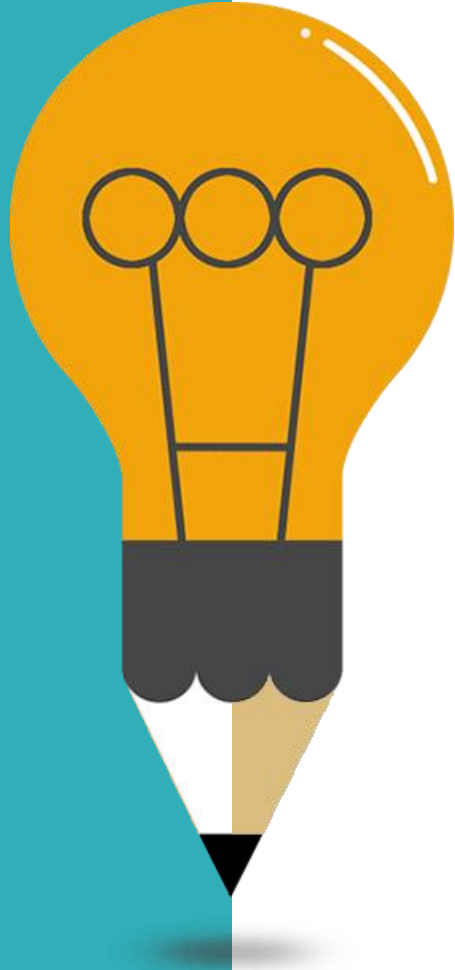


THE KEY CHANGES UNDER THE NEW INDONESIAN TRADEMARK LAW

TRADEMARK DEFINITION



01

Broader scope of protection for trademark

02

The new Trademark Law introduces protection to Non Traditional Marks in the form of :

- Sound Marks;
- 3D marks; and
- Hologram Marks

APPLICATION PROCESS

01

Simplification in the trademark application process whereby the new Trademark Law introduces minimum requirements for filing a trademark application.

02

A filing date will be assigned as long as the applicant (a) fills in an application form; (b) provides the trademark label; and (c) pays the official fees.

APPLICATION PROCESS

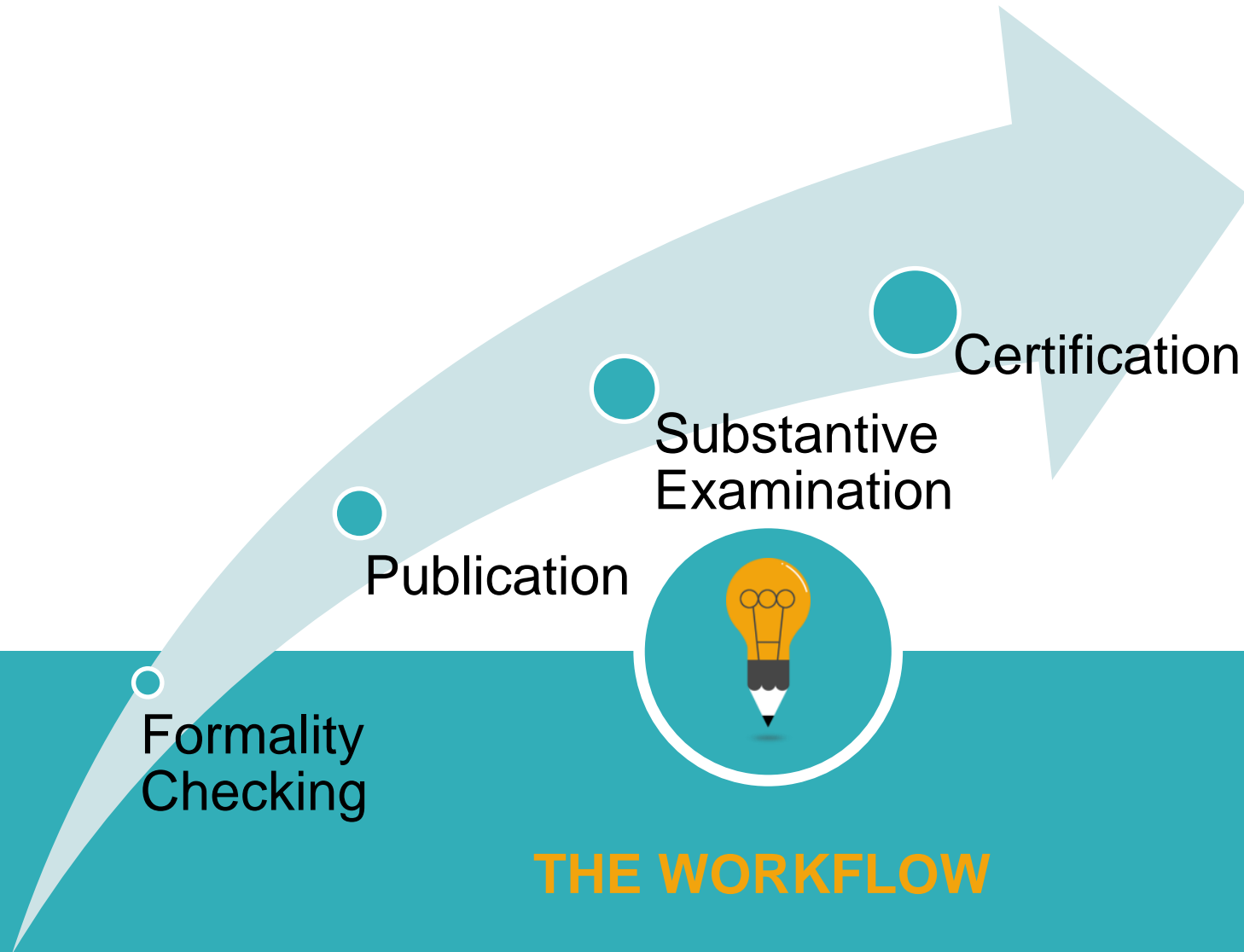
03

All mark applications will enter into the publication stage first. Following the end of the publication period, the application will enter the substantive examination stage.

04

This is aimed at accelerating the application process as the substantive examination is designed to also examine any possible oppositions that may be filed against a trademark application. Therefore, it is no longer necessary to carry out a second examination of an application if there is an opposition filed.

TRADEMARK REGISTRATION

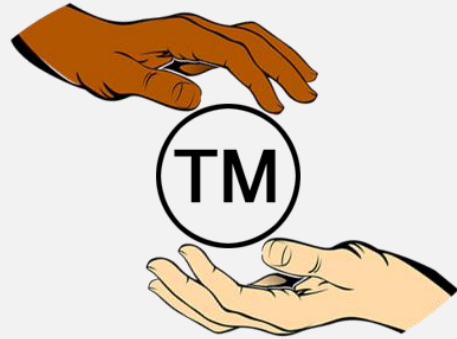


OTHER KEY CHANGES



6 month
before and after

Under the New Trademark Law, renewal can be filed within 6 months before the end of the registration period (by paying the official renewal filing fees) and within 6 months after the end of the protection period (by paying the official filing fees and charges).



Assignment can be requested while an application is pending.



Applications based on the Madrid Protocol are now applicable.



Under the current Trademark Law, the time frame for a trademark under the New Trademark Law the time period is shortened to only around 9 months.

REVOCATION

01

Revocation of a registered Trademark may also be requested by a relevant third party in a lawsuit to the Commercial Court on the ground that a given Trademark has not been used for 3 (three) years consecutively in a course of trades of goods and/or services since the date of registration or last use.

02

The revocation may be carried out following the recommendation from the Trademark Appeal Commission.

03

Trademark Appeal Commission provide the recommendation upon request from the Minister.

04

Revocation of a registered Trademark may also be requested by a relevant third party in a lawsuit to the Commercial Court on the ground that a given Trademark has not been used for 3 (three) years consecutively in a course of trades of goods and/or services since the date of registration or last use.

INVALIDATION



Invalidation of a registered Trademark may be filed by relevant party based on absolute and relative grounds.

A lawsuit for invalidation is addressed to the Commercial Court.

Owner of a unregistered Trademark may file a lawsuit for invalidation after submitting a trademark application.

A Lawsuit for cancellation of trademark registration may only be submitted within a period of 5 (five) years as from the date of registration except for bad faith.

CRIMINAL SANCTIONS

Any person unlawfully use any Trademark which is identical to a registered Trademark of other parties for similar produced, and/or traded goods and/or services, shall be sentenced to imprisonment of up to 5 (five) years and/or fines up to Rp. 2,000,000,000.00 (two billion rupiahs).

Any person unlawfully use any Trademark which is substantially similar to a registered Trademark of other party for similar produced and/or traded goods and/or services, shall be sentenced to imprisonment for up to 4 (four) years and/or fines up to Rp 2,000,000,000.00 (two billion rupiah).

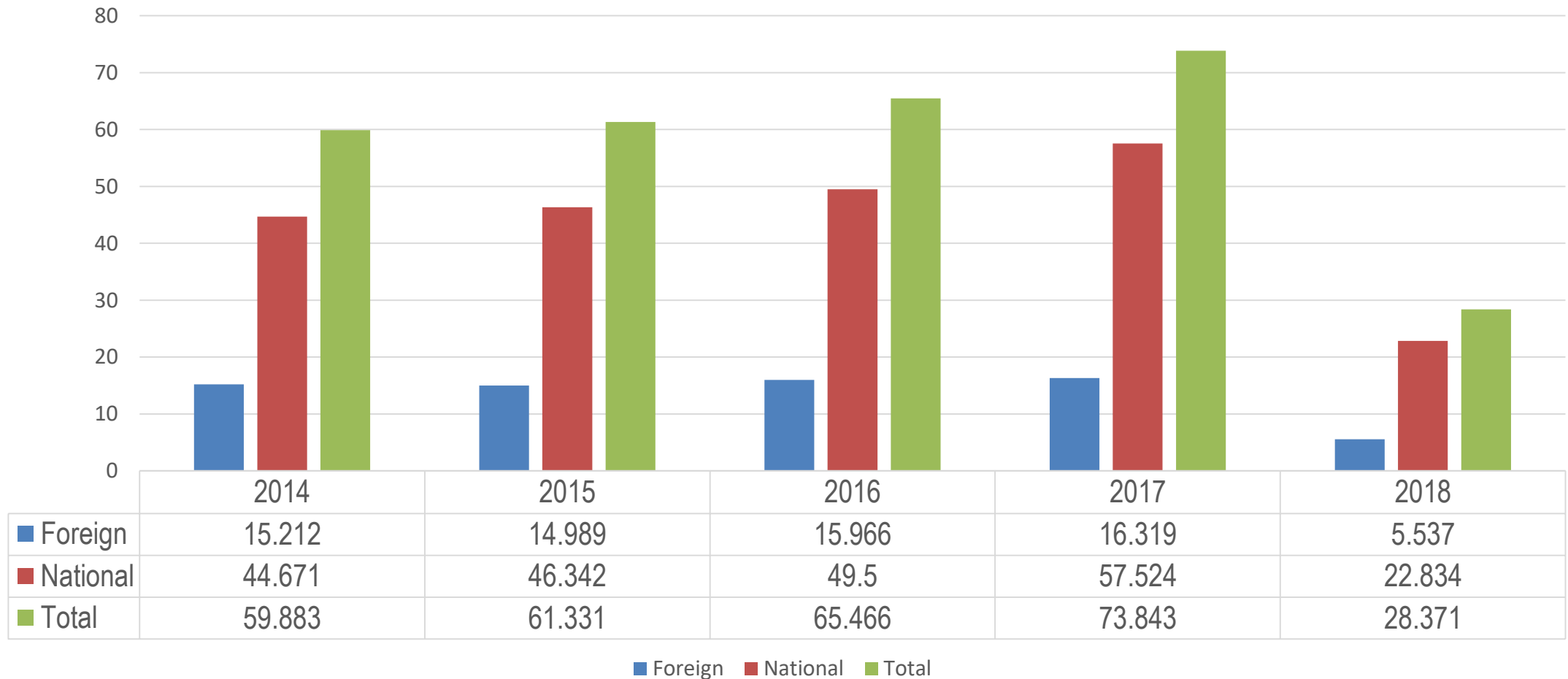
Any person violating the provisions as referred to in section (1) and section (2), which goods cause health impairment, environment distortion, and/or human deceases, shall be sanctioned to an imprisonment up to (10) ten years and/or fines up to Rp/ 5.000.000.000,00 (five billion rupiah).

Any person unlawfully use any signs which is identical or substantially similar to a Geographical Indication of other parties for similar goods and/or products or identical to registered goods and/or products, shall be sanctioned to imprisonment up to 4 (four) years and/or up to Rp.2.000.000.000,00 (two billion rupiah).

Each Person put goods and/or services on sale and/or product which is known or allegedly know that the goods and/or services and/or product constitute criminal acts as referred to in Article 100 and Article 101 is sentenced with prisonment up to 1 (one) year or fines up to Rp 200.000.000,00 (two hundred million rupiahs).

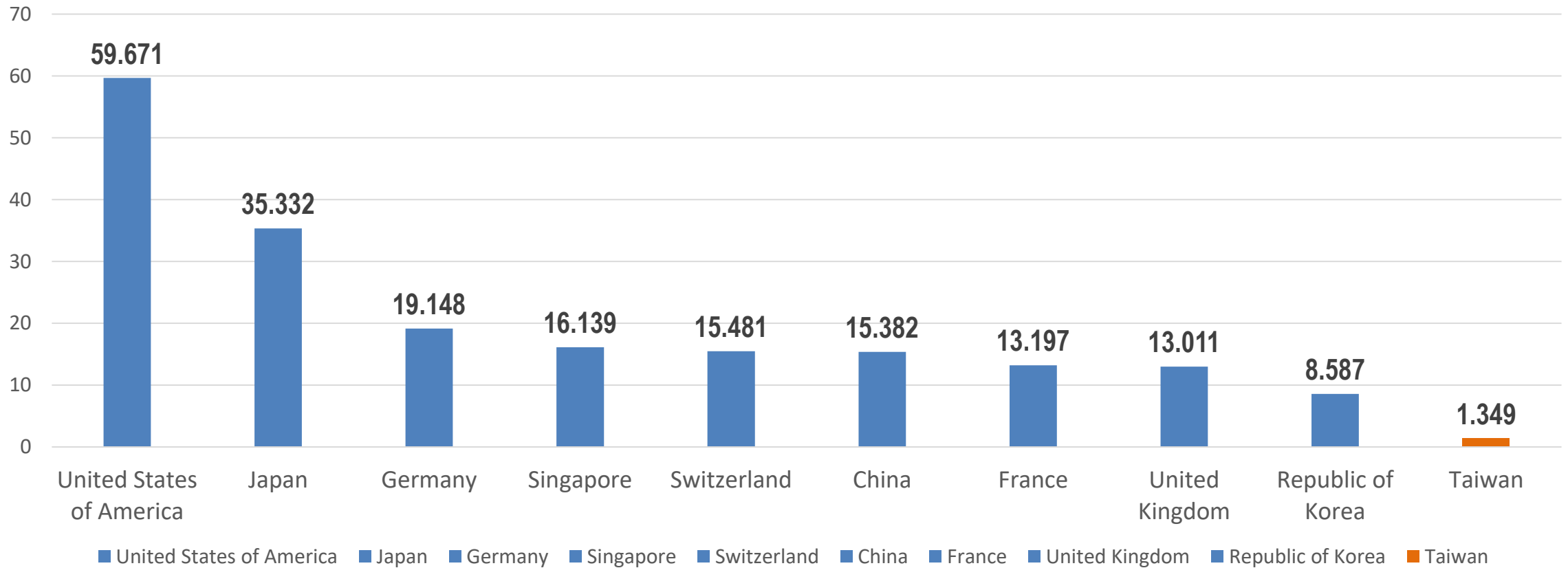
STATISTICS

TRADEMARK APPLICATION



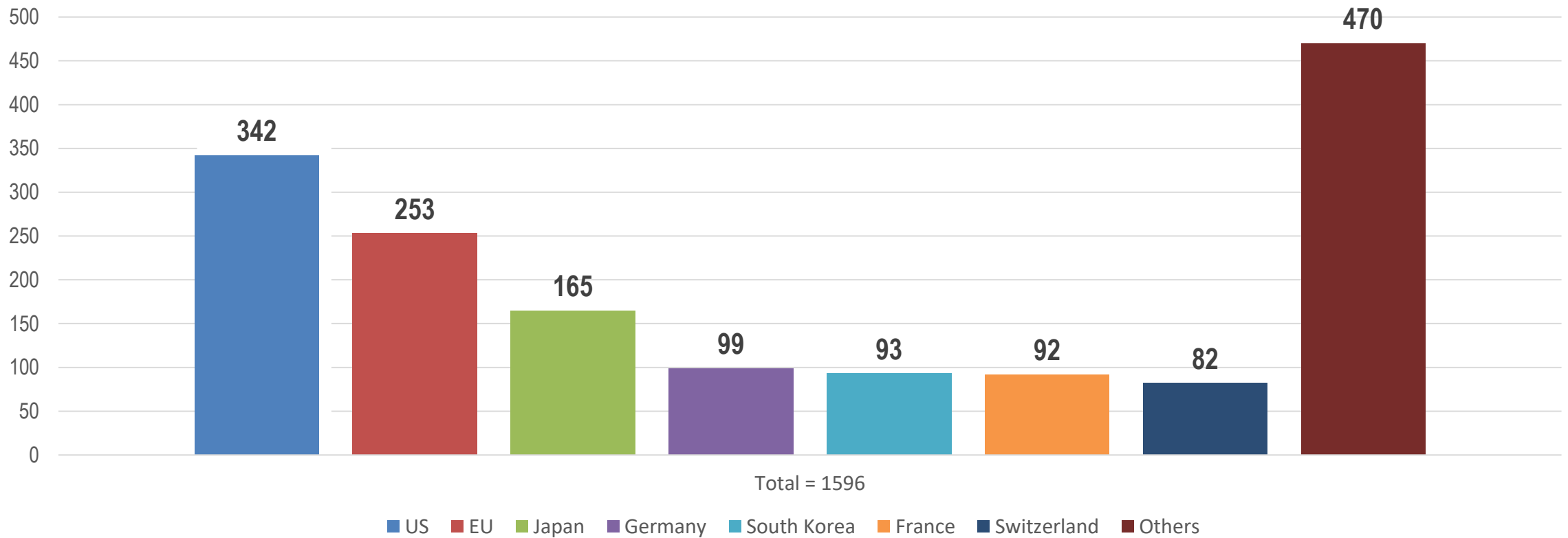
STATISTICS

TOP 9 FILLERS IN 5 YEARS



STATISTICS

Madrid Application Designated to Indonesia (Jan – May 2018)



TAIWAN TRADEMARK REGISTERED IN INDONESIA



IDM000277605

Class 3

SENSHIDO BIOTECHNOLOGY CO., LTD.



IDM000404638

Class 9

ACER Inc.



IDM000506109

Class 12

LUXGEN MOTOR CO., LTD.

DR.JOU
森田藥粧

IDM000463203

Class 3

MORITA BIOTECH CORP.



IDM000491025

Class 9

ASUS COMPUTER Inc.

THANK YOU
