICATIONS YEAR OF 2006 - 2008

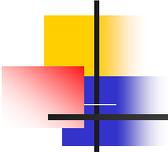


**STATISTIC OF
TRADE MARK APPLICATION
YEAR OF 2006-2008**

NO	YEAR	FILLINGS	REGISTRATIONS	APPEALS
1.	2006	41,646	24,677	147
2.	2007	43,259	33,039	124
3.	2008	45,838	33,202	424

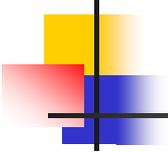
**STATISTIC OF
TRADEMARK APPLICATIONS
YEAR OF 2006 - 2008**





**STATISTIC OF
TRADEMARK APPLICATIONS
YEAR OF 2006 - 2008**

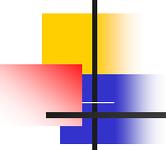
NO	YEAR	FOREIGN	DOMESTIC
1.	2006	16,005	36,644
2.	2007	11,078	32,181
3.	2008	13,426	31,008



**INTERNATIONAL COORPERATION
AGREEMENT**

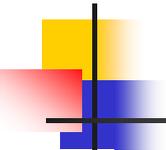
1. **INDONESIA - JAPAN ECONOMIC PARTNERSHIP AGREEMENT (IJEPA)**
 - **INDONESIA ENDEAVORS TO BECOME A MEMBER OF MADRID SYSTEM**

2. **ASEAN ECONOMIC COMMUNITY 2015**
 - **MEMBER OF MADRID SYSTEM IN 2015**



NATIONAL EFFORTS ON ACCESSION TO MADRID SYSTEM

1. SEMINAR : “The Madrid Protocol For International Registration Of Marks: The Benefits and Challenges For Indonesia” at Jakarta, 24 April 2007
2. The revision of TML number 15 year of 2001 has been discussed interdepartmentally :
 - ❖ THE PROVISION OF MADRID PROTOCOL
3. In the near future ratifying :
 - ❖ THE SINGAPORE TREATY ON THE LAW OF TRADEMARK : THREE DIMENSIONAL MARKS
 - ❖ NICE AGREEMENT



THANK YOU VERY MUCH

IKA AHYANI KURNIAWATI

EMAIL: ikagam@yahoo.com
mbak_ika@hotmail.com