

IP Matters of concern when investing in Indonesia



Indonesia



Largest archipelagic country in the world (Land area: 2 million km² , Sea: ± 7.9 million km² (4 times greater than the land), Islands : > 17,508 islands)

Source: www.bkpm.go.id



I Why Indonesia

Strategic Location: Gateway to ASEAN Market

Indonesia lies at the intersection of the Pacific Ocean, along the Malacca Straits and the Indian Ocean. Over half of all international shipping goes through Indonesian waters.



INDONESIA IS PLAYING A MORE DOMINANT ROLE IN GLOBAL AFFAIRS



ForbesConferences

Source: www.bkpm.go.id

Indonesia

Capital

Jakarta

Population

261.99 million people (2017); 4th biggest population (after China, India, and US)

Currency

Indonesian Rupiah (14,200 per USD)

Language

Bahasa Indonesia (Official Language)

English, Dutch

Indonesia

GDP

1.042 trillion USD (2018) source : <https://data.worldbank.org/country/indonesia>

GNI per Kapita

3,840 thousand USD (2018)

Largest Economy in Southeast Asia

Rankings

+ All rankings are global unless otherwise indicated

Source: *Doing Business 2018*, World Bank; *Corporate Governance Watch 2016*, CLSA, Asian Corporate Governance Association (ACGA); *Corruption Perceptions Index 2016*, Transparency International; *Global Competitiveness Index 2017-2018*, World Economic Forum; *Global Innovation Index 2017*, Cornell University, INSEAD and WIPO

Index	Ranking ⁺
Ease of Doing Business	72
Corporate Governance Watch (Asia)	11
Intellectual Property Protection	46
Transparency of Government Policymaking	51
Corruption Perceptions Index	90
Global Competitiveness Index	36
Global Innovation Index	87

Taiwan–Indonesia Relations

- 1971 - Taiwan and Indonesia agreed to mutually establish a representative office in Taipei and Jakarta.
- 1989 the "Chinese Chamber of Commerce to Jakarta" renamed to "Taipei Economic and Trade Office in Indonesia".
- At the end of 2015, it opened a representative office in Surabaya with the name "Taipei Economic and Trade Office in Surabaya".

Source: https://roc-taiwan.org/id_en/post/1199.html

Taiwan–Indonesia Relations

Exports from Indonesia to Taiwan(2016)(2017)(2018)	4,326,000,000)(USD 4,920,000,000)(USD 5,510,000,000)
Exports from Taiwan to Indonesia(2016)(2017)(2018)	(USD 2,745,000,000)(USD 3,190,000,000)(USD 3,330,000,000)
Bilateral trade between both countries(2016)(2017)(2018)	(USD 7,071,000,000)(USD 8,120,000,000)(USD 8,840,000,000)
Indonesia's trade surplus(2016)(2017)(2018)	(USD 1,581,000,000)(USD 1,730,000,000)(USD 2,180,000,000)

Source:https://roc-taiwan.org/id_en/post/1199.html

Taiwan–Indonesia Relations

- Indonesia is Taiwan’s 14th largest trading partner in 2018, is the 10th largest source of import for Taiwan and the 16th largest export market.
- Taiwan’s main export products to Indonesia are oil products, iron and steel products, textile raw materials, machinery parts, chemicals and other products;
- Main imports from Indonesia are natural gas, coal, copper and gold, timber and rubber and other raw materials. Taiwan's state oil company CNPC and Indonesia’s state company BUMN have signed a long term contract for the supply of natural gas.

Source:https://roc-taiwan.org/id_en/post/1199.html

Taiwan–Indonesia Relations

- To enhance the promotion of trade between Taiwan and Indonesia, the Minister of Economic Affairs of Taiwan together with the non-commercial organization established the "Taiwan External Trade Development Council (TAITRA)" and in Indonesia established the "Taiwan Trade Center, Jakarta" (<http://jakarta.taiwantrade.com.tw/>)
- The number of Taiwan's investment in Indonesia reached USD 17,854,000,000, consist of 3,320 investments cases.
- Type of investment: mainly the furniture industry, textile industry, footwear industry, non-metal mining industry, metal industry, tire industry, service trade, agriculture, etc.
- Taiwanese large companies consist of: CTBC Bank Indonesia, Bao Cheng footwear enterprise, Nan Ya Plastics Corporation, Acer Inc., ASUS, Fengtay, Les Enphants, Tainan Enterprises Co. Ltd., Makalot Industrial Co. Ltd., TECO, TATUNG, Uni President Corps., Din Tai Fung Restaurant, E United Group, Maxxis, KENDA Rubbers, etc.

IP Protection

01 How to effectively protect the IP based on the local regime or practice?

What are concerns in prosecution?

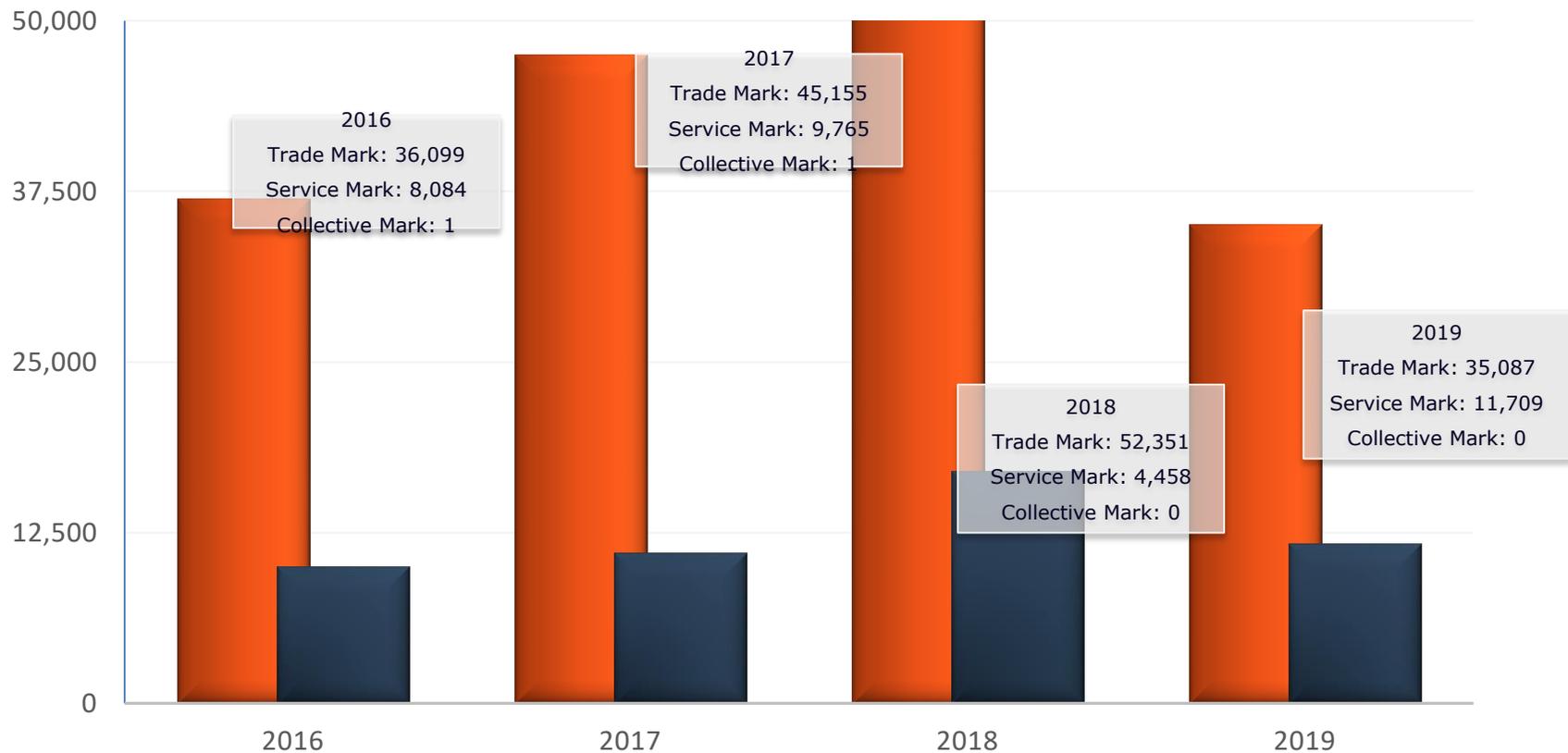
Any Legal Risks?

02 How to deal with the infringement?

The available legal action to enforce the IP Rights?

Indonesia – IP Overview

Registered Trademarks



Source: Indonesian Directorate General of Intellectual Property Website (25 August 2019)

Indonesia – IP Overview

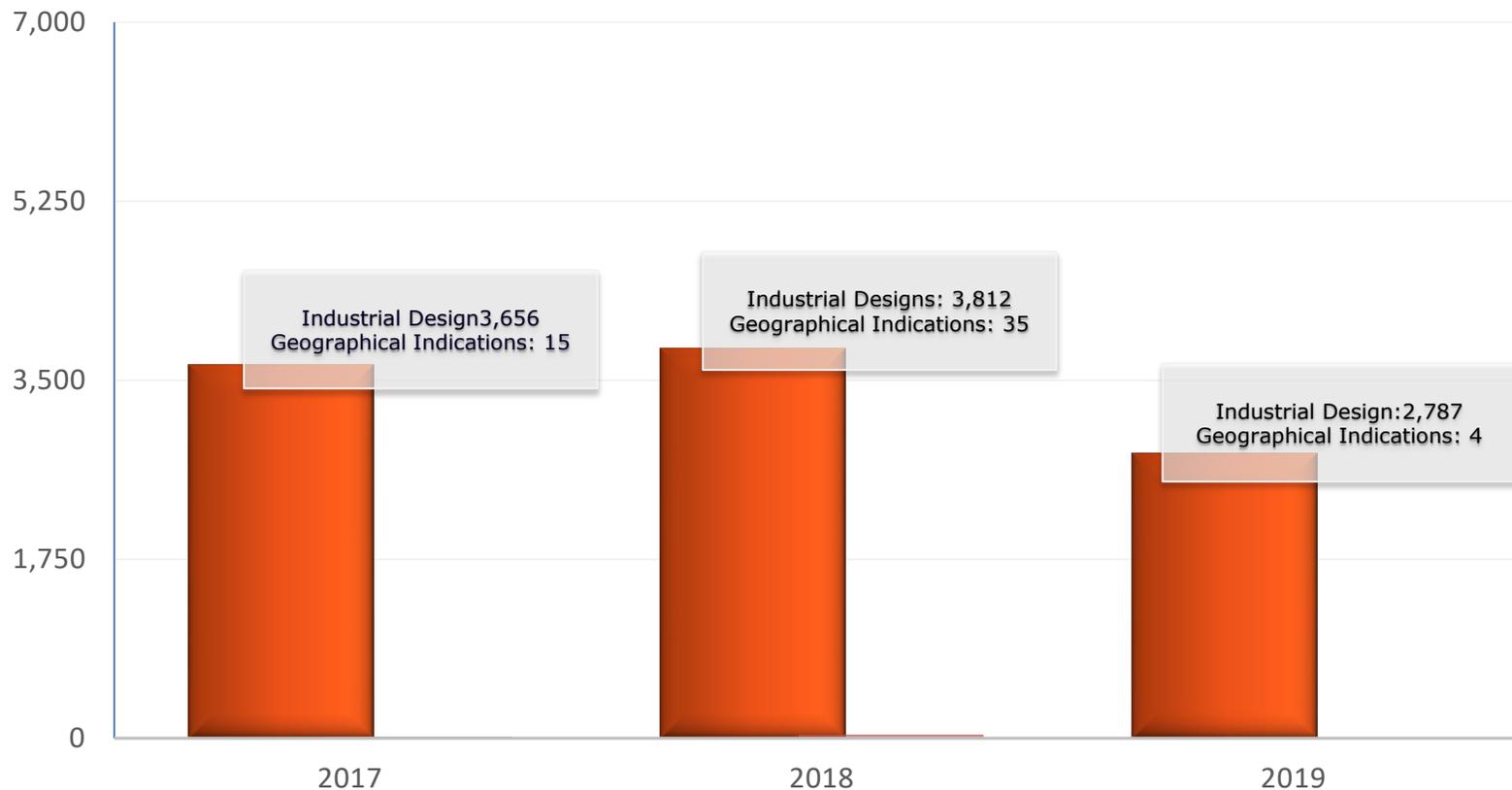
Registered Patent



Source: Indonesian Directorate General of Intellectual Property Website (25 August 2019)

Indonesia – IP Overview

Registered Industrial Design and Geographical Indications



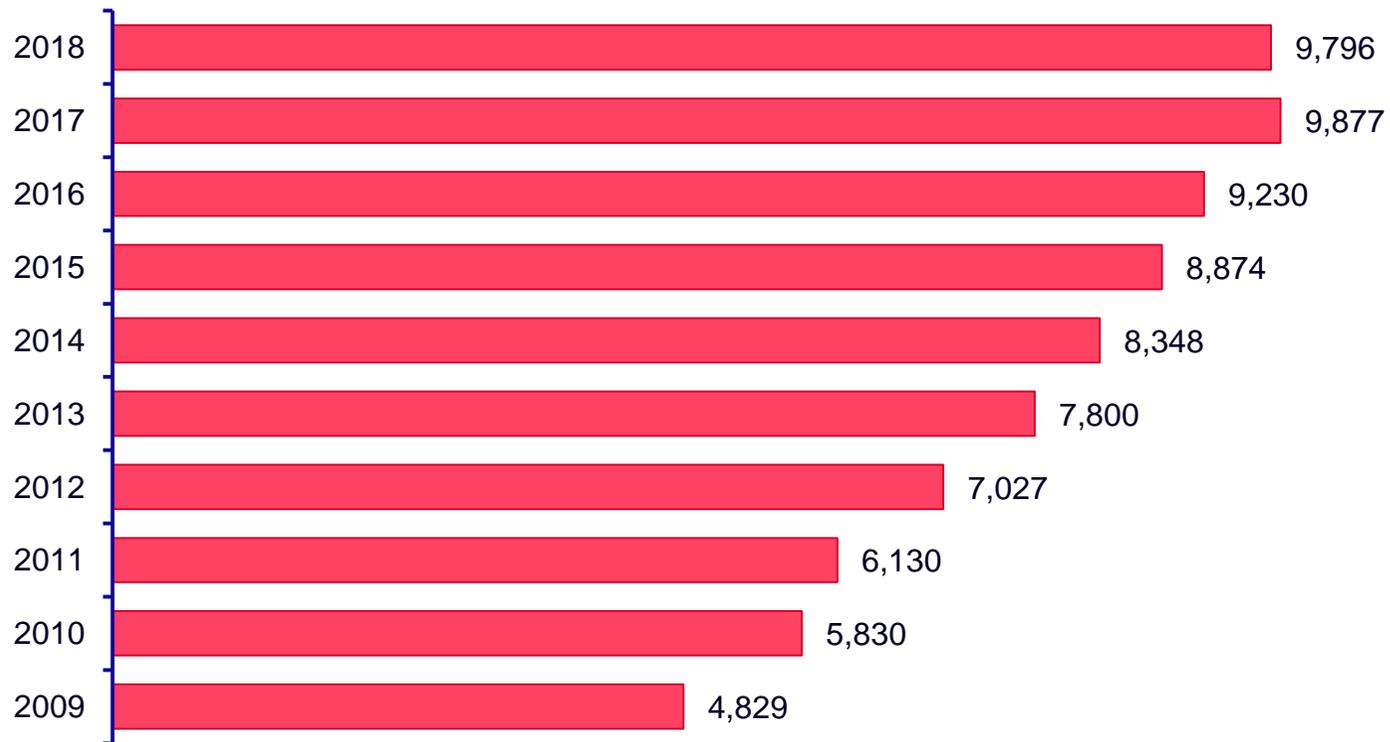
Source: Indonesian Directorate General of Intellectual Property Website (25 August 2019)



Patent

Patent

Patent Applications filed 2009-2018



** DGIP statistics taken on November 2018*

Law No. 13 Year of 2016 concerning Patent

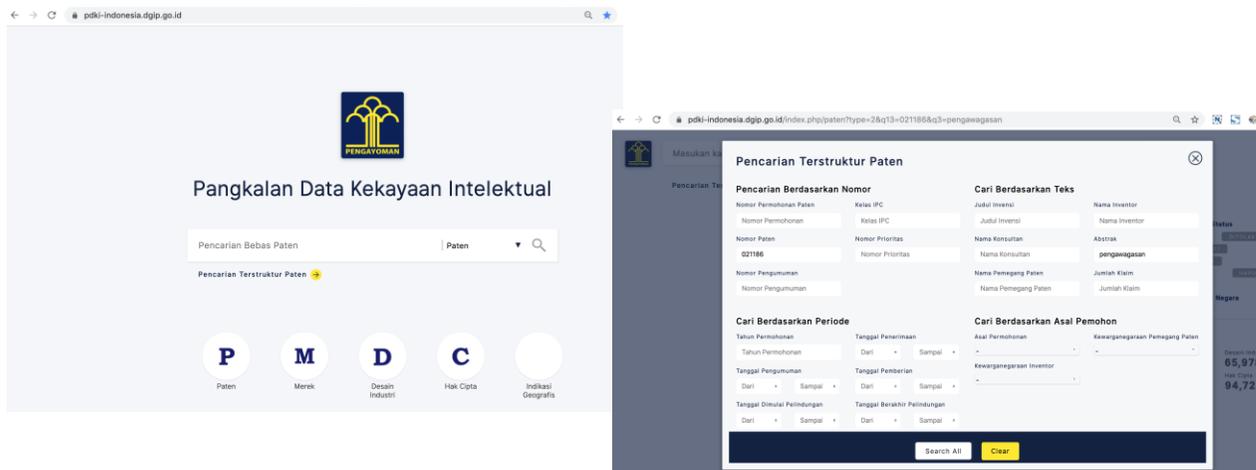
- **Disclosure**- 6 month grace period for announcement by the Inventor in the scientific session or in scientific forums in the context of the discussion of the results of research in universities or research institutes;
- **Substantive Examination** - further extension period of 6 months due to "emergency" - example "force majeure" - war, strike, etc;
- **Substantive Examination** -Acceleration of completion of the substantive examination (decision to grant/reject), for:
 1. Patent no later than 30 (thirty) months from the date of filing the substantive application (previously 36 months)
 2. Simple Patent maximum of 12 (twelve) months from the date of filing the application (previously 24 months)
- **Post Grant amendment** - possible within 3 months from notice of grant for limited situations - translation of the specification; to clarify ambiguity; to narrow the scope of claims; and to reduce the number of claims;

Law No. 13 Year of 2016 concerning Patent

- **Compulsory license** - additional ground for State to grant compulsory license to *export* the patented product to developing countries that suffer from epidemic.
- **Genetic Resources** -Obligation to clearly and correctly disclose the origin of genetic resources and/or transitional knowledge in patent description;
- **Infringement Exception** -Exceptions to criminal and civil liability for parallel import and Bolar provision
- **Simple Patent** - Expansion of object of protection of simple patent, including new processes or methods (originally only for new products;
- **Patent** as an object for fiduciary
- **Patent Renewal/Annuities** -Changes in the mechanism of the payment of annual fee of a patent from after Patent Holder exploits its exclusive right to before the Patent Holder exploits its exclusive right
- **Criminal sanctions** – Add saction against patent infringements which cause problems in health, environment, and casualty

Patent Search

- The IP Office online database can be accessed at <http://e-statushki.dgip.go.id/>
- The systems are still unreliable since it is not always up to date, the keywords are sometimes unsearchable due to the mistranslation
- The documents are sometimes not uploaded where the search can only be conducted against title and abstract
- The keywords need to be correctly identified –there are broad choices and equivalent terms of keywords that is needed to be searched
- The further verification of the result may be needed by conducting a corresponding search to verify the result against the patent documents carrying the same keyword.

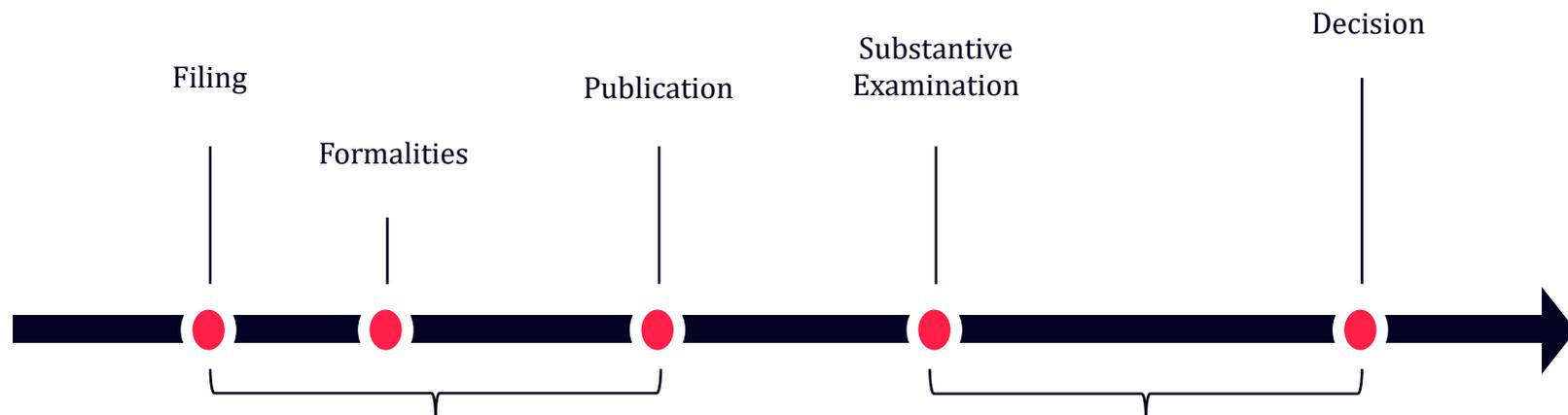


Filing

- Translation into Indonesian Language are mandatory –It has to be filed within 30 days after filing
- Inventors - assignments signed by inventors/notarized copies of the employment contract with inventors (has to be submitted within 3 three months)
- Notarization or legalization is not required for the original Power of Attorney or Deed of Assignment
- Copy of Deed of Assignment has to be notarized or certified
- The priority document's front page needs to be translated into English
- In the case of PCT, in practice, no need to provide the translation
- Two times extension of time (two months for the first extension and one month for the second one) is acceptable for formality document submission
- Incomplete document means application shall be deemed withdrawn

Process

- Decisions of grant should be issued within **30 months** from the date of substantive examination request
- In practice : 3-5 years for grant to be issued, 2-4 years for simple patents (not always the case)
- Most grants are based on conformance of claims to corresponding grants overseas (EPO, US, Japan, Australia, Korea)
- Annuities – payable yearly within six months as of grant for the first payment



Mistranslation of Specifications

- Voluntary correction for mistranslation of specification can be submitted at anytime before the grant of a patent
- Advisably before the issue of the first office action
- Based on the prevailing law, the correction of the specification can also be submitted after grant i.e., before the Patent Appeal Commissions
- Requirement: **MUST NOT** expand the scope of invention as originally filed

Substantive Examination

- Substantive examination has to be applied within 36 months (at the maximum)
- It will be started after the publication period has expired should the substantive examination be requested before the publication period or after the date of the request for substantive examination if the application for the substantive examination is filed after the six month publication period has expired
- Substantive examination mainly relates to conformity with international application
- The Examiner has to conduct the independent prior art search for the non-international application

Substantive Examination Non-Patentable Invention

Article 4

- aesthetic creations;
- scheme;
- c. rules and methods for carrying out activities:
 1. involving mental activities;
 2. the game (a rule or sets of principles related to human activities or physical activities to play); and
 3. Business (business methods that are lacks technical character and efficacy).

Substantive Examination Non-Patentable Invention

Article 4

- rules and methods that only contain computer programs;

(Elucidation: "a computer program that only contains programs without having character, technical effects, and completion problem but if the computer program have characters (instructions) that have technical efficacy and functions to produce good problem solving tangible or intangible is an invention that can be granted a patent.

Example of Patentable Computer Program:

1 Algorithms are effective methods expressed as limited series of instructions that have been Well-defined to compute a function. Starting from an initial condition and initial input (possible blank), the instructions describe a computing that, when executed, is processed through a number order of well-defined finite conditions, which is in the end it produces an "output" and stops at final condition. Transition from one condition to the next one doesn't have to be deterministic; several algorithms, known as randomization algorithm, using random input.

2. Encrypting information by encoding and decoding to scramble so information so it can't be read by other parties."

Substantive Examination Non-Patentable Invention

Article 4

- presentation of information; and
- invention (discovery) in the form of:
 1. New uses for existing and /or known products; and / or
(Elucidation: *existing and/or known products"includes tools, goods, machines, compositions, formulas, good methods, uses, compounds, and systems protected by Patents and those that are already in the public domain)*)
 2. a new form of an existing compound that does not resulting in increased meaningful and efficacy there are differences in the chemical structure associated with it already known from the compound.

[What is meant by "meaningful" is generally used on in the pharmaceutical field, namely differences in the chemical structure of compounds related, for example, Inventions regarding class antibiotic drugs penicillin, ampicilline and amoxiline. Difference on one H group (hydrogen) in the ampicilline and OH group (hydroxyl) in amoxilines gives higher effect to killing microbes with a broad spectrum of antimicrobials and higher stability compared to ampicillin, so it can be said that amoxiline has an increase significant efficacy compared to ampicillin.

Substantive Examination

Patentability - Novelty

- Novel means that if it is different from "the technology that has been disclosed before"
- "the disclosed technology" shall also include the patent and non-patent literatures" (Elucidation to Article 5 paragraph 1)
- "the disclosed technology" includes unpublished patent application –

*"Technology revealed before as described in paragraph (1) shall include the Application documents submitted **in Indonesia** published on or after the Filing Date which is still undergoing a substantive examination, but the said Filing Date was earlier than the Filing Date or the Application priority date."*

Substantive Examination

Patentability – Inventive Step

– *Law No. 13 year 2016 concerning Patent provides that*

- ❖ *An invention contains inventive step if the invention to a person with specific expertise in the technical field is something that cannot be predicted previously*
- ❖ *To determine that an invention is something that cannot be predicted previously as mentioned in paragraph 1, it must be conducted by taking into account the expertise that existed at the time of the application was filed or has been existed at the time of the first application was filed if the application was filed with priority right*

PPH and ASPEC

- Indonesian IP Office has PCT- PPH (Patent Prosecution Highway) with Japan Patent Office
- This may speed the examination from 1 to 3 years from the application date
- So far there are 1488 PPH requests and 982 has been granted as per middle of August 2019

ASEAN Patent Examination Cooperation (ASPEC)

From the 83 ASPEC requests, 39 has been granted.

Helpful Tips for Time Saving Patent Examination

Pre-Filing Stage

- Get in contact with patent agent well in advance to ascertain documents and formality required.
- Send formal instruction to patent agent as soon as possible to allow the agent enough time to prepare the application and Indonesian translation
- Consider to file an application in Indonesia based on a PCT application or Paris Convention (it is favorable from Europe, USA, Australia, JP) rather than to file first filing in Indonesia. This yields faster examination & granted.

Filing Stage

- Submit all filing documents on
 - Power of Attorney
 - Assignment of Invention*
 - Declaration of Ownership
- English translation of Patent (Grace period for submitting Indonesian translation : within 30 working days from filing date).
- Alternative docs (a notarized copy of Deed of Assignment, or the employment contract, if the inventor is employee of Applicant)
- If possible, don't wait until the end of the 31 month (PCT) or 12 month (Paris) deadlines for filing patent in Indonesia.
- Participate in prosecution highway, e.g.
 - ASPEC (for ASEAN Countries)-It is favorable from Singapore patent office.
 - JPO – PPH or PCT-PPH Pilot Program (for JP application only)

Publication Stage

- Request payable early publication promptly after the completion of formality examination phase:

The earlier the publication is requested, the earlier the patent will be examined

- Review details of the publication to check the details are correct to avoid delay
- Early review of corresponding Grants to form basis for conformance to overcome office action

Substantive Examination Stage

- Proceed with the followings to expedite examination:
- Promptly conform ID claims to a corresponding foreign granted patent. It is favorable from Europe, USA, Australia, JP (For JP client prefer to take the PPH program). Don't expand scope of protection still.

Grant Stage

- Recheck the translation and apply the amendment with the Patent Appeal Commissions
- Pay grant fee as early as practical.

Annuities

Patent Law No. 13 Year of 2016

First annuity

is payable 6 months from grant date, counted from application date plus annual fee of the next one year

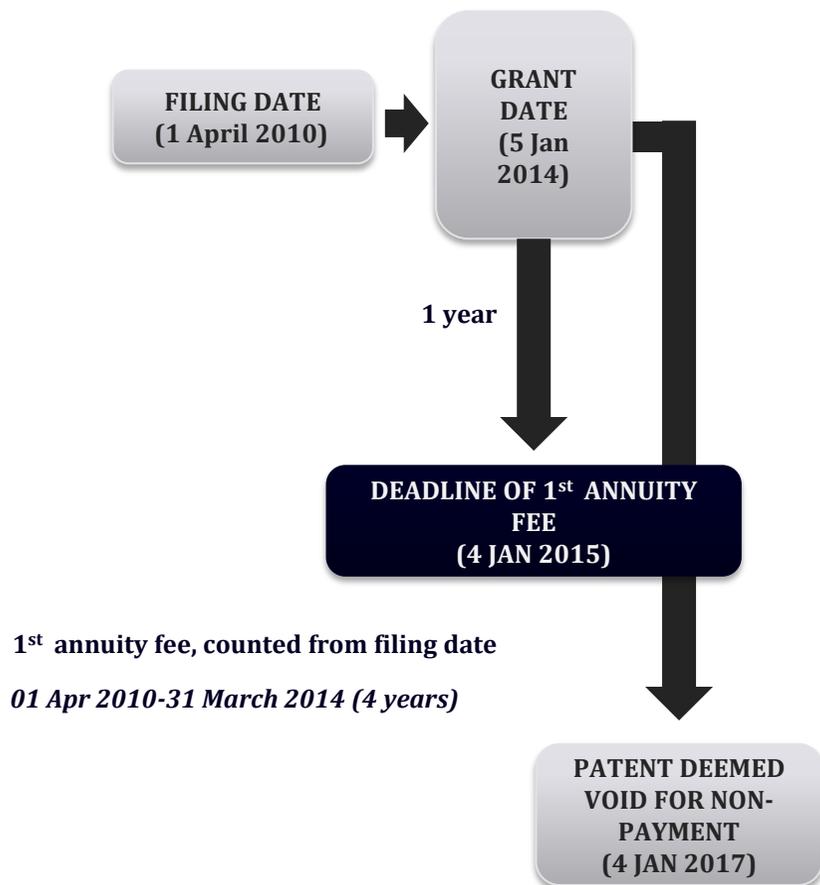
- Failing to pay annuity within 6 months from grant date – patent deemed cancelled
- Grace period of 12 month – submit request during last week before expiry. Penalty 100%

Post grant annuity

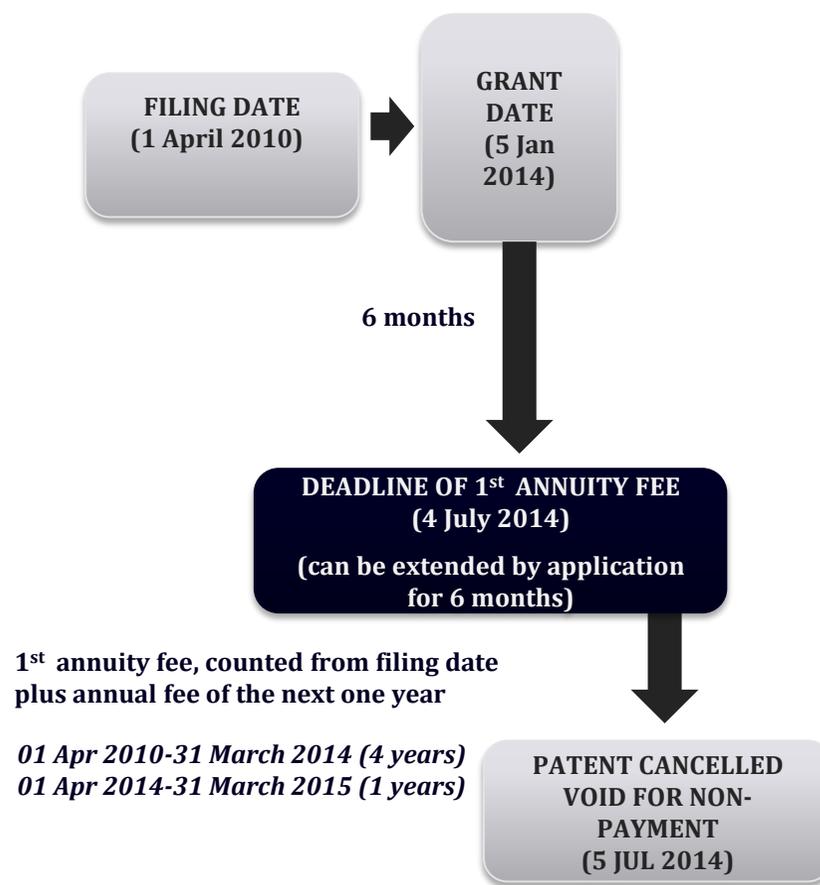
- Must be paid one month before beginning of the next anniversary. Failing which patent will be considered cancelled
- Grace Period- same as above

Patent – Annuities Comparison

Law 21/2001



Law 13/2016



Substantive Examination

Working Requirement In Indonesia

- Article 20 of Indonesia's Patent Law requires patent owners to either manufacture their patented products in Indonesia or use their patented processes in the country. Although controversial, the purpose of this working requirement is to drive foreign technology transfer, investment, and stimulate local employment opportunities within the country.
- If an invention is not worked within thirty-six (36) months of grant, the patent will be invalidated.
- The implementing regulations were issued by the Indonesian Patent Office to provide more clarity on the working requirement.

Substantive Examination

Working Requirement In Indonesia

- These regulations allow patent owners that are not yet able to work their inventions to postpone the obligation to do so for a maximum period of five years by submitting an application to the Ministry of Law along with the reason(s) for postponement.
- A further postponement beyond the maximum period of five years may be granted upon request. A fee may be required for filing a request for postponement. However, no further regulation on the official fee for postponement.

Licenses

- License Agreement has to be recorded with DGIP to have the legal effect against third party
- License agreement shall not contain provisions that may adversely affect the economy of Indonesia or create unfair competition. For patents, it cannot obstruct the ability to master and develop technology
- Implementing regulations not passed. For example, draft TM Licensing Regulations specify control over use of trademark
- Licenses/agreements with Indonesian party must be in Indonesian language as well, to be enforceable

Compulsory Licensing

- Compulsory licensing – none in practice because no implementing regulations
- Implementation of Patent by Government – many licenses granted in respect of pharmaceutical drugs
- **Two framework for compulsory license**
 - ❖ Compulsory license issued by the DGIPR on application of a party under provided in Articles 74 to 87
 - ❖ Implementation of Patent by Government under Chapter VII of Patent Law Article 99

Current Situation – Implementation of Patent by Government

President Regulation No. 76 of 2012

No.	Active Ingredient	Patent Owner	Implementation Period	Registered Product in Indonesia – NAFDC Online Database
1	Efavirenz	Merck & Co, Inc (ID 0005812)	Patent has been expired on August 7, 2013	EFAVIRENZ and EVIRAL (Kimia Farma) STOCRIN (Registered in the name of Schering Plough, Manufactured by Zhejiang Tianyuan Bio Pharm, China)
2	Abacavir	Glaxo Group Limited (ID 0011367)	Until patent expired on May 14, 2018	n/a
3	Didanosin	Bristol – Myers Squibb Company (ID 0010163)	Until patent expired on August 6, 2018	n/a
4	Combination of Lopinavir and Ritonavir	Abbot Laboratories (ID 0023461)	Until patent expired on August 23, 2018	LUVIA (registered in the name of Abbot Indonesia, manufactured by Abbot Gmbh & Co KG Germany)
5	Tenofovir	Gilead Sciences, Inc (ID 0007658)	Until patent expired on July 23, 2018	RICOVIR (registered in the name of Kimia Farma manufactured by Mylan Pharmaceutical USA) VIREAD (registered in the name of IDS Marketing Indonesia, manufactured by NYCOMED – Ireland)
6	Combination of Tenofovir and Emtricitabine Combination of Tenofovir, Emtricitabine, and Evafirenz	Gilead Sciences, Inc (ID P0029476)	Until patent expired on November 3, 2024	TRUVADA (registered in the name of IDS Marketing Indonesia, manufactured by Gileadscience, Inc. – USA)

Compulsory Licensing

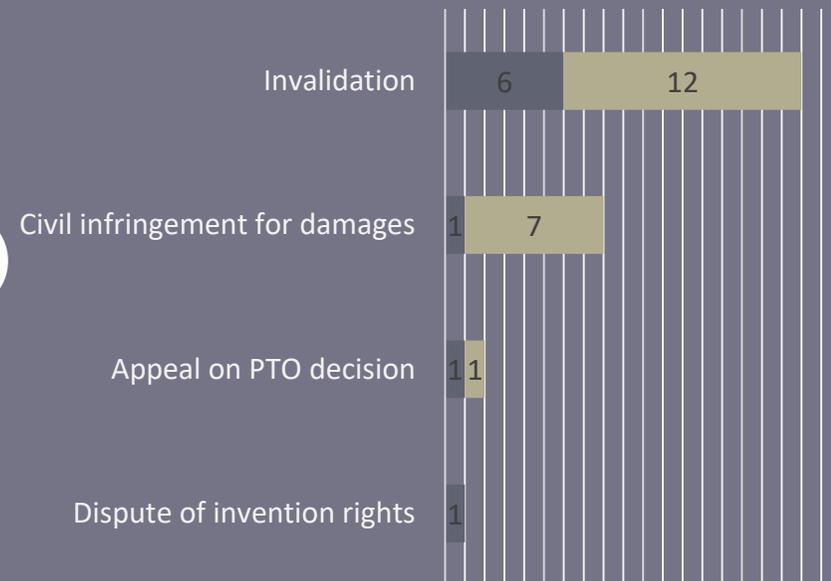
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Litigation

- Most Patent Litigation are invalidation action where the infringement action is rare
- Most invalidation actions are in reaction to criminal enforcement action
- One Factor of the limited infringement action that successful damages claim even rarer where the Judge most of the time conventionally granted only the actual losses (damages awards almost none)
- The burden of proof is in the Plaintiff
- No discovery process
- The interlocutory injunction framework unworkable
- 70% local parties

Patent cases 2002-2015

■ Successful claim ■ Unsuccessful claim



Infringement - Defenses

Prior user defense under Article 14

- ❖ Requires registration of prior use with the DGIPR
- ❖ However, there is still no implementing regulations to enable such recordation
- ❖ Defense unlikely to be available without recording -see Article 15

Article 15 (1)

The party that is using an Invention as described in Article 14 shall only be acknowledged as a prior user if after a Patent has been granted to the same Invention, he submits an application as the prior user to the Directorate General

Infringement - Defenses

Error in patent specification?

Not possible to rectify or amend to reduce scope

Difficult to prove especially for process patent

Mediation before Criminal Procedure

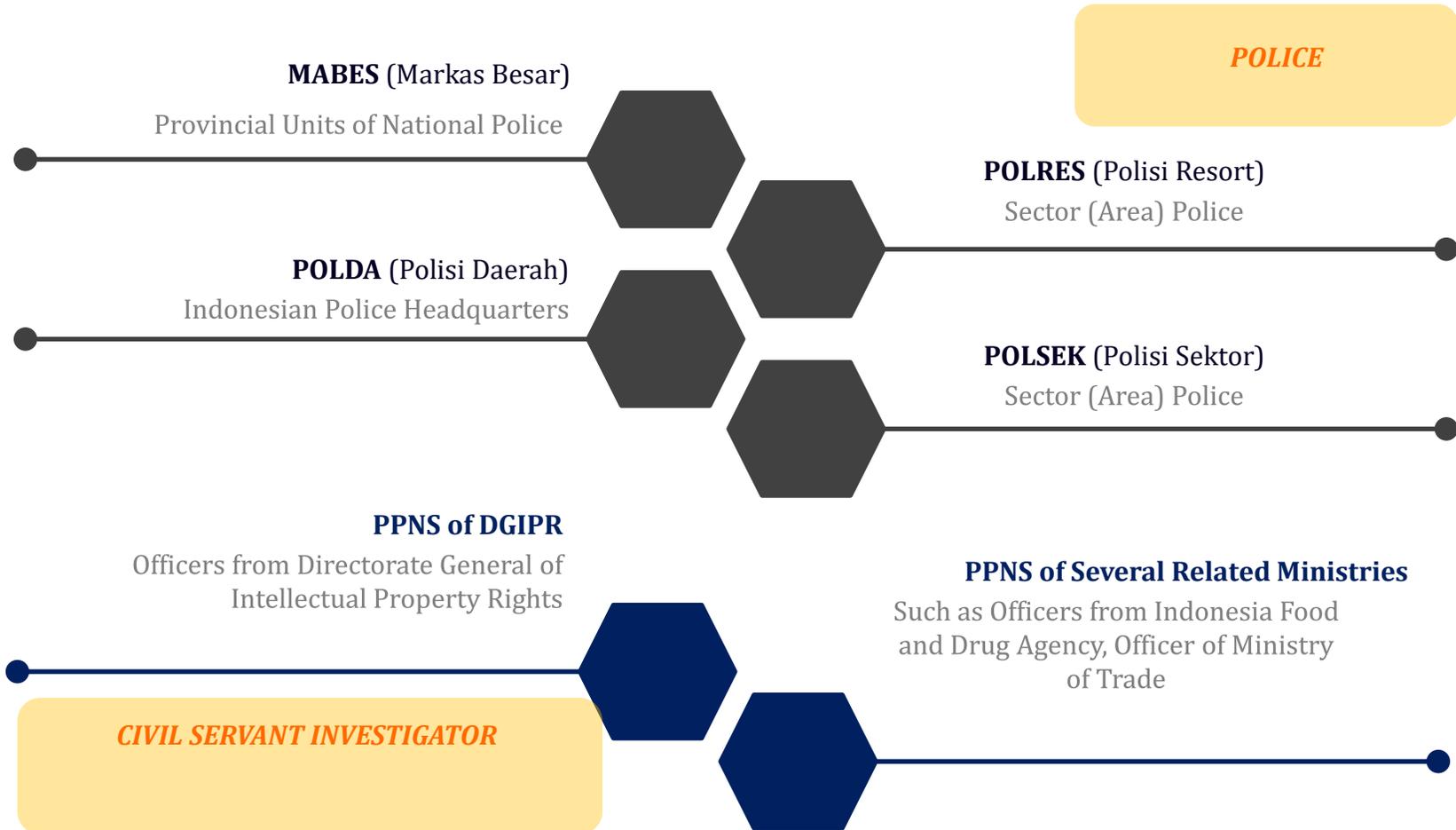
– The new law introduces the new requirement to conduct a mediation first before the criminal procedure (starts with the investigator's preliminary investigation) is effectively conducted.

– Article 154

In the event that there is a criminal complaint against the Patent or Simple Patent Infringement, parties has to first try to settle the dispute through mediation.

Enforcement – Raid Action

IP Enforcement Bodies



Enforcement –Raid Action

- The end-result to be expected by the Trademark owner
- Settlement negotiations are sometimes more effective to settle the infringement
- Public apology and Signed Undertaking are the most effective measures
- Criminal prosecution – not advised because of long delay and ineffective –punishment are relatively low



Trademark

** DGIP statistics taken on November 2018*

Law No. 20 year 2016 concerning Trademark and Geographical Indications

Article 1 paragraph 1

Mark means any sign capable of being represented graphically in the form of drawings, logos, names, words, letters, numerals, colors arrangement, in 2 (two) and/or 3 (three) dimensional shape, sounds, holograms, or combination of 2 (two) or more of those elements to distinguish goods and/or services produced by a person or legal entity in trading goods and/or services.

Trademark – Main Issues

01

First to file principle

02

Multi-class application may contribute to long-delay process

03

Importance of search

04

Madrid Protocol has been entered into force since January 2, 2018

05

Trademark Infringement is not uncommon

06

Letter of consent not accepted

07

Useful resources:

www.e-status.dgip.go.id

08

Label marks as preventive measures
-as no effective passing off law

Trademark



- Non-traditional Mark (3D, Hologram and Sound Mark) are recognized under the new law
- International Filing based on Madrid Protocol –effective as of 2 January 2018
- Shortened process about 8 months (previously 13,5 months)
- This is by deleting the double process of substantive examination as in previous law
- The publication of 2 months instead of 3 months

Trademark

- Cross-class searches
- Conduct search before launching a products
- The Non-Roman Character (such as Zhuyin character) search is advisable despite that it takes more time to search
- The Examiner conduct a check the transliteration of the characters during the substantive examination

Trademark- Recent Case



Searchable database of trademark information from the Directorate General of Intellectual Property Rights - Ministry of Law and Human Rights, Republic of Indonesia. For a more global search, use the Global Brand Database.

searches records help

SEARCH BY
 Brand Names Numbers Dates Cla

Text = e.g. wipo OR omp, "ntel", omp-

Holder = e.g. "world intell", wipo-

Goods/Services = e.g. footwear, comput*

search

CURRENT SEARCH

BRAND:kanji

FILTER BY
 Status App. Year Holder Country Expiration Nice

Registered	57
Appealed	0
Examined	0
Filed	0
Opposed	0
Published	0
Display:	List

filter

CURRENT FILTER

STATUS:REG

1 - 50 / 57

Display: 50 per page options

1 / 2

	Brand	Status	Relevance	Holder	Number	Req. Date	App. Date	Nice Cl.	Image
<input type="checkbox"/>	Huruf <i>Kanji</i> INOHERB	Registered	39	[REDACTED]	D002013035084	2016-05-27	2013-07-19	3	
<input type="checkbox"/>	RONGTAI + HURUF <i>KANJI</i>	Registered	39	[REDACTED]	D002013034316	2016-04-08	2013-07-15	10	
<input type="checkbox"/>	Huruf <i>Kanji</i> SACON	Registered	39	[REDACTED]	D002013046239	2015-12-01	2013-09-27	11	
<input type="checkbox"/>	Huruf <i>Kanji</i> ORIGINWATER	Registered	39	[REDACTED]	D002013046242	2015-12-01	2013-09-27	11	
<input type="checkbox"/>	Huruf <i>Kanji</i> & EAGET	Registered	39	[REDACTED]	D002013046238	2015-12-01	2013-09-27	9	
<input type="checkbox"/>	Huruf <i>Kanji</i> QINYUAN	Registered	39	[REDACTED]	D002013046256	2015-12-01	2013-09-27	11	
<input type="checkbox"/>	MESU + Huruf <i>Kanji</i>	Registered	39	[REDACTED]	D002013039838	2015-11-23	2013-08-26	27	
<input type="checkbox"/>	GRACEWELL + Huruf <i>kanji</i>	Registered	39	[REDACTED]	D002013034313	2015-11-02	2013-07-15	25	
<input type="checkbox"/>	Huruf <i>Kanji</i> SUNQS	Registered	39	[REDACTED]	D002013040460	2015-11-02	2013-08-28	9	
<input type="checkbox"/>	Huruf <i>Kanji</i> SSWW	Registered	39	[REDACTED]	D002013038537	2015-11-02	2013-08-16	11	
<input type="checkbox"/>	KOMANIC + Huruf <i>kanji</i>	Registered	39	[REDACTED]	D002013034304	2015-10-07	2013-07-15	25	
<input type="checkbox"/>	TSAIMEIYUE + Huruf <i>Kanji</i>	Registered	39	[REDACTED]	D002013034298	2015-10-07	2013-07-15	25	

Trademark -Trade Dress



Trademark

- File early since the trademark squatter is still common in Indonesia
- File labels/packaging since the trade dress protection in Indonesia is not effective
- Article 1365 of the Civil Code

"Any unlawful act that has caused damage to another person, shall require the person whose wrongful act has caused such damage, to cover the damage.

- Article 382 bis of the Penal Code

Any person who, in order to establish, to retain or to expand the sale of his trade or business or those of the trade or business of another, commits a fraudulent act of misleading the public or a certain person, shall, if therefore some loss for his competitors or competitors of the other person may arise, be guilty of unfair competition, and be punished by a maximum imprisonment of one year and four months or a maximum fine of thirteen thousand five hundred rupiahs.

Trademark -Criminal sanctions

Article 100

- (1) Any Person who uses a Mark, without the right thereto, which is similar in its entirety to a registered Mark of another party for goods and/or services of the same kind produced and/or traded, shall be sentenced to imprisonment for a maximum period of 5 (five) years and/or a fine of a maximum amount of Rp2,000,000,000,- (two billion rupiah).*
- (2) Any Person who uses a Mark, without the right thereto, which is similar in principal to a registered Mark of another party for goods and/or services of the same kind produced and/or traded, shall be sentenced to imprisonment for a maximum period of 4 (four) years and/or a fine of a maximum amount of Rp2,000,000,000,- (two billion rupiah).*
- (3) Any Person who violates the provisions as intended in paragraphs (1) and (2), for the kinds of goods that impair health, disturb the environment, and/or causes death in human, shall be sentenced to imprisonment for a maximum period of 10 (ten) years and/or a fine of a maximum amount of Rp5,000,000,000,- (five billion rupiah).*

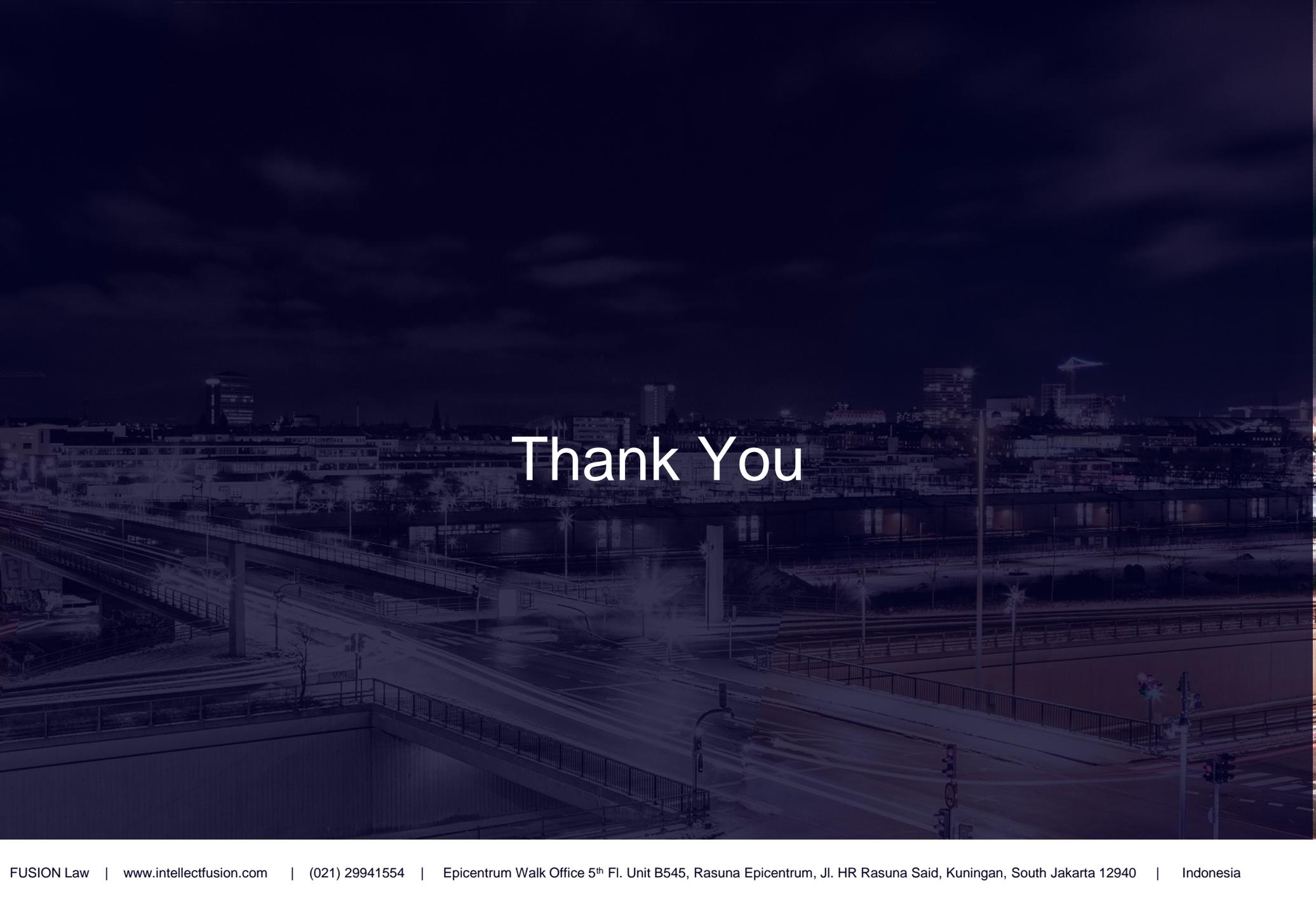
Trademark -Criminal sanctions

Article 102

Any Person who trades goods and/or services and/or products that are known to be or it is reasonably suspected that the Person knows that said goods and/or services and/or products are the result of a criminal offence as intended in Articles 100 and 101 shall be sentenced to imprisonment for a maximum period of 1 (one) year or a fine of a maximum amount of Rp200,000,000,- (two hundred million rupiah).

Article 103

The criminal offences as intended in Article 100 to Article 102 shall constitute complaint-based offence.



Thank You