

The Recordation of Intellectual Property Rights at the Directorate General of Customs and Excise (DGCE)

-Proudly Present a new service at HarvesPat IP Services



There is the latest Government Regulation that has been issued for quite long, but still requires a lot of socialization from the public, especially IP Owners, and related agencies, namely Government Regulation Number 20 of 2017 concerning Import or Export Control of Allegedly or Derived Goods from the Result of Intellectual Property Rights Violations (IPR). Furthermore, the technical implementation is regulated through Regulation of the Minister of Finance of the Republic of Indonesia No. 40 / PMK.04 / 2018 contains Recording, Prevention, Guarantee, Temporary Suspension, Monitoring and Evaluation in the Context of Control of Imports or Exports of Goods Allegedly Or Originating From the Result of Violation of Intellectual Property Rights.

The implementation of the government regulation itself only began on June 21,

2018 where holders of intellectual property rights were supported to record or record to reduce the circulation of counterfeit goods and illegal goods in Indonesia.

This is a breakthrough made by the Government of the Republic of Indonesia where it is expected that by recording or recordation of Intellectual Property Rights at the Directorate General of Customs and Excise (DGCE), the export or import crime rate of illegal goods can be minimized.

The recordation of Intellectual Property Rights at the Directorate General of Customs and Excise (DGCE) application must be submitted in written by the IP owner or its representative/proxy (it is advisable to proceed by its representative/proxy specifically for foreign trademark and copyrights owner along with the following documents:

1. Proof of IP ownership, in this case a trademark ownership or copyright ownership. Best if shown by certificates.
2. Copy of deed of company or its last amendment in the Annual General Meeting (RUPS)
3. Copy of Taxpayer Identification Number (NPWP), Company License of Business (SIUP), Company Registration Proof (TDP), and Domicile Letter
4. Details of the original products/goods such as : the mark, goods, trademark, product design, packaging, distribution and marketing route, etc.
5. Details of the original copyrights, such as its characteristics or

- specification either in science, art, literature, or its related rights
6. Statement from the IP owner or IP holder to responsible for the outcome of the recordation.

Upon the recordation application submitted along with its required documents, the officials of custom will issue the Approval or Rejection within 30 (thirty) days computed from the recordation application filed.

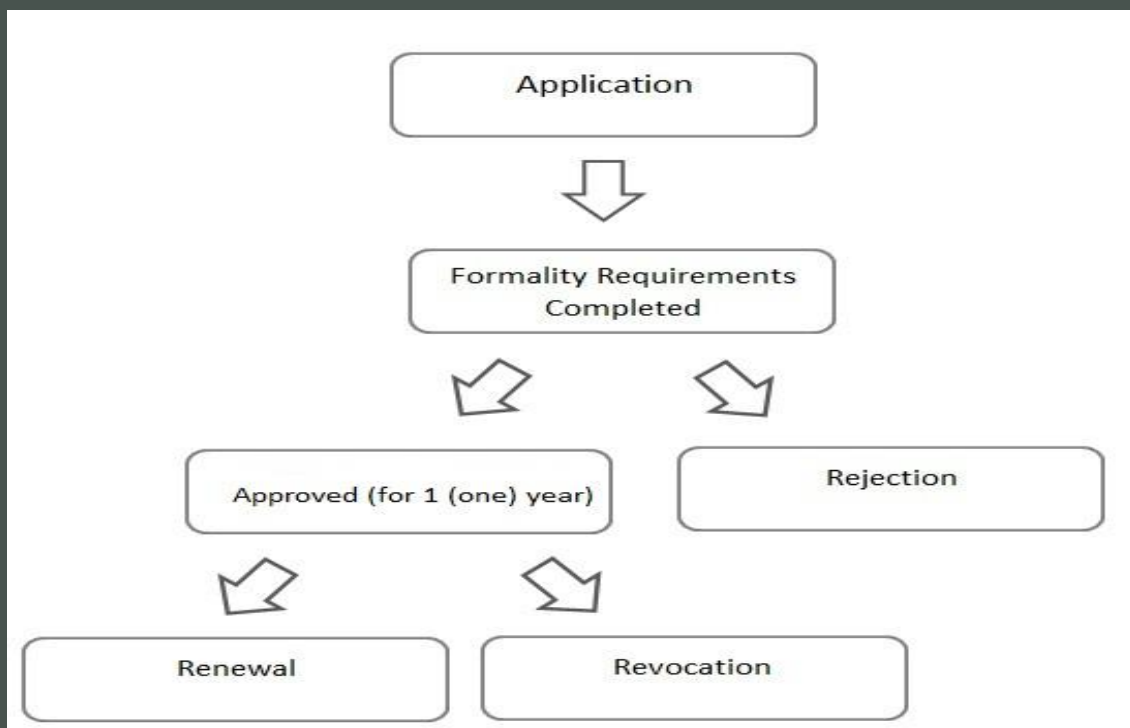
If Approved, the officials from Custom and Excise will proceed the Validation regarding its Intellectual Property. The validation is intended for recordation in the system.



In terms that the recordation application has been approved, therefore, the recordation system at the Directorate General of Customs and Excise (DGCE) shall be valid for 1 (one) year computed from the date of recordation approved, and the said period may be extended.

The IP owner must be aware that the approval of recordation may be revoked by the officials of Directorate General of Customs and Excise (DGCE) which will be based on monitoring and evaluation result by the officials of Directorate General of Customs and Excise (DGCE).

Below is the procedure of recordation application in Directorate General of Customs and Excise (DGCE):



Related to its recordation application by the IP owner at the Directorate General of Customs and Excise (DGCE) there are other related regulations which have not yet regulate by the Ministry of Finance such as the regulation of recordation application procedures, research, approval, rejection, monitoring and evaluation of recordation system which will be informed to our clients upon the implementation of said regulations.

Based on the above, should you are aware of any Intellectual Property infringement(s), especially for the trademark and copyrights, which had

feared will come and out of Indonesia, therefore, it is advisable for the IP owner to file the recordation at the Directorate General of Customs and Excise (DGCE) as preliminary preventif action. In this case, Harvespat IP Servicess will be pleased to assist you to file the said recordation.

For more information regarding official fees, attorney fees, time frame required, chance of success and any other questions, please do not hesitate to contact us to our email at info@harvespat.com.

Source:

- *Kliklegal.com, Perekaman HKI di Direktorat Bea dan Cukai, 18 Agustus 2017.*
- *Kliklegal.com, Persyaratan Perekaman Bea Cukai, 20 Mei 2018.*