



# **Mechanism of Enforcement and Alternative Dispute Resolution for IP Infringement in Indonesia**

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# Law Enforcement for IP Infringement



## A. Legal Substance

### Legality Principle

- ▶ Law No. 8 Year 1981 Concerning Indonesia Criminal Code Procedure.
- ▶ Law No. 20 Year 2016 Concerning Trademark and Geographical Indication.
- ▶ Law No. 31 Year 2000 Concerning Industrial Design.
- ▶ Law No. 28 Year 2014 Concerning Copyright.
- ▶ Law No. 13 Year 2016 Concerning Patent.
- ▶ Law No. 30 Year 2000 Concerning Trade Secret.
- ▶ Law No. 32 Year 2000 Concerning Layout Designs of Integrated Circuit.





## B. Legal Structure

- ▶ National Police Investigator
- ▶ Civil Servant Investigator in Directorate General of Intellectual Property and Regional Representative Offices.
- ▶ General Courts: District Court and Commercial Court.

# Law Enforcement for IP Infringement



## Civil

■ **Injunction:** Stop the Defendant from further infringing the IP.

■ **Lawsuit**

Submitting a Lawsuit to Commercial Court for civil remedies to IP Owners

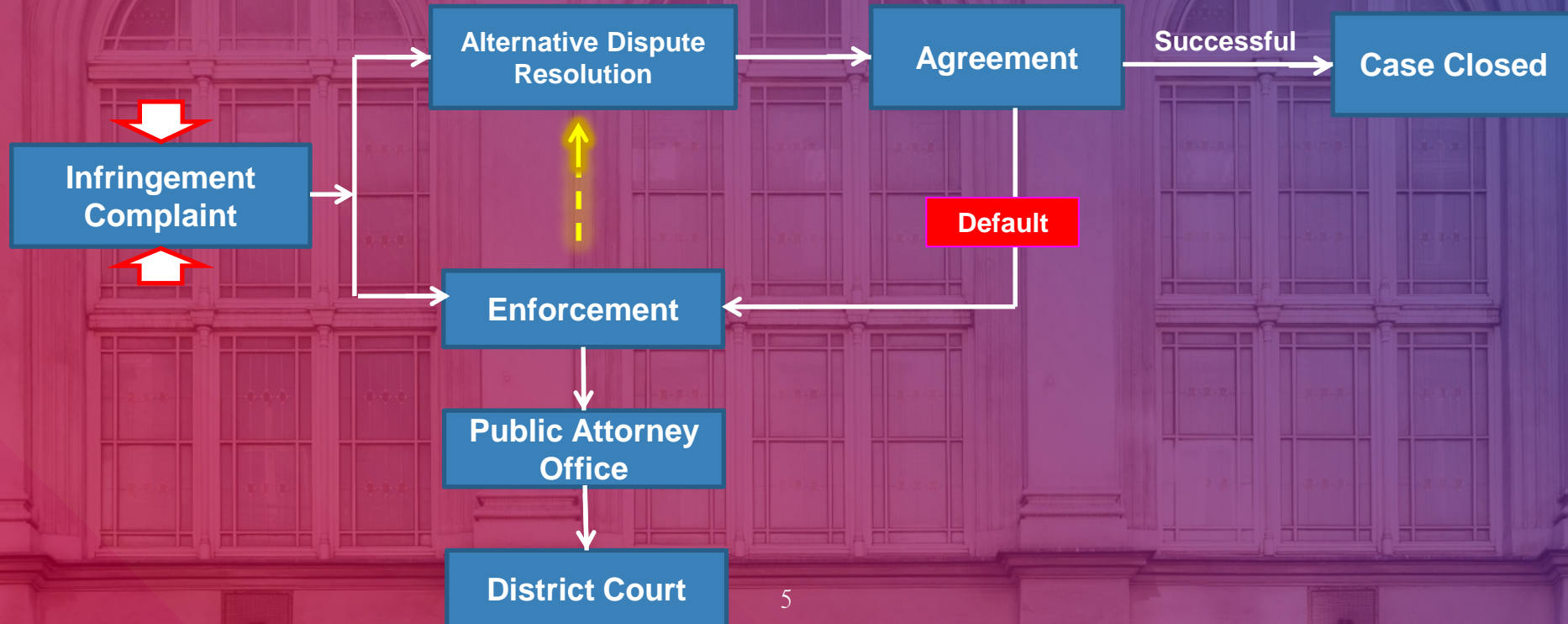
## Criminal

Reporting the Infringement to National Police and Directorate of Investigation and Dispute Settlement in DGIP.





## Mechanism of Investigation and Dispute Settlement





# Complaint



❖ Direct and Written

❖ Electronic Media

## Complainant:

1. IP Rights Owner: Individual and Legal Entity.
2. Registered IP Rights Owner: Individual & Legal Entity.
3. Power Attorney Receiver.





## Mediation for IP Infringement

### Characteristic of Mediation:

- ✓ Process of Dispute Settlement Involving Third Party as a Mediator.
- ✓ Consented by both Parties.
- ✓ *Win-win solution Principle.*
- ✓ Decision made by consensus of the Parties.





# Example of IP Infringement Cases

# ABENK Trademark Infringement Case for Motor Exhaust



Registered Exhaust  
Trademark



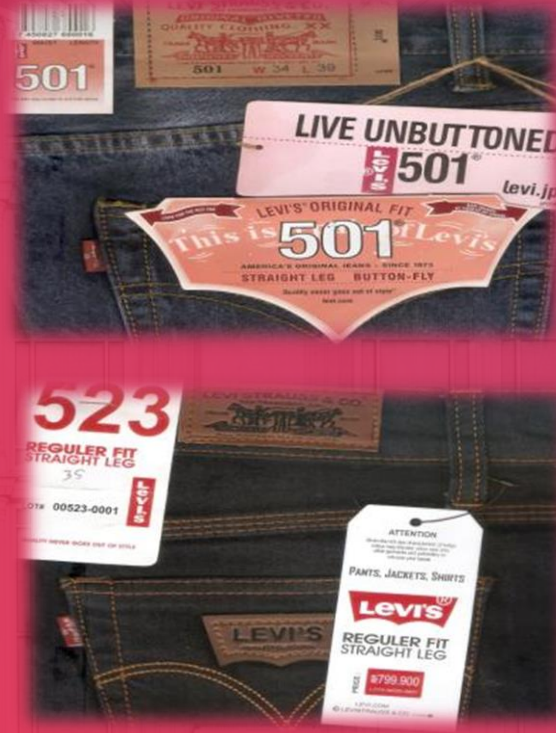
Counterfeit Exhaust  
Trademark



# Trademark Infringement Case for Clothing



Registered  
Trademark



Counterfeit Trademark

# Septic Tank Industrial Design Infringement Case



Shape of Septic  
Tank protected by  
Industrial Design  
Law.



Shape of Septic Tank  
**not** protected by  
Industrial Design Law



# Industrial Design Infringement Case



Registered  
Industrial  
Design



Unregistered  
Industrial  
Design

# Sydek Simple patent Infringement Case





# Enforcement





THANK YOU  
TERIMA KASIH