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Am Badar

&

PARTNERS

INTELLECTUAL PROPERTY RIGHTS

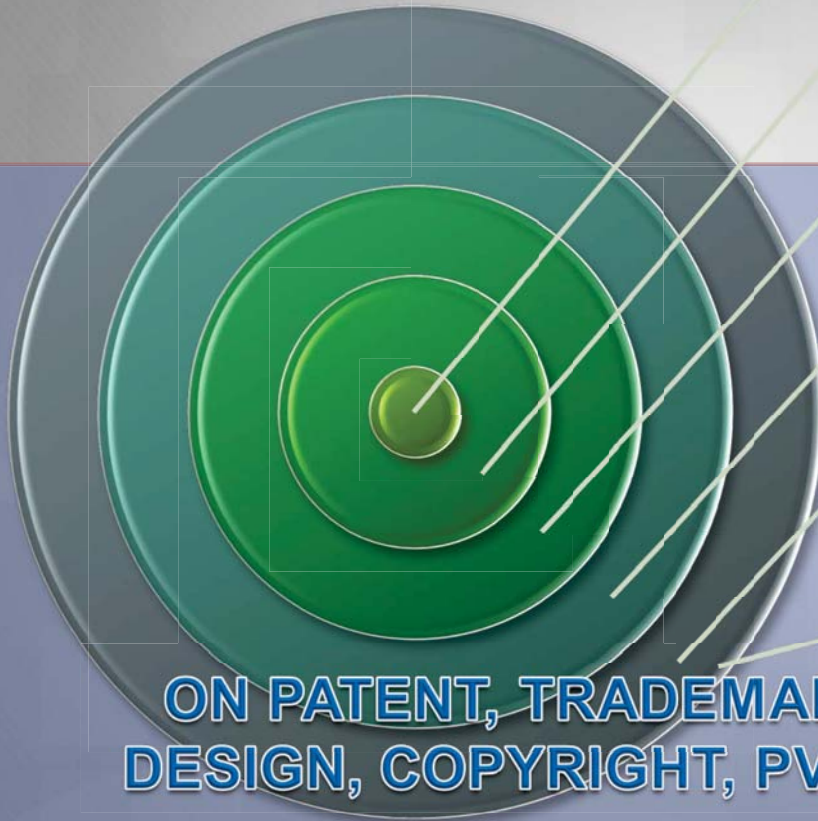


Founded by
Mr. Toetoen Am Badar, S.H.
and established as legal entity in 1965

1. Span of Our Businesses :

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OUR SERVICES



Conducting Search Report Legal Advice

- a. Enforcement of IP rights through :
 - Litigation
 - Dispute resolution
 - Advice
- b. Anti-counterfeiting programs
- c. Advice on and drafting of IP related agreements including licenses.

IP Prosecution

IP Litigation

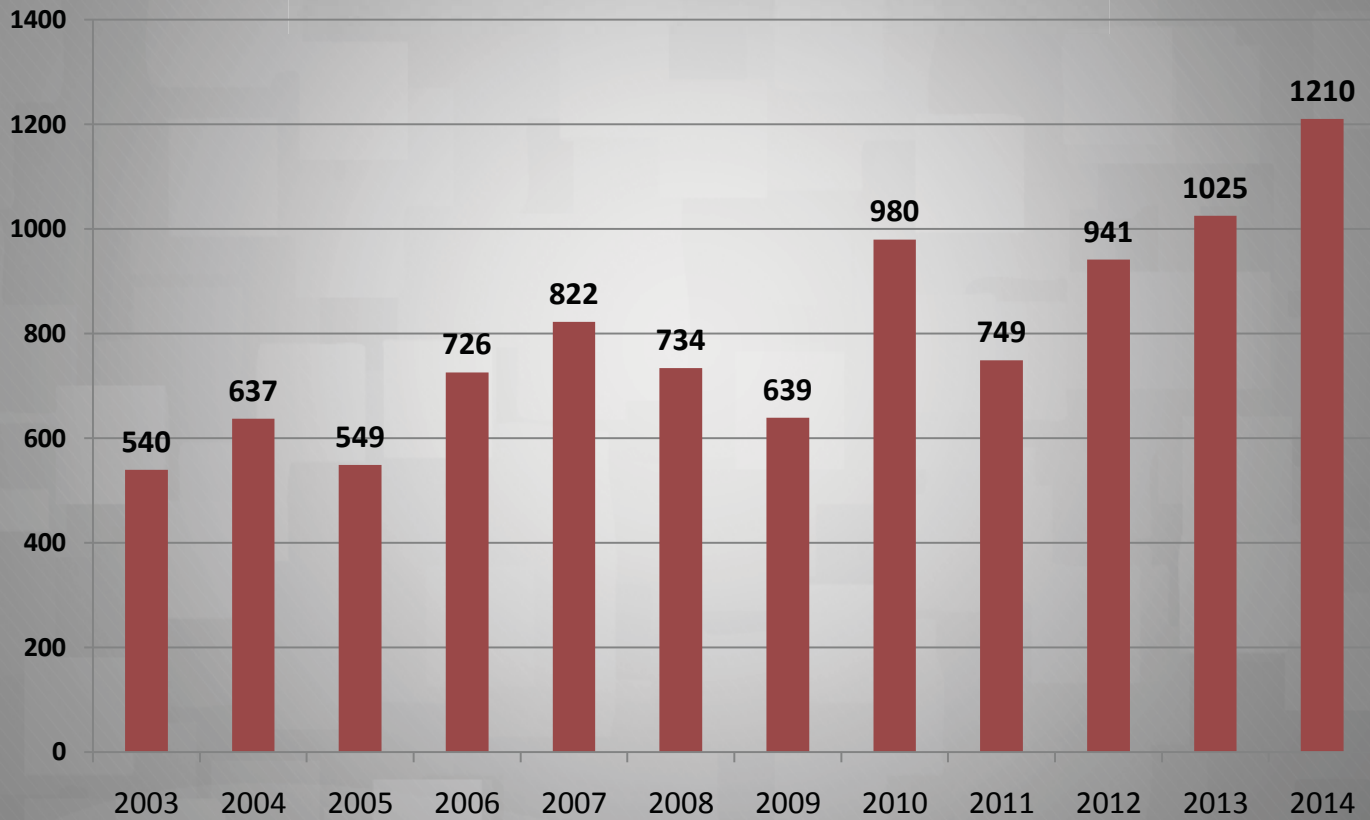
Post Granted Service
(Maintenance, Watching
Service)

Domain Name

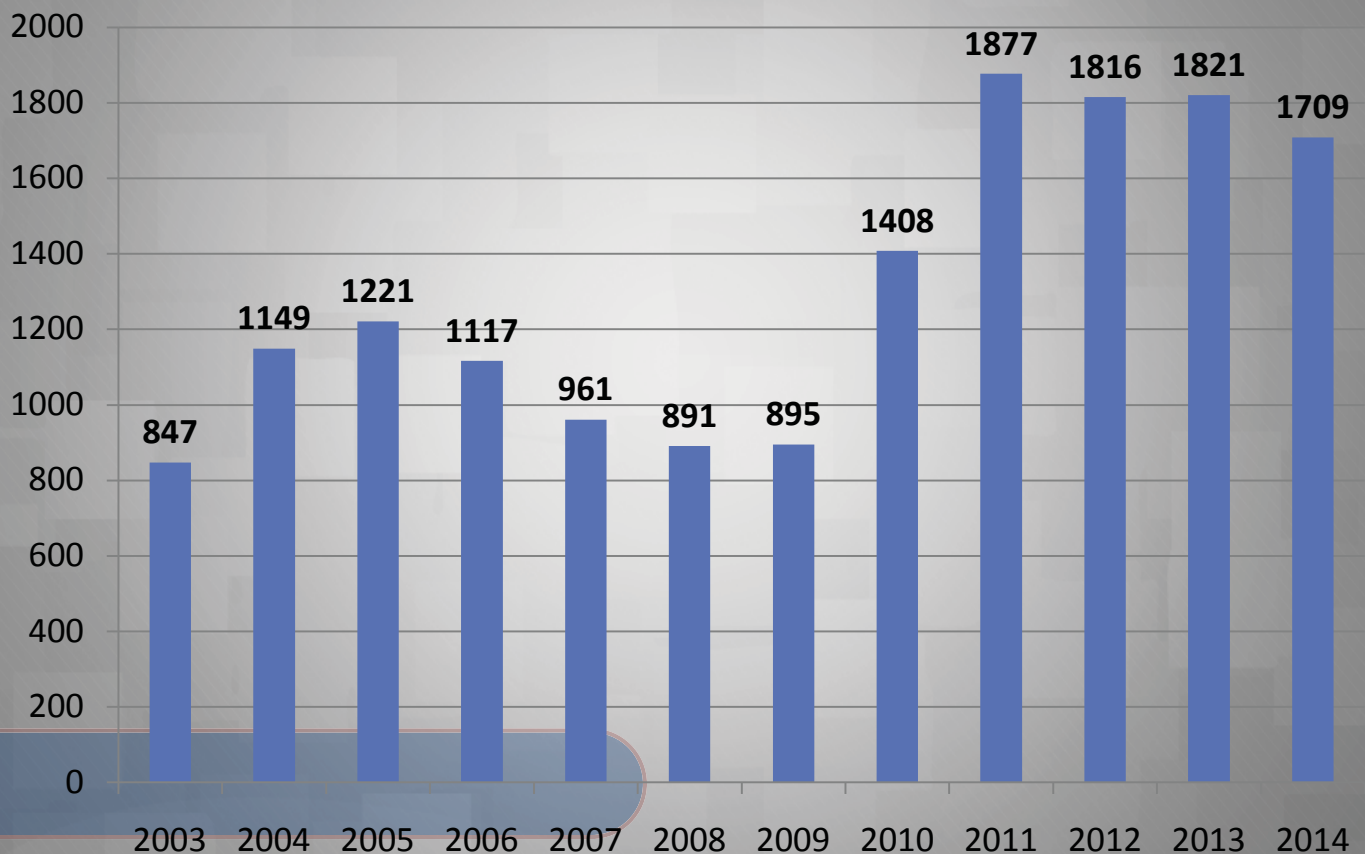
**ON PATENT, TRADEMARK, INDUSTRIAL
DESIGN, COPYRIGHT, PVP/PLANT PATENT**

**AM BADAR & PARTNERS
APPLICATIONS
2003 - 2014**

PATENT APPLICATIONS 2003-2014

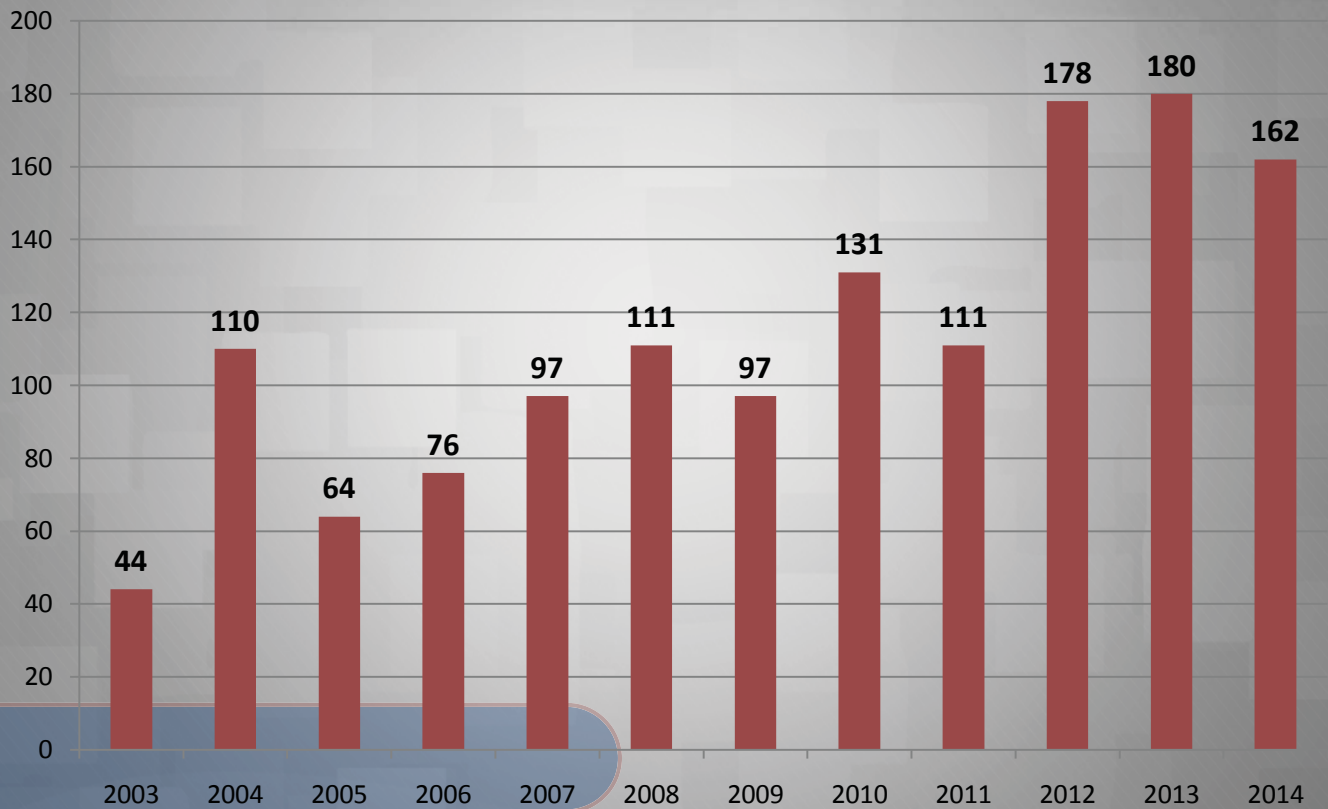


TRADEMARK APPLICATIONS 2003-2014



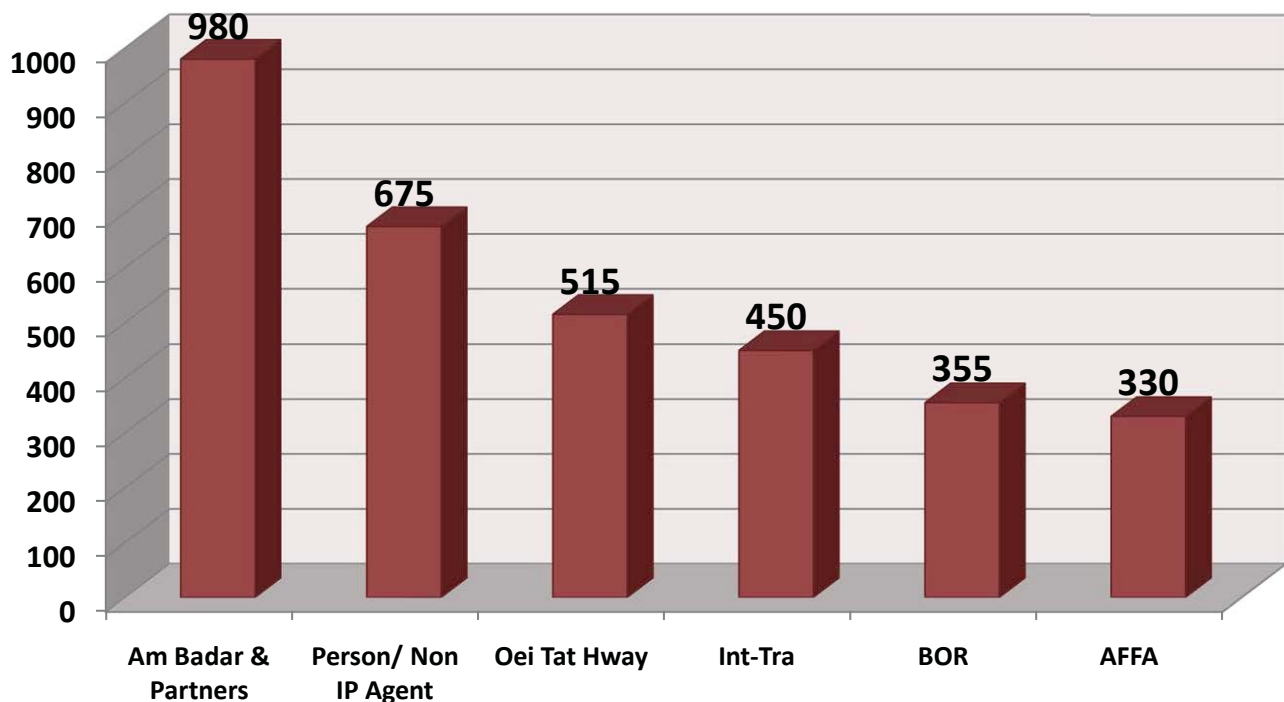
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INDUSTRIAL DESIGN APPLICATIONS 2003-2014



The Big 5 IP Firm Based on Their Patent Applications

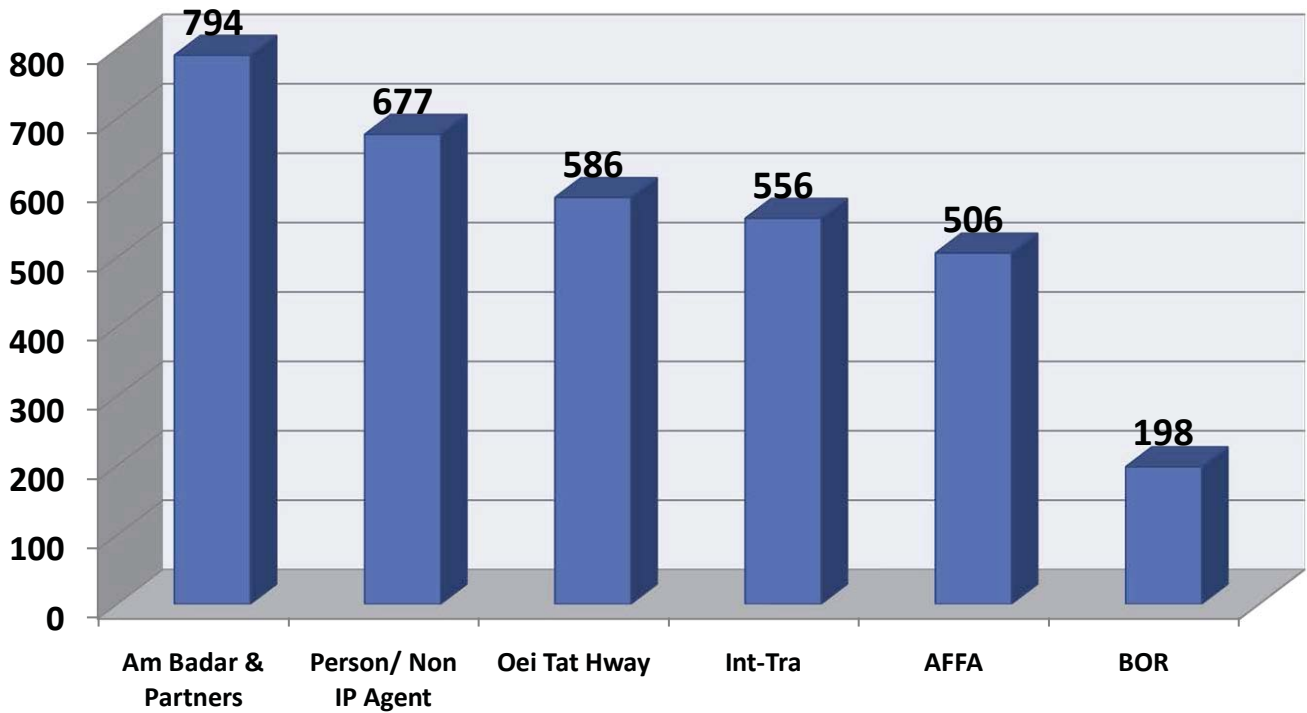
2010



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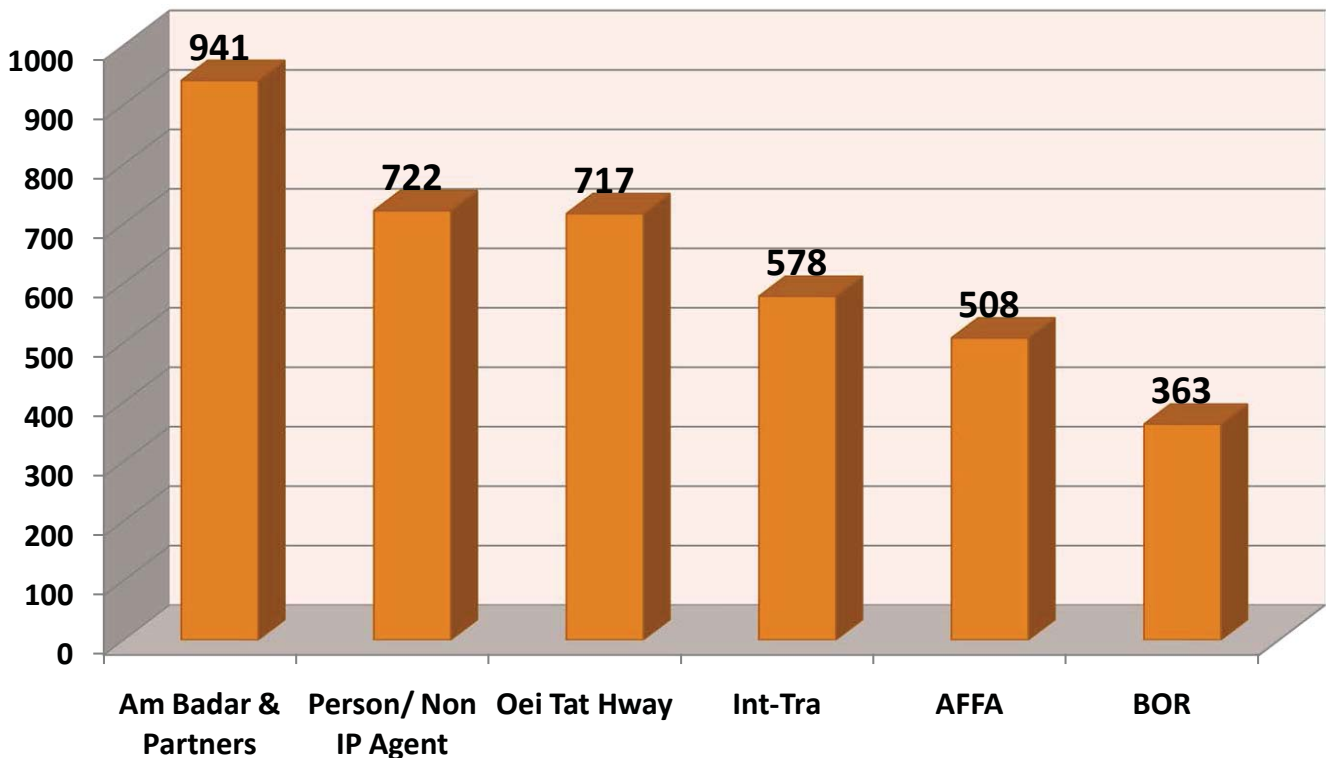
The Big 5 IP Firm Based on Their Patent Applications

2011



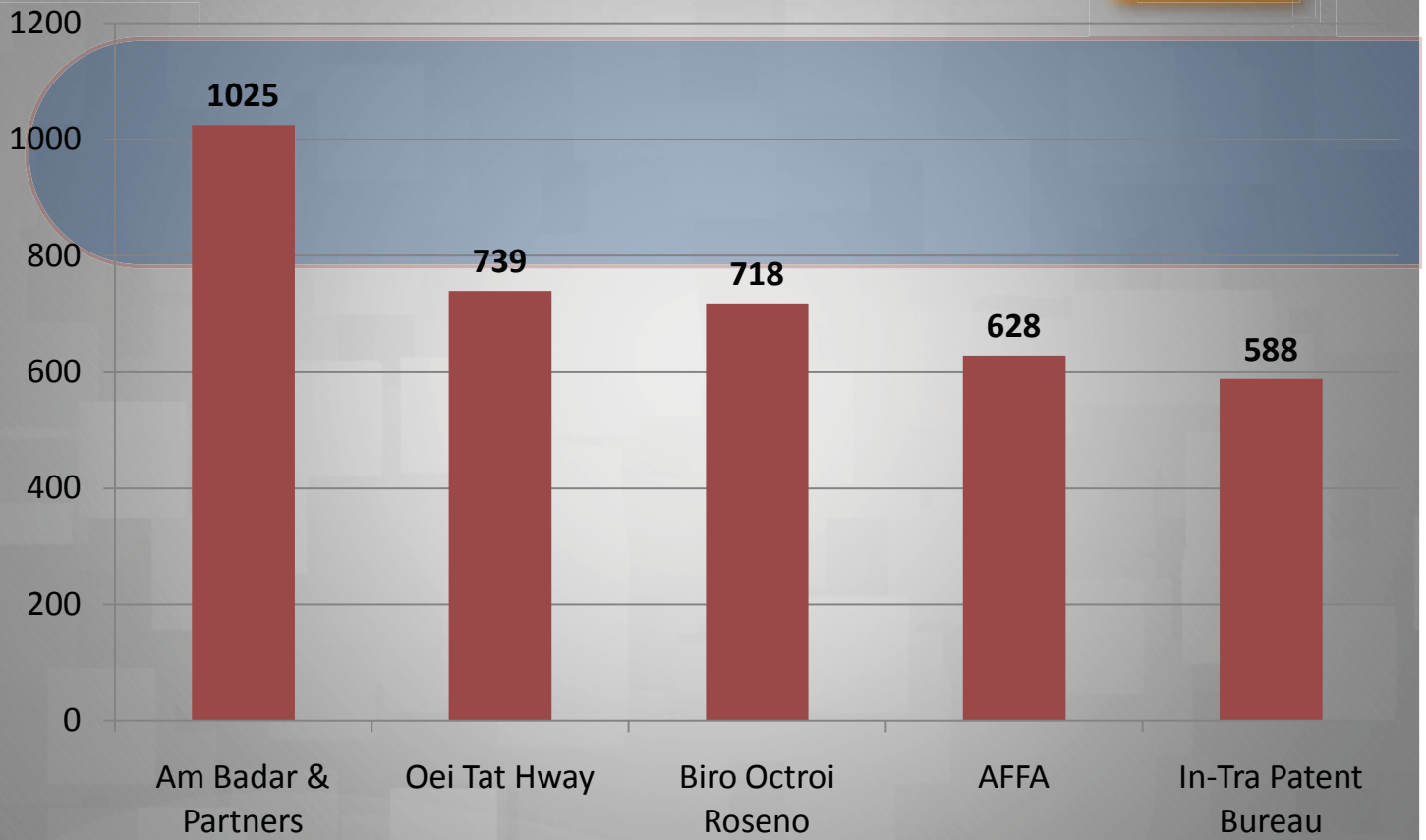
The Big 5 IP Firm Based on Their Patent Applications

2012



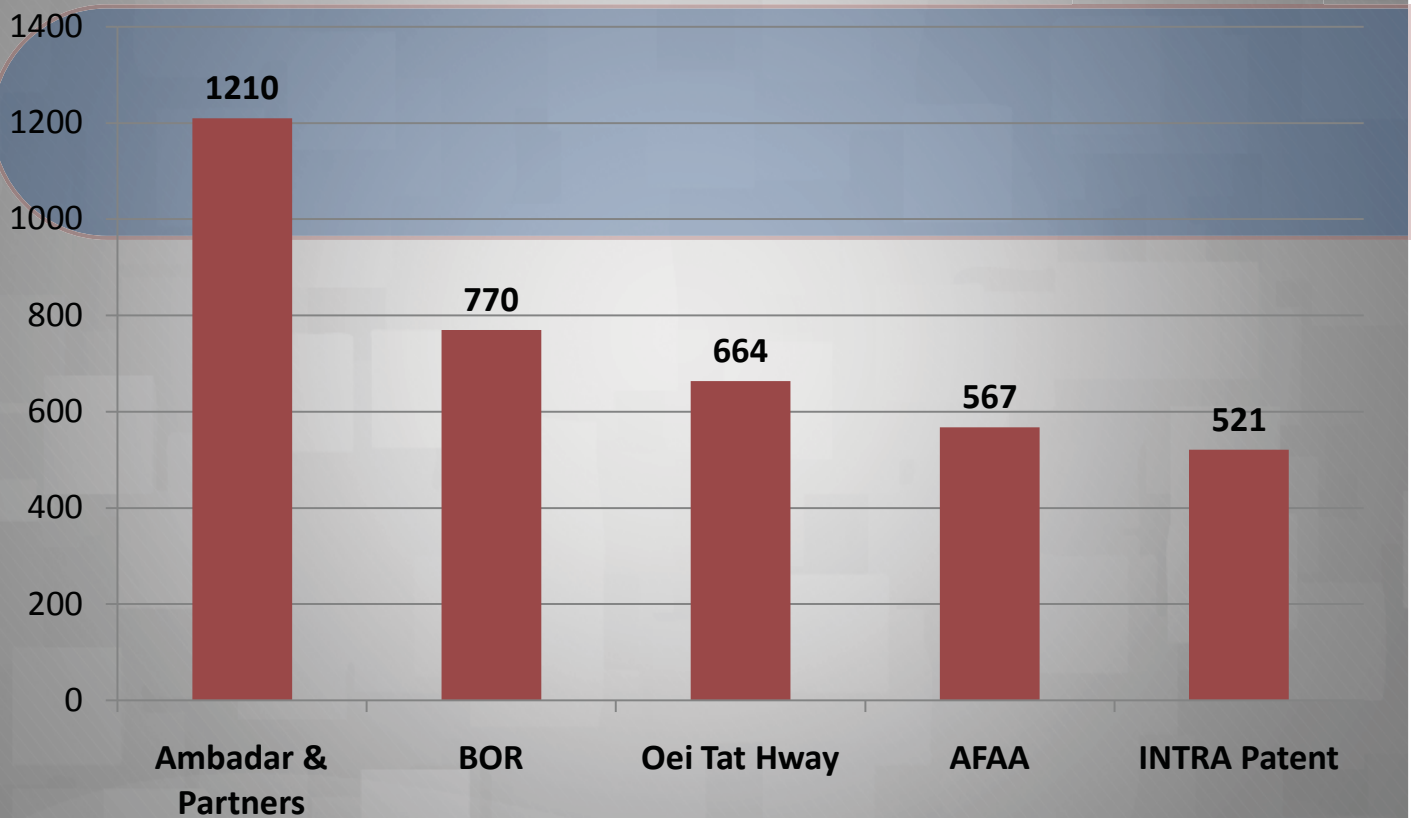
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2013



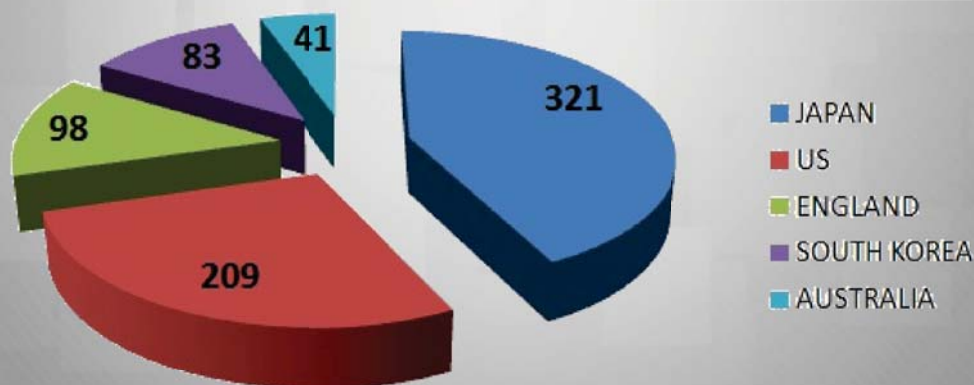
The Big 5 IP Firm Based on Their Patent Applications

2014



BIG 5 APPLICATIONS BASED ON COUNTRIES

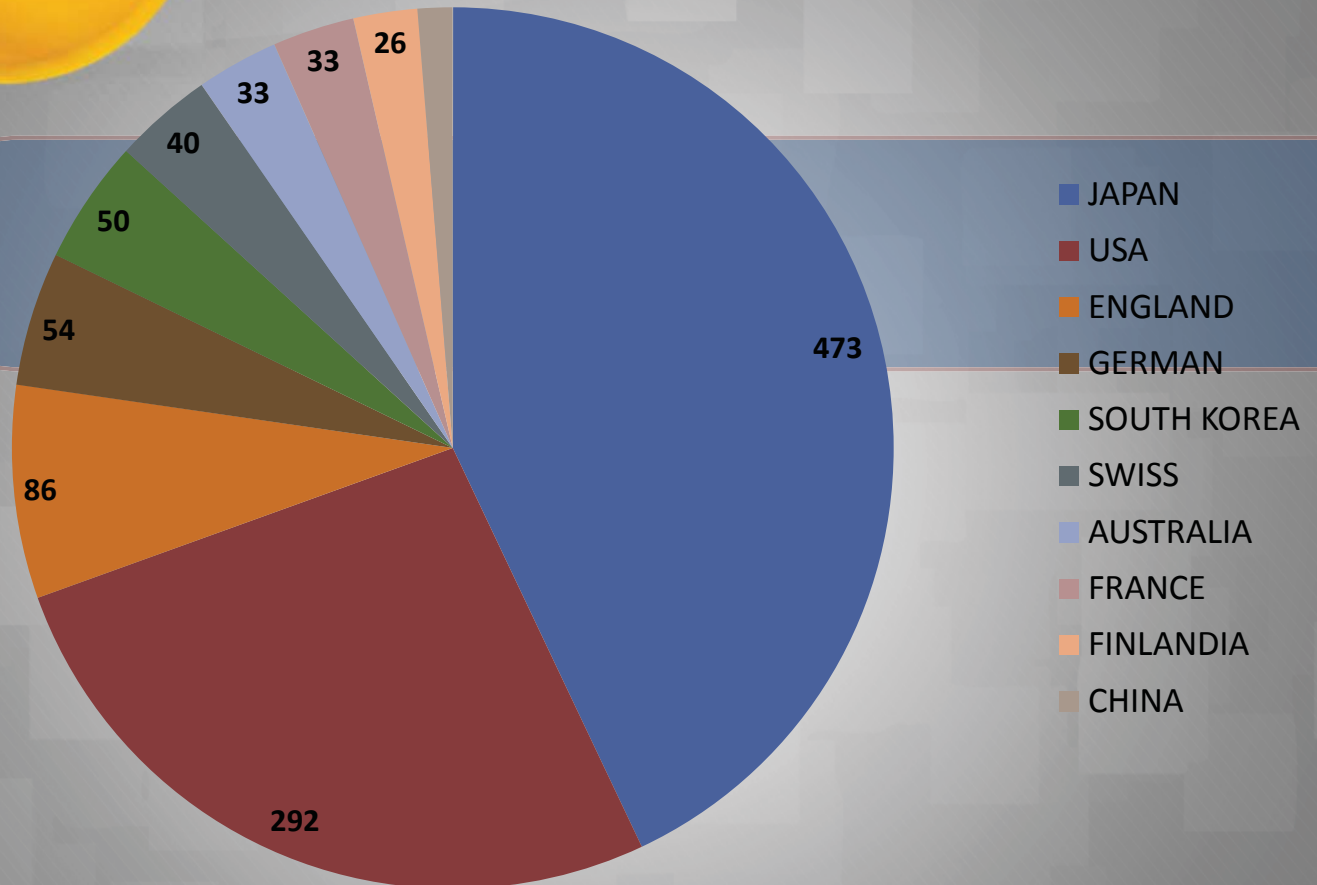
2013



Patent Applications Filed to The Indonesian Patent Office (2014)

NO	COUNTRY	TOTAL	%
1	JAPAN	473	39.1
2	USA	292	24.1
3	ENGLAND	86	7.1
4	GERMAN	54	4.5
5	SOUTH KOREA	50	4.1
6	SWISS	40	3.3
7	AUSTRALIA	33	2.7
8	FRANCE	33	2.7
9	FINLANDIA	26	2.1
10	CHINA	14	1.2

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Patent Applications Filed to The Indonesian Patent Office (2015)

NO	COUNTRY	TOTAL	%
1	JAPAN	232	32.0
2	USA	159	21.9
3	SOUTH KOREA	110	15.2
4	ENGLAND	51	7.0
5	SWISS	36	5.0
6	GERMAN	30	4.1
7	FINLAND	29	4.0
8	FRANCE	17	2.3
9	AUSTRALIA	15	2.1
10	CHINA	9	1.2

Data up to July 2015

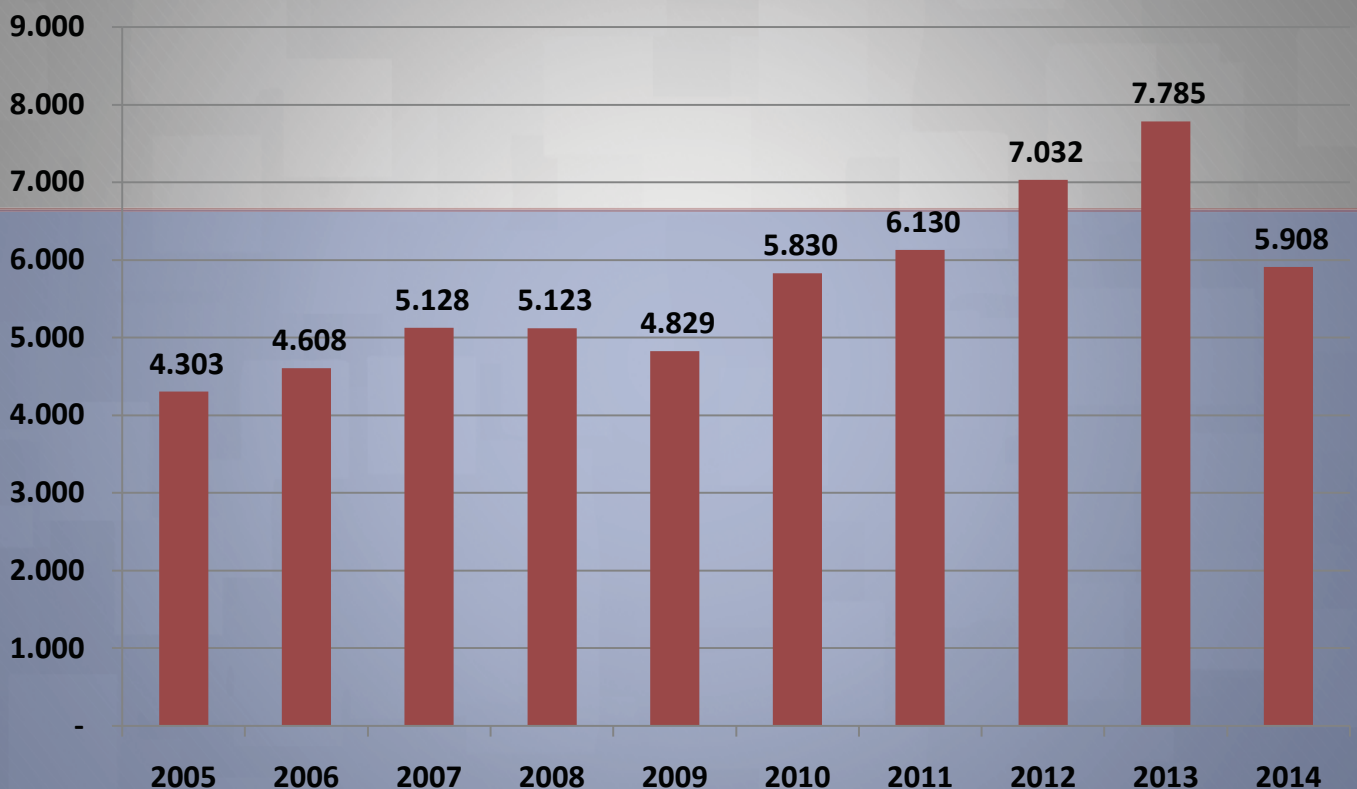
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Big 10 Patent Applications in Indonesia Based on Countries (2014)

NO	COUNTRY	TOTAL
1	JAPAN	2.337
2	USA	1.409
3	INDONESIA	894
4	GERMANY	473
5	SWISS	399
6	NETHERLANDS	351
7	FRANCE	268
8	CHINA	261
9	SOUTH KOREA	233
10	ENGLAND	197

Source : DGIP/2014

Patent Applications in Indonesia (2005 – 2014)

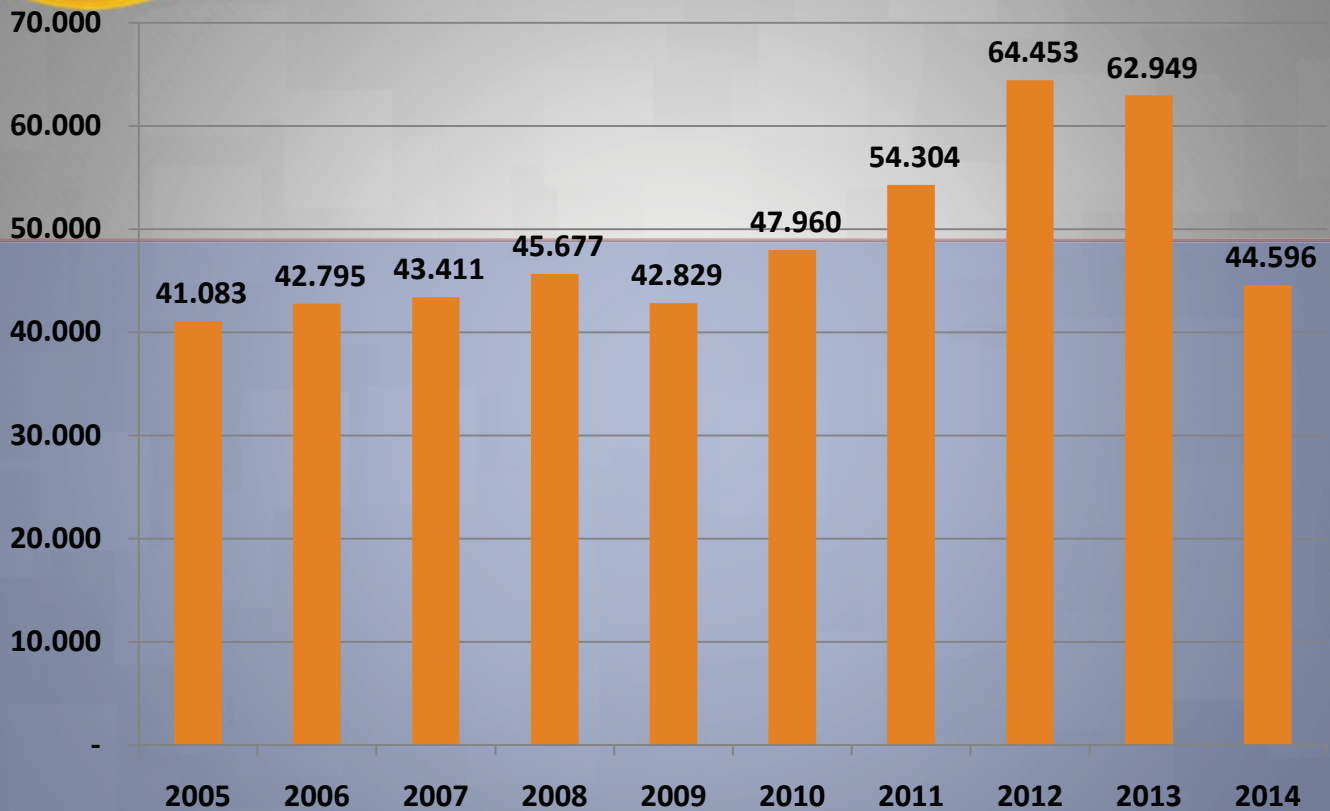


Note : Data of Patent Applications in 2014 up to September 2014

Source : DGIP

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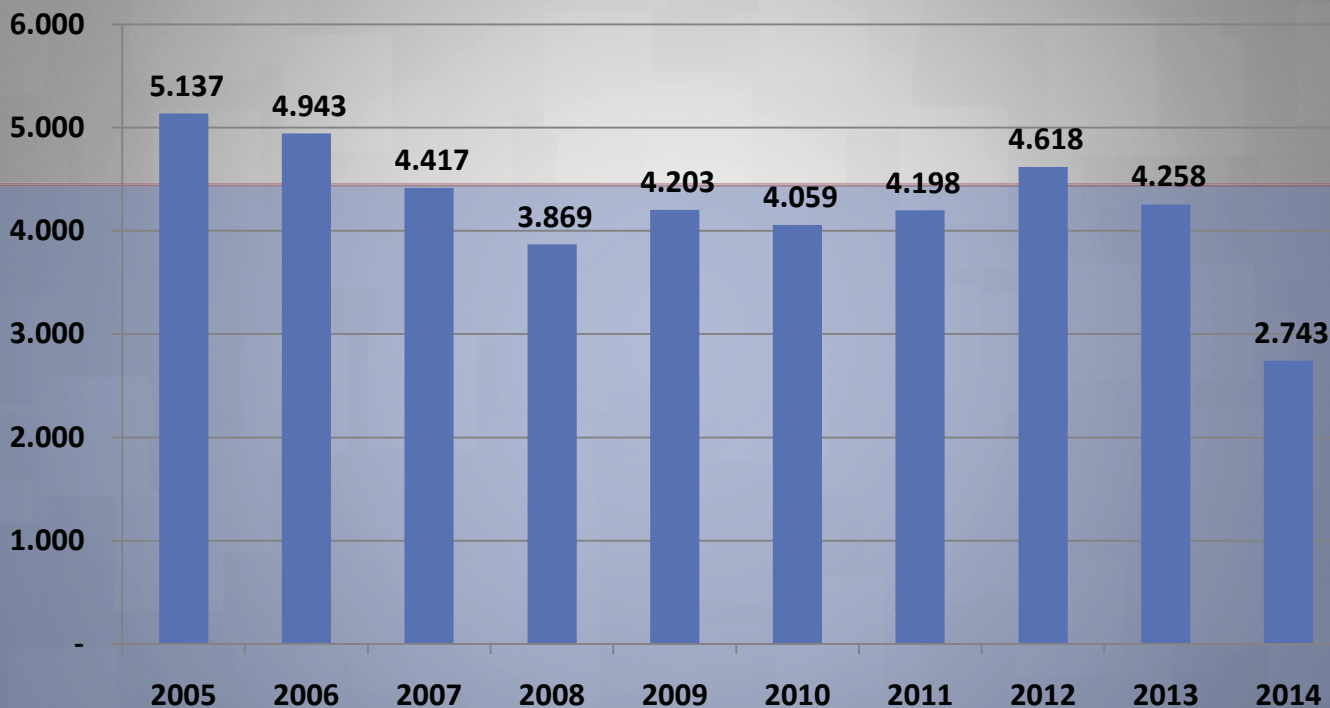
Trademark Applications in Indonesia (2005 – 2014)



Note : Data of Trademark Applications in 2014 up to September 2014

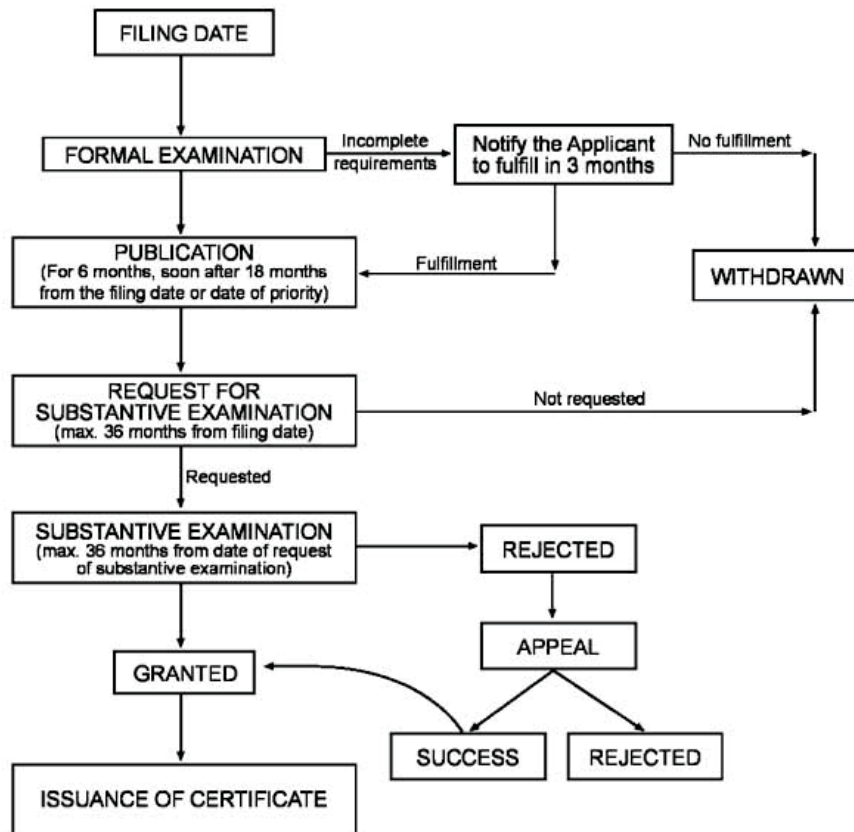
Source : DGIP

Design Applications in Indonesia (2005 – 2014)



Note : Data of Design Applications in 2014 up to September 2014

Source : DGIP

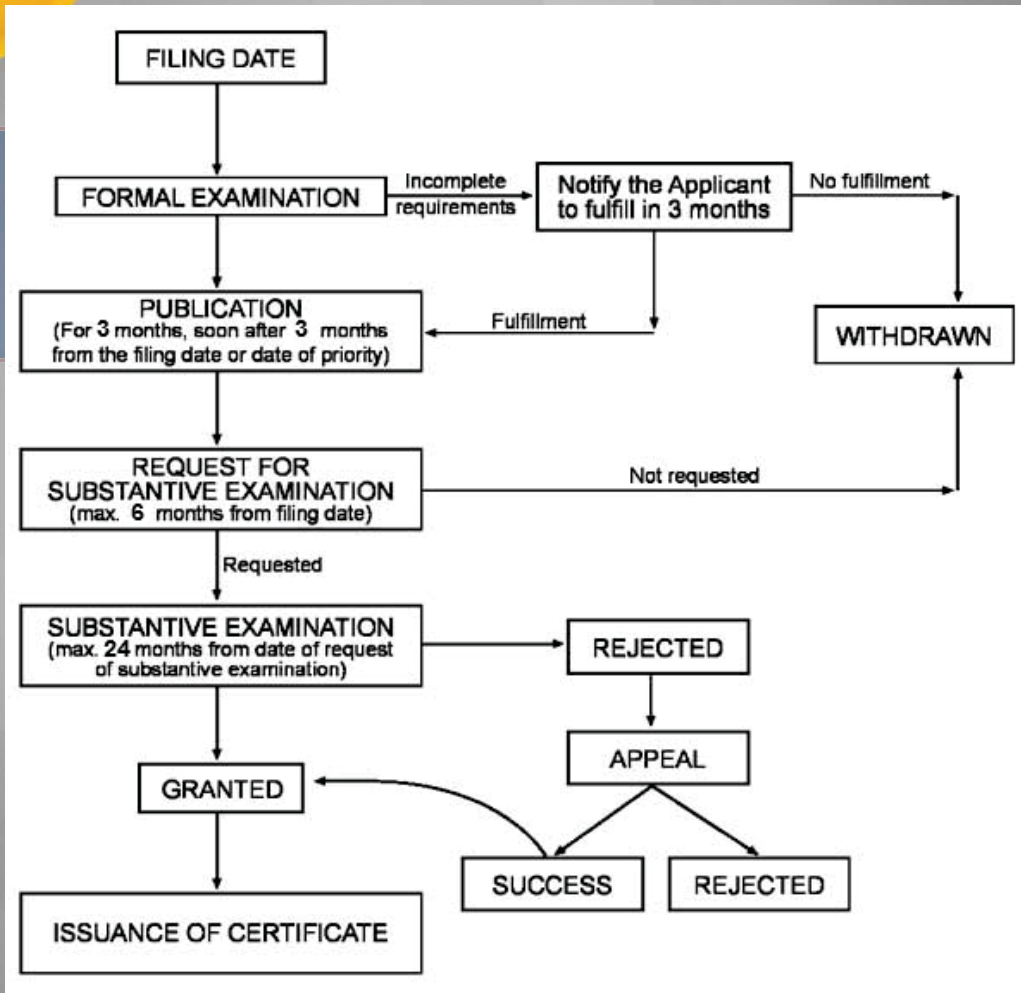


PATENT ADMINISTRATION SYSTEM

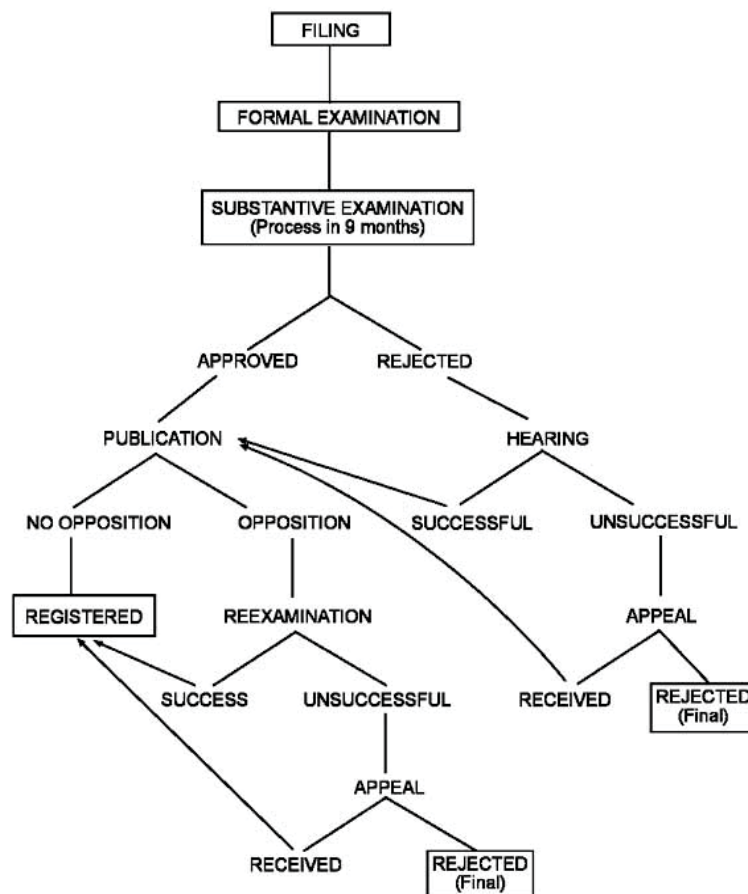


Flow Handling Utility Model Application In Indonesian Patent Office

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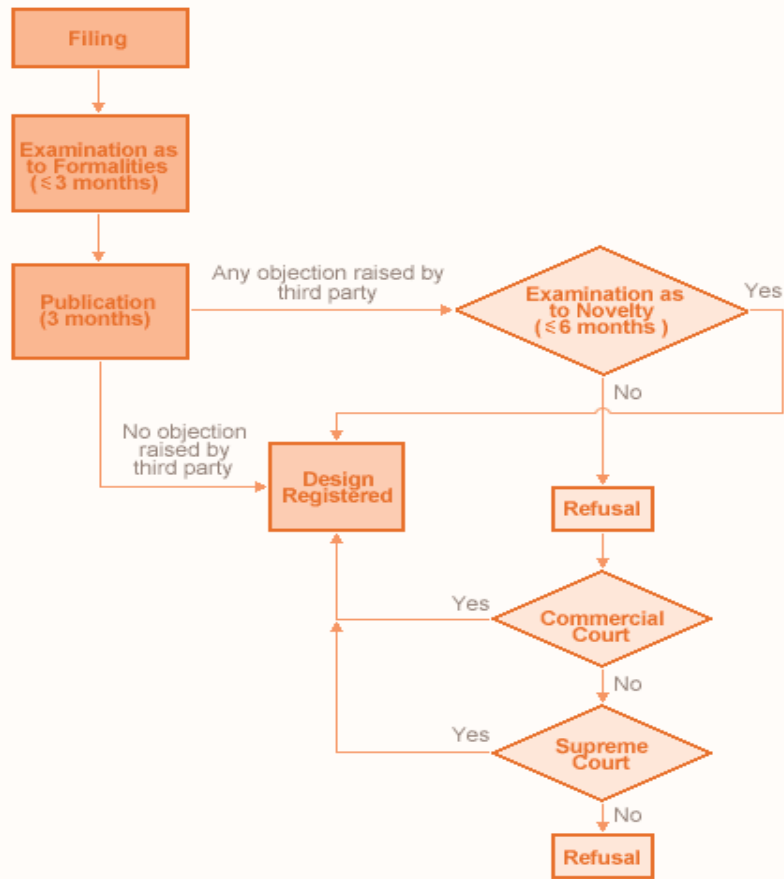


Flow of Handling Trademark Application in Indonesian Trademark Office

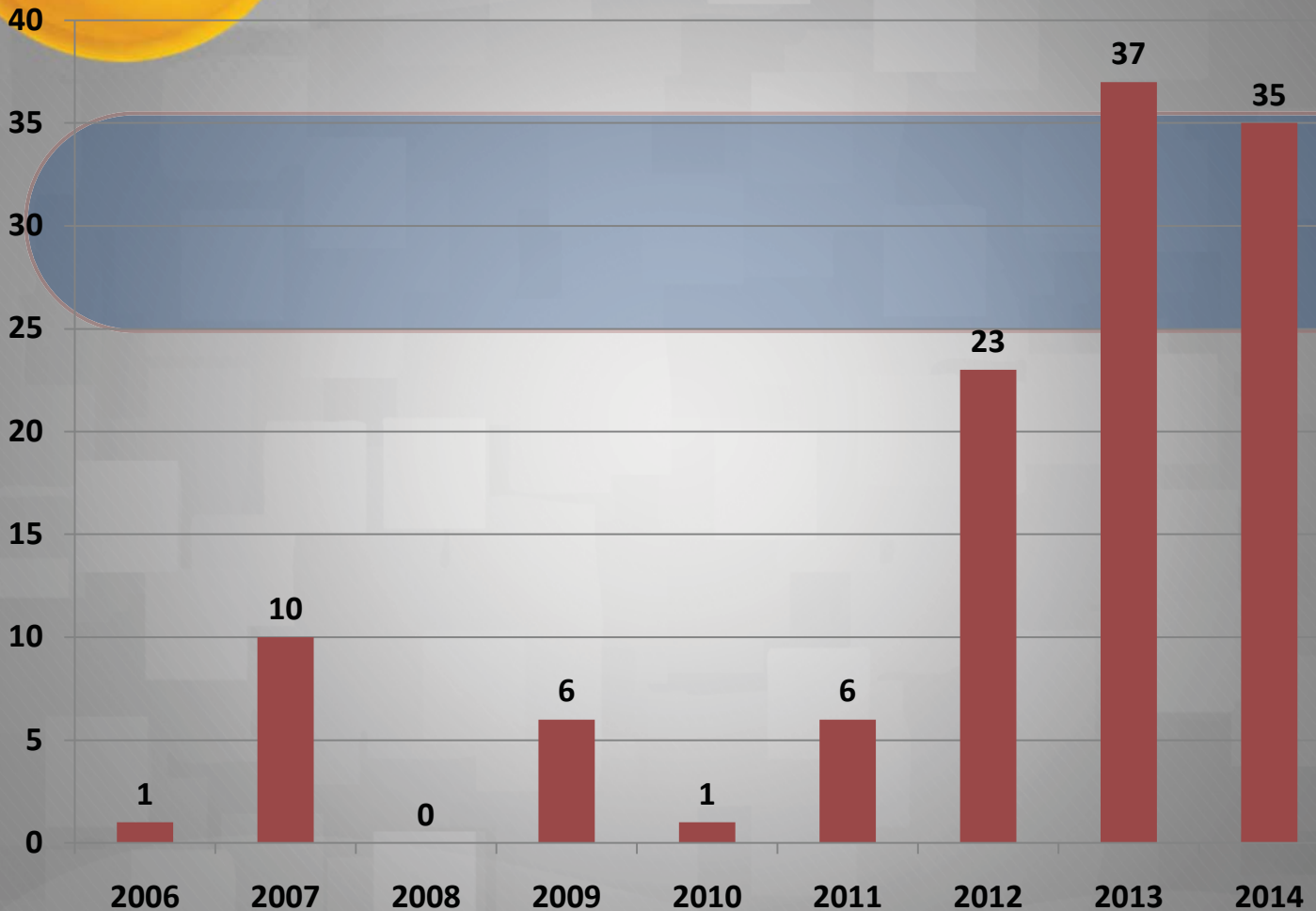


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INDUSTRIAL DESIGN REGISTRATION PROCEDURE (Industrial Design Law No. 31 of 2000)

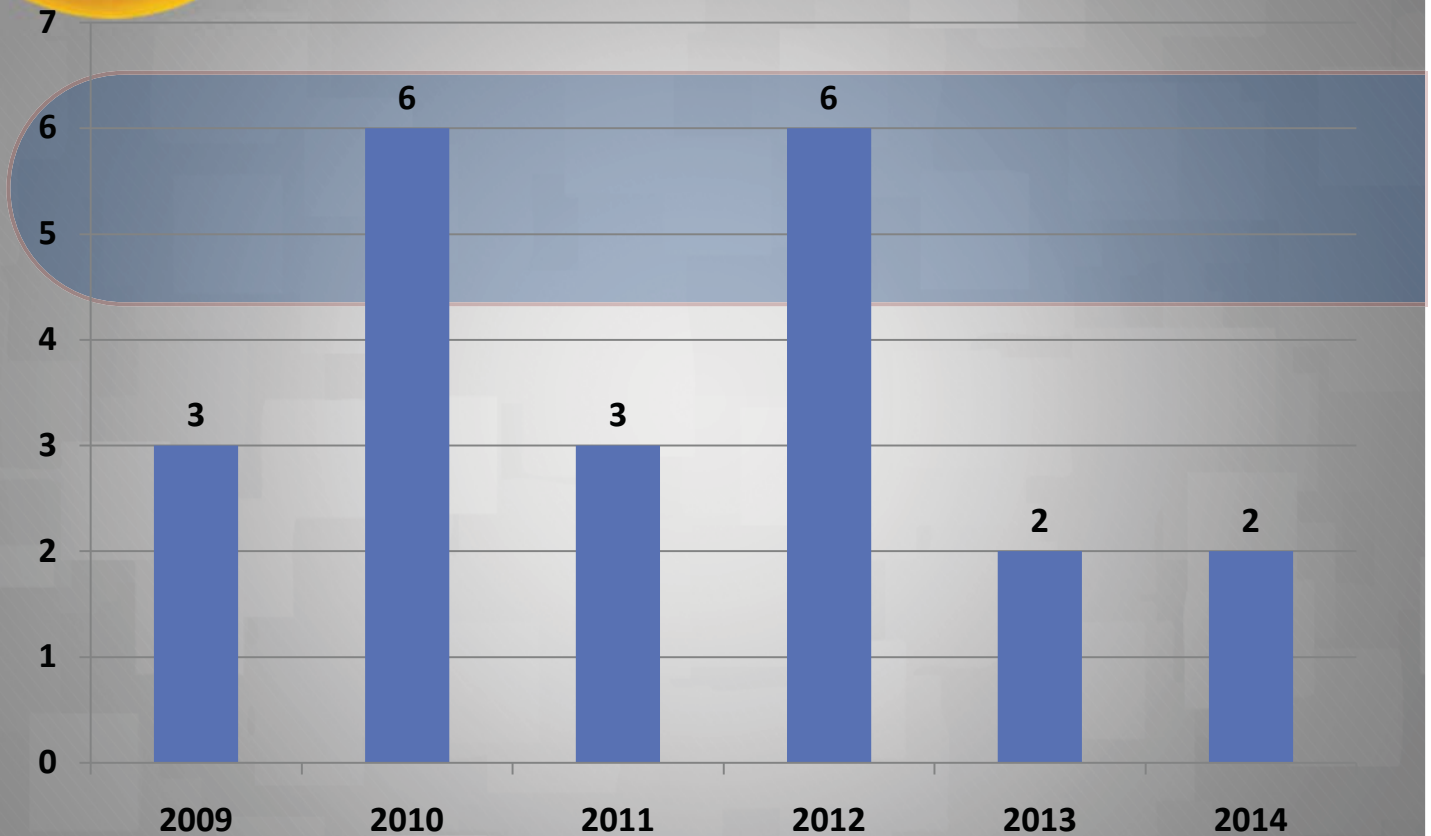


IP INFRINGEMENT CASES (2006-2014)



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IP LITIGATION CASES (2009-2014)



Patent Litigation Cases with the Central Jakarta Commercial Court (2003-2012)

Year	Total
2003	3
2004	2
2005	2
2006	1
2007	4
2008	6
2009	8
2010	11
2011	No Data
2012	2

Data of IP Enforcement from Indonesian National Police

No.	Intellectual Property Cases	Year		
		2012	2013	2014
1	Copyright	109	188	60
2	Patent	-	5	1
3	Trademark	96	64	35
4	Industrial Design	1	9	2
5	Trade Secret	1	-	-
6	Lay-out Design of Integrated Circuit	-	-	-
7	The Protection of Plant Variety	-	-	-
Total		207	266	98

Reference : P. Kusuma & A. Prabawa , 2014

No.	Optical Disc (Copyright) Cases	Year		
		2012	2013	2014
1	Optical disc cases	87	137	23
2	Suspected	78	141	23
3	Optical disc evidence	388.381 pcs	321.185 pcs	90.985 pcs
4	Duplicator evidence	13	21	11

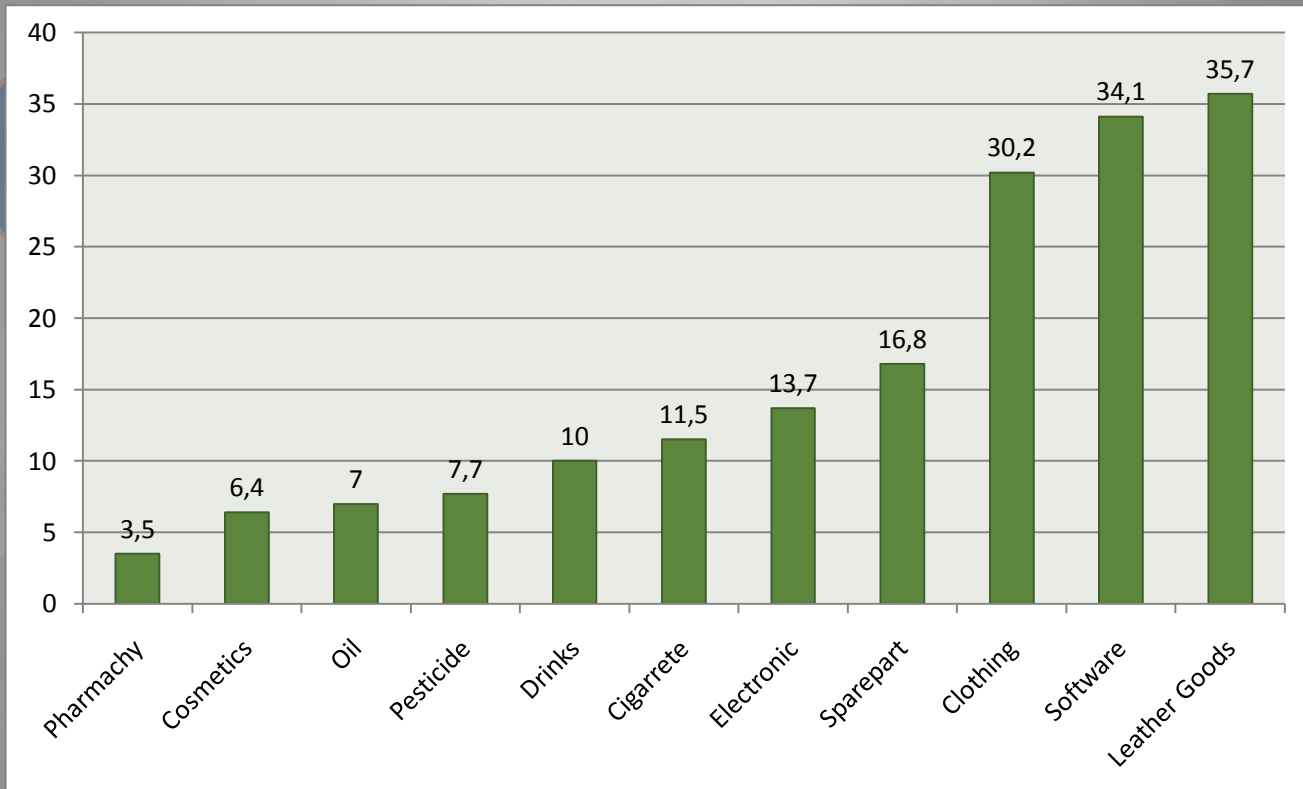
Data of IP Enforcement from Indonesian Civil Servant Investigator

No.	Intellectual Property Cases	Year		
		2012	2013	2014
1	Copyright	6	4	2
2	Patent	2	-	1
3	Trademark	23	15	6
4	Industrial Design	6	6	-
5	Lay-out Design of Integrated Circuit	-	-	-
6	The Protection of Plant Variety	-	-	-
Total		37	19	9

Reference : P. Kusuma & A. Prabawa , 2014

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Statistical Data of Counterfeit Products in Indonesia (2012)



Reference : MIAP and LPEM FEUI 2012

Patent Enforcement

Civil Law
(for Patent Dispute)

Criminal Law
(Patent
Infringement)

Alternative Dispute
Resolution

Patent Dispute

Based on Art. 10, 11, 12 jo. 117 Ind. Patent Law (if patent is given to the unrightful party).

Based on the Art. 16 jo. 118 Ind. Patent Law (reg. the unrightful use of patent).

Based on Art. 2, 6, 7 jo. 91 Ind. Patent Law (patent revocation).

Patent Infringement

Based on Art. 16 jo 130 Ind. Patent Law

Based on the Art. 16 jo. 131 Ind. Patent Law (infringement of utility patent)

Based on Art. 25 (3), 40, 41 jo. 132 Ind. Patent Law (confidentiality obligation)

Actions Sequences :

- **Determining whether or not the adverse party infringe the Client's trademark by conducting an investigation and/or market survey;**
- **Sending the Cease and Desist Letter (Warning Letter);**
- **Publishing the Cautionary Notice in National Newspaper;**
- **Reporting the case to State Police or PPNS;**
- **The State Police/PPNS will conduct the investigation, confiscation, examination of the witnesses and/or suspects;**
- **If the investigation is considered sufficient then the case will be reported to the Public Prosecutor;**
- **If the Prosecutor believes that the case suffice the criminal element (P21) hence the case will be examined in several session in the Court.**

Alternative Dispute Resolution

Arbitrage, mediation, etc.

Injunction (based on Art. 129 Ind. Patent Law jo. Ind. Supreme Court Regulation No. 5 of 2012)

Transfer of Patent Right

PATENT INFRINGEMENT LEGAL BASIS BASED ON PATENT LAW NO. 14 OF 2001

CRIMINAL

- Article 130
infringes the right of a patent holder
- Article 131
Violates the rights of a simple patent holder
- Article 132
Fails to fulfill the obligation referred to in article 25 para. 3, article 40 and article 41

CIVIL LAWSUIT

- Article 117
The person so entitled to the patent may bring a lawsuit if a patent is granted to a person other than the person entitled to the relevant patent.
- Article 118
A patent holder or a licensee shall be entitled to bring a lawsuit for damages against any person who deliberately and without rights performs any acts referred to in Article 16

INFRINGEMENT BASED ON INDONESIAN PATENT LAW

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graph TD; A[INFRINGEMENT BASED ON INDONESIAN PATENT LAW] -.-> B[CRIMINAL]; A -.-> C[CIVIL LAWSUIT]; B -.-> D[To determine the adversary's fault]; C -.-> E[To seek damage compensation];
```

CRIMINAL

To determine the adversary's fault

CIVIL LAWSUIT

To seek damage compensation

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CRIMINAL

Procedure:

- Determine the suspect & location, etc.
- Sending Warning Letter / Cautionary Notice
- Filing Claim

Official entities:

- State Police
- Investigation Bureau of Intellectual Property Office

Cost:

- USD 10.000 – 30.000

CIVIL LAWSUIT

Procedure:

- Filed with Commercial Court
- After the Criminal case is settled

Cost:

- USD 15.000

Success rate:

- *****

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Action Sequences

The Authorized Institution



- Indonesian State Police or
- Investigation Bureau of Indonesian IP Office

Expiry Date of Infringement Claim

- 6 months after the claimant witnessed the usage/trading of counterfeited products;
- 9 months after the claimant witnessed the usage/trading of counterfeited products (if he domiciles out of Indonesia).

[Indonesian Penal Code: Art. 74]



Withdrawal of Infringement Claim

- 3 months after the filing date of the claim
[Indonesian Penal Code: Art. 75]



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THANK YOU