



# INTELLECTUAL PROPERTY SYSTEMS IN INDONESIA: Current Situation and Challenge

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# INTRODUCTION (1): Indonesia Key Indicators 2012

- **Area:** 1,904,569 km<sup>2</sup>
- **Population:** 257.516.167 (estimated in 2012)
- **Chief Products:** **Agricultural**—rice, cassava, peanuts, rubber, cocoa, coffee, palm oil and kernels, copra (dried coconut meat), livestock, sugarcane, corn, bananas, tea, spices (including pepper, nutmeg, and mace), soybeans, tobacco. **Manufactured**—petroleum and natural gas, textiles, cement, chemical fertilizers, plywood, food products, rubber. **Mineral**—petroleum, natural gas, tin, nickel, coal, copper, silver, gold, diamonds.
- **GDP** → 6,3% (2012)





# INTRODUCTION (2)



## VISION:

As an Intellectual Property Institution with International Standard in 2015

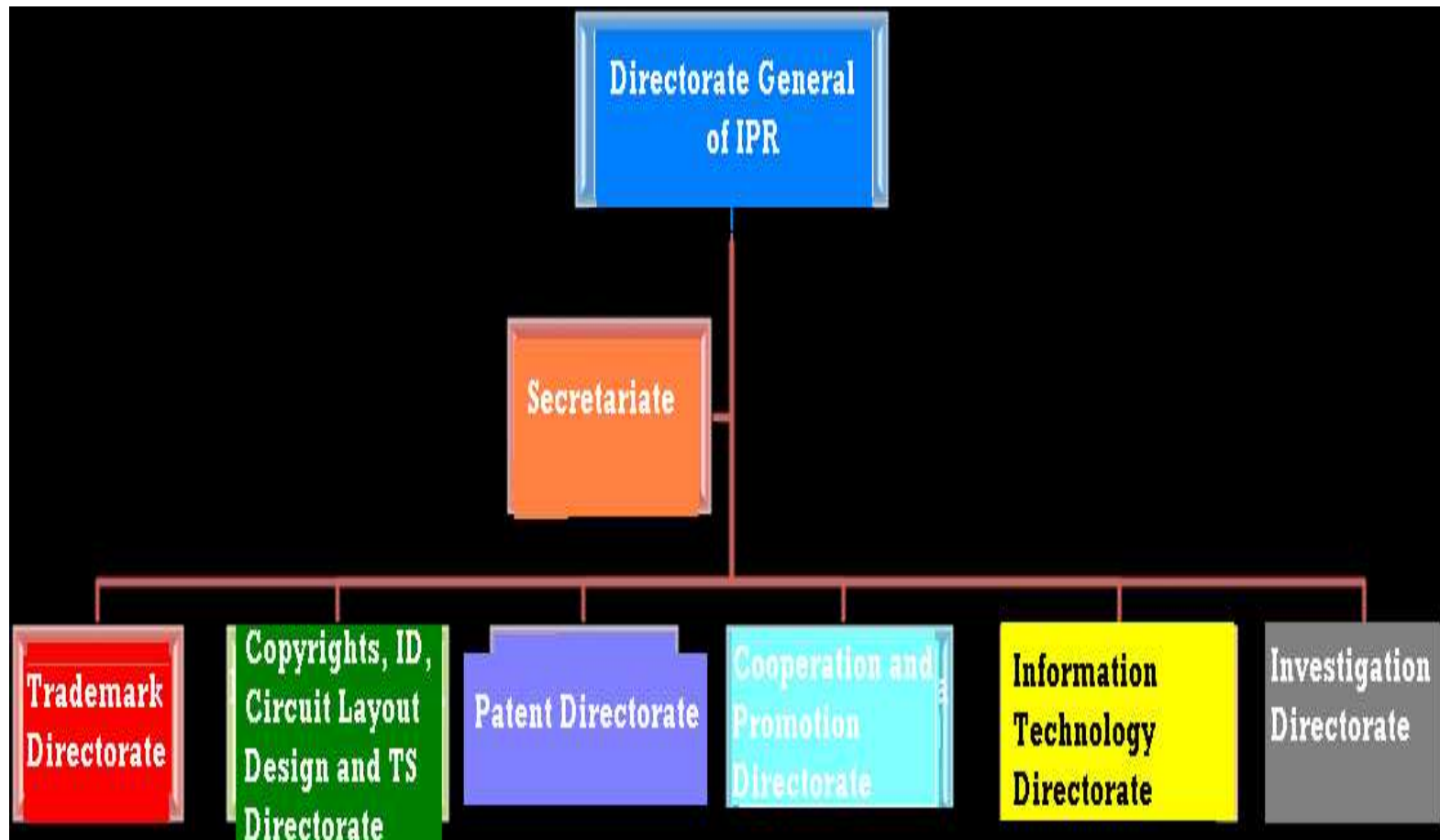
## MISSION:

- Service of Excellence
- Socializing of IP
- Ensuring Legal Certainty

# INTRODUCTION (3)



## Organizational Chart of DGIPR:





# INTRODUCTION (4)



## Law of Industrial Property:

- Law No. 30 of 2000 regarding Trade Secret;
- Law No. 31 of 2000 regarding Industrial Design;
- Law No. 32 of 2000 regarding Lay-out Design of Integrated Circuit;
- Law No. 14 of 2001 regarding Patents;
- Law No. 15 of 2001 regarding Marks; and
- Law No. 29 of 2000 regarding the Protection of Plant Variety



# INTRODUCTION (5)



## Membership of International Conventions

- Agreement establishing the World Trade Organization (ratified by Law No. 7/1994)
- Paris Convention for the Protection of Industrial Property and Convention Establishing the World Intellectual Property Organization (ratified by President Decree No. 15/1997);
- Patent Cooperation Treaty (“PCT”) and Regulations under the PCT (ratified by President Decree No. 16/1997);
- Trademark Law Treaty (ratified by President Decree No. 17/1997);
- Berne Convention for the Protection of Literary and Artistic Works (ratified by President Decree No. 18/1997);
- WIPO Copyright Treaty (ratified by President Decree No. 19/1997)
- WIPO Performances and Phonograms ratified by President Decree No. 74/2004)
- → Signatory Member of Beijing Treaty on Audiovisual Performance, 18 December 2012





# CURRENT SITUATION AND CHALLENGES: PATENT STATISTIC (1)



## No. of Patent Application

	2009	2010	2011	2012
Foreign	4103	5122	5297	7025
Domestic	437	516	541	
Simple Patent Foreign	42	363	56	
Simple patent domestic	247	279	236	



# CURRENT SITUATION AND CHALLENGES: PATENT STATISTIC (2)



## Patent Application (country of origin (top 10))

No.	Country	2009	2010	2011
1.	USA	1059	1255	1211
2.	JAPAN	862	1115	1202
3.	INDONESIA	684	795	777
4.	GERMANY	347	449	541
5.	SWISS	276	303	342
6.	NETHERLAND	229	289	249
7.	FRANCE	171	217	213
8.	SOUTH KOREA	148	182	186
9.	U.K.	143	144	164
10.	CHINA			154





# CURRENT SITUATION AND CHALLENGES: TRADEMARK STATISTIC



## No. Trademark applications

	2009	2010	2011	2012
FOREIGN	5018	4525	2543	85412
DOMESTIC	37759	43269	50653	
RENEWAL	11190	12392	14560	
NEW APPLICATIONS	45029	47794	53196	



# CURRENT SITUATION AND CHALLENGES: INDUSTRIAL DESIGN STATISTIC



## No. of Industrial Design applications

	2009	2010	2011	2012
FOREIGN	600	1060	1458	4614
DOMESTIC	3601	2987	2738	



# POLICY AND EFFORTS BY INDONESIA (1)



## Institution and Human Resources Development

- Office modernization:
  - IPAS (Industrial Property Automation System)
  - Internal Patent, Trademarks, and Industrial Design database as well as administration system
  - Development of E-filing
  - Digitization of documents
  - Improvement of capacity and role of provincial offices of Ministry of Law and Human Rights throughout Indonesia
  - Relocation of DGIPR
- Human Resources Development:
  - Increasing and improve regular internal training system
  - Increasing cooperation with other countries to provide training for examination, administrative and other necessary fields



# POLICY AND EFFORTS BY INDONESIA (2)



## Law Enforcement:

- Continuously improving performance of Investigation Directorate as well as increasing and improving law enforcement activities
- Increasing and improving coordination and performance of National Task Force of IPR: repressive, preventive and pre-emptive
- Preparing Action Plan on National task Force in Tackling IPR infringement



## Cases handled by Investigation Directorate 2012 (some examples):

No	Cases reported	Field of IP	Evidence	Location
1	Pipe SD	Trademark	432.pa	Bali
2	Tooth Brush	Design	None	Jakarta
3	Generator/Pump “ Honda”	Trademark	-	South Kalimantan
4	Heat Insulation	Patent	15 rolls, 1 molding	Sentul, Bogor
5	computer Software program	Copyrights	691.pcs. 1 unit CPU	Jakarta
6	Broadcasting Infringement	Copyrights	1 server, customer receipt	Pontianak
7	Generator/ Water Pump “ Honda”	Trademark	-	Central Kalimantan
8	Broom	Design	342 pcs	Bukittinggi, West Sumatera
9	Stationery Exam Grade	Trademark	Sharpners : 56 boxes, 264 pcs, total : 54.024. Pencil : 289 boxes, 360 pcs, total : 832.680 pcs	Bandung, West Java
10	Stationary Faber Castle	Trademark	264 dozens erasers 7 packs (@ 40 pcs)	Bandung , West Java
11	Jar Cover	Design	7291 Pieces	Tangerang, Banten
12	Watches	Trademark	232 pcs	Denpasar, Bali





# Repressive action:





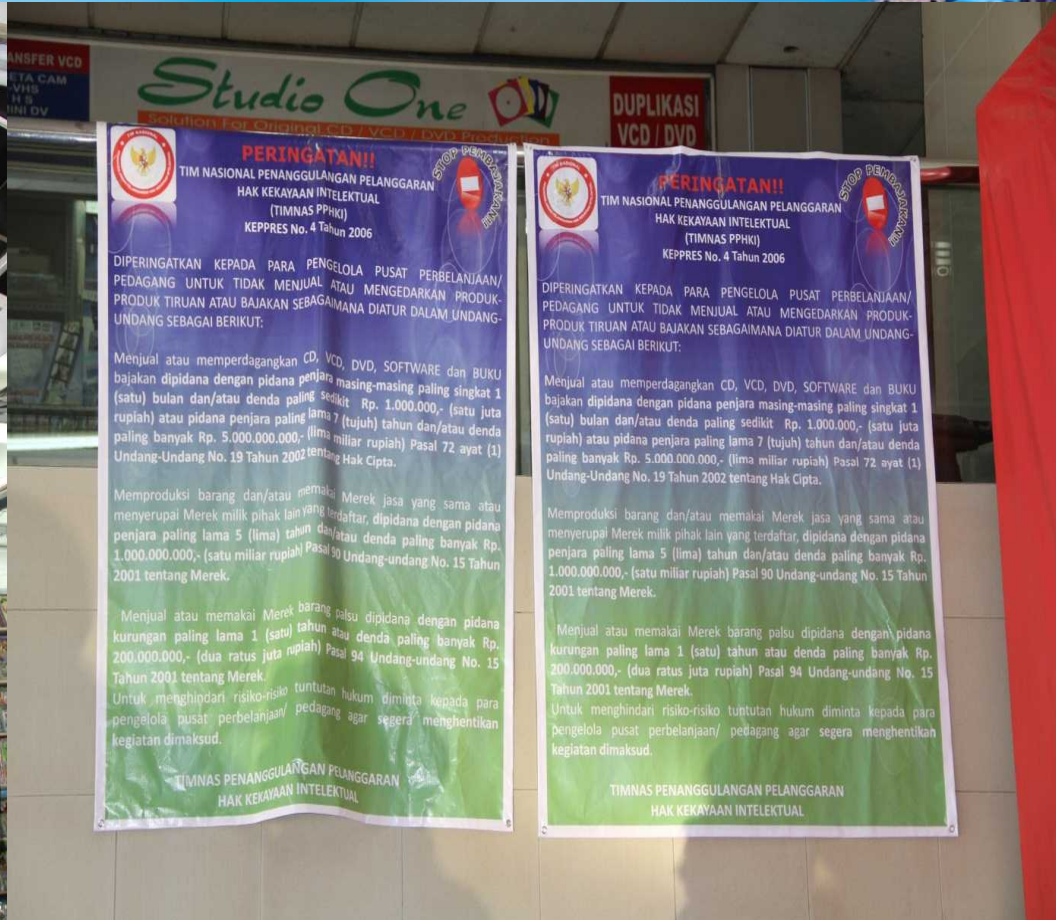


# Repressive action:





# Pre-emptive action:



**PERINGATAN!!**  
TIM NASIONAL PENANGGULANGAN PELANGGARAN  
HAK KEKAYAAN INTELEKTUAL  
(TIMNAS PPHKI)  
KEPPRES No. 4 Tahun 2006

DIPERINGATKAN KEPADA PARA PENGELOLA PUSAT PERBELANJAAN/  
PEDAGANG UNTUK TIDAK MENJUAL ATAU MENGEDARKAN PRODUK-  
PRODUK TIRUAN ATAU BAJAKAN SEBAGAIMANA DIATUR DALAM UNDANG-  
UNDANG SEBAGAI BERIKUT:

Menjual atau memperdagangkan CD, VCD, DVD, SOFTWARE dan BUKU  
bajakan dipidana dengan pidana penjara masing-masing paling singkat 1  
(satu) bulan dan/atau denda paling sedikit Rp. 1.000.000,- (satu juta  
rupiah) atau pidana penjara paling lama 7 (tujuh) tahun dan/atau denda  
paling banyak Rp. 5.000.000.000,- (lima miliar rupiah) Pasal 72 ayat (1)  
Undang-Undang No. 19 Tahun 2002 tentang Hak Cipta.

Memproduksi barang dan/atau memakai Merek jasa yang sama atau  
menyerupai Merek milik pihak lain yang terdaftar, dipidana dengan pidana  
penjara paling lama 5 (lima) tahun dan/atau denda paling banyak Rp.  
1.000.000.000,- (satu miliar rupiah) Pasal 90 Undang-undang No. 15 Tahun  
2001 tentang Merek.

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kurungan paling lama 1 (satu) tahun atau denda paling banyak Rp.  
200.000.000,- (dua ratus juta rupiah) Pasal 94 Undang-undang No. 15  
Tahun 2001 tentang Merek.

Untuk menghindari risiko-risiko tuntutan hukum diminta kepada para  
pengelola pusat perbelanjaan/ pedagang agar segera menghentikan  
kegiatan dimaksud.

TIMNAS PENANGGULANGAN PELANGGARAN  
HAK KEKAYAAN INTELEKTUAL

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TIMNAS PENANGGULANGAN PELANGGARAN  
HAK KEKAYAAN INTELEKTUAL



# POLICY AND EFFORTS BY INDONESIA (3)



## Public Awareness:

- All level of targets:
  - Universities and research institutions
  - Industries, particularly SMEs
  - Related Ministries
  - Local government
  - Artists: performers, authors, creators etc.
  - Early age: from elementary to high school students

## Other means and efforts:

- Appointment of IP Culture Areas: so far → Saung Angklung Ujo, City of Cirebon, will be increased in this 2013.
  - IP Culture Area is given to any city, university, research institution, culture heritage community, industrial centre, mall/market etc.
  - This program is one of Indonesia efforts to continuously eradicate IPR infringement, IPR dissemination, preservation of communal IP, and encouraging of creation of new IP products
  - Any place which has been appointed as IP Culture Area will be prioritized for IPR socialization activities
- Establishment of Geographical Indication Conservation Areas
- Awards for Mall free from TM infringement, for companies which using legal software
- Cooperation with Religious Moslems Association leaders (*Majelis Ulama*) to issue strong recommendation (*Fatwa*): that IPR infringement is absolutely prohibited (*haram*)
- Improving DGIPR website as source of information of IPR





# DJHKI

**DIREKTORAT JENDERAL HAK KEKAYAAN INTELEKTUAL  
KEMENTERIAN HUKUM DAN HAK ASASI MANUSIA R.I**

[TENTANG KAMI](#)[PATEN](#)[MEREK](#)[HAK CIPTA](#)[DESAIN INDUSTRI](#)[INDIKASI GEOGRAFIS](#)[KEGIATAN  
INTERNASIONAL](#)[AGENDA  
KEGIATAN HKI](#)

Blog  
Direktur Jenderal HKI

Prof. Dr. Ahmad M. Ramli, S.H., M.H., Ph.D.



## E-Tutorial HKI

Belajar Sendiri Secara Online

[DATABASE  
PATEN](#)[DATABASE  
MEREK](#)[DATABASE  
DESAIN INDUSTRI](#)[BERITA RESMI  
HKI](#)[STATISTIK](#)[PENGADUAN  
PELANGGARAN HKI](#)[Laporan Tahunan DJHKI 2011](#)[Kawasan Berbudaya HKI](#)[Buku Publikasi WIPO](#)[Produk Hukum](#)[Pengajuan Permohonan HKI](#)[Liputan Video DJHKI](#)[LPSE Kemenkumham](#)[PNBP DJHKI](#)

### Pemberian Insentif

Menengah: Perguruan Tinggi, UMMA,  
dan Warga Binaan Lembaga Pemasyarakatan

## Liputan Humas

- International Instrument/Treaty On Limitation And Exception For Visual Impaired Person Or Person With Print Disabilities >>
- Permohonan HKI di Indonesia Meningkat >>
- Indonesia menandatangani Beijing Treaty on Audiovisual Performances di Markas Besar World Intellectual Property Organization (WIPO) di Jenewa >>
- Perindakan Pelanggaran Merek "NEW GANDA BREAD" >>

## Informasi Terbaru

16/01/2013 Berita Resmi Merek Terbaru Nomor 08/IIA/2013 Periode 16 Januari s/d 16 April 2013

07/01/2013 Sidang Komisi Banding Merek No. KP/KBM/18.11 Tanggal 9 Januari 2013

07/01/2013 Buku - buku publikasi WIPO untuk Usaha Kecil dan Menengah terkait HKI

01/12/2012 Rapat Tim Revisi RPP UU Paten 1 PP, 2 Perpres dan RPP UU Merek 1 PP, 2 Perpres

## Fasilitas Online

[Database Merek Indonesia](#)[Database Paten Indonesia](#)[Database Desain Industri Indonesia](#)[E-filing Hak Kekayaan Intelektual](#)[Electronic Book DJHKI](#)[Galeri Kegiatan HKI](#)[Email Resmi DJHKI](#)[Kotak Pos Elektronik Konsultasi HKI](#)[Blok Pecawai DJHKI](#)



DJHKI

Selamat Datang!  
[www.dgip.go.id](http://www.dgip.go.id)

*Nikmati  
Ciptaannya*

*Hargai  
Penciptannya*

*Lindungi HKI-nya*

2013  
January 1

Direktur Jenderal HKI







# PELANGGARAN HKI ADALAH HARAM

FATWA MAJELIS ULAMA INDONESIA

Nomor: 1/AN-LINAS-VI/MUJUS/2008  
Tentang PERLINDUNGAN HAK KEKAYAAN INTELEKTUAL (HKI)

*Setiap bentuk pelanggaran terhadap HKI, termasuk namun tidak terbatas pada menggunakan, mengungkapkan, membuat, menyalin, menjual, mengimpor, mengeksport, mengedarkan, menyebarkan, menyebarkan, mengumumkan, memperbarui, menjual, memulau, membuat HKI milik orang lain seolah-olah hak merupakan keasliannya dan sebaliknya adalah haram.*

Prof. Dr. H. Hasanudin Af. MA  
Ketua Komisi Fatwa  
Majelis Ulama Indonesia

Prof. Dr. H. Saiful M. Rizal, SH, MH, FCD  
Ketua Komisi Hak Kekayaan Intelektual  
Dewan Pertimbangan Hukum dan HAM Republik Indonesia





## Other means and efforts in higher level and wider scope:



- Indonesia's National Long Term Development Plan 2005-2025 (President of the Republic of Indonesia Decision No. 5 Year 2010) for Middle Term of Development Planning 2010-2014:
  - strengthening Indonesia's economic competitiveness, and an improvement of human resources quality, particularly in the fields of science and technology.
  - the importance of Intellectual Property Rights, particularly patent is acknowledged as one of the weaknesses of capacity of national innovation.
  - The strategy to increase national innovation will be through strengthening of comprehensive national innovation system systematically and by building collaboration among tripartite: Government, University and Industry
- Law No. 18 of 2002, concerning National System of Research, Development and Implementation of Science and Technology ; Government Regulation No. 20 of 2005, for transfer technology; and Presidential Decree No. 32 of 2010 concerning establishment of *Indonesia National Innovation Committee*)
- Establishment of *White book of strengthening of national innovation system*



# POLICY AND EFFORTS BY INDONESIA (4)



## Cooperation:

- **National:**
  - Interministries
  - Local governments
  - Associations
  - Industries
  - Non Government Organizations,
  - Media, etc
- **International:**
  - Actively participate in regional and multilateral IP forum/negotiations: AWGIPC, APEC, WIPO, WTO → for purpose of improving IP system, and show Indonesia commitment in providing adequate IPR protection
  - Improving bilateral cooperation: Japan, EPO, USPTO, Korea, Australia, Switzerland etc., for purpose of HRD, capacity building, institution development, law enforcement development
  - Improve DGIPR role in Free Trade Area Discussion/negotiation



# THANK YOU

Directorate General of Intellectual Property Rights  
(DGIPR)

Ministry of Law and Human Rights

Jln. Daan Mogot Km. 24  
Tangerang, Province of Banten  
Indonesia 15119

Website : [www.dgip.go.id](http://www.dgip.go.id)

