

Indonesia-Japan Intellectual Property Forum

After the first successful accomplishment of the Indonesia-Japan Intellectual Property Forum on October 27, 2015 in Yogyakarta, Indonesia last year, in 2016, the second Indonesia-Japan Intellectual Property Forum were held in Tokyo, Japan.

This forum is a discussion and sharing forum for Intellectual Property stakeholders, designed especially to increase understanding and awareness of intellectual property for Japanese and Indonesian companies that run their business in both country and to strengthen the cooperation between the government of Indonesia and Japan.

“I am sure that this forum will provide valuable contributions to the implementation of the intellectual property system in both countries, therefore, will encourage conducive trade and investment practices between two countries through innovation and creativity of intellectual property as the economic powerhouses.”

“On this occasion, please allow me to express our gratitude and highest appreciation to the Government of Japan as the host of this Intellectual Property Forum.”

The Indonesian government put a great attention to the development of Intellectual Property sectors in order to move forward to improve the contribution of the innovation and knowledge-based industrial sectors to increase the national income. Therefore, Intellectual Property is one of the important aspects that need to be considered in international trade, and becomes one of the key factors in trade expansion wherein competitiveness is largely driven by innovation.

Bilateral cooperation between Indonesia and Japan has been well established for a long time, and is cemented by the economic cooperation between Indonesia and Japan through the Indonesia-Japan Economic Partnership Agreement (IJEPA) signed in 2007. IJEPA is a Free Trade Agreement (FTA) between Indonesia and Japan, where the Intellectual Property becomes one of the aspects considered in the agreement.

Indonesia is the largest market in ASEAN, which comprises about 40% of the ASEAN market, with 250 million out of 600 million residents of ASEAN. This makes Indonesia as a market destination for various countries, including Japan.

Japan is Indonesia's trading partner with a total value of exports to Indonesia in 2015 about US13.23 billion, or approximately 11.2% of the total value of imports of goods to Indonesia, and ranks second of the highest exporting countries to Indonesia.

Indonesians become very familiar with Japanese products, especially of the automotive and electronic sectors. Most automotive products, such as cars and motorcycles, are Japanese products. Famous brand names including Toyota, Honda, Suzuki, Nissan, and Daihatsu are the brand names of automotive products from Japan that are extensively marketed in Indonesia.

On the contrary, in Japan, the potential of Indonesian export products is dominated by products that rely on geographic features. For that reason, products related to Geographical Indication become a potential commodities to obtain a large market share in international trade. At the present time, Indonesia is a rich country products which derived from geographical indication potential. The potential of these geographical-indication products has been a boon to the Nation of Indonesia to support economic growth and to be used as a trade asset. There are currently 46 Geographical-Indication products that are registered in Indonesia, 40 of them originate from domestic, with products including coffee, tea, rice, honey, potatoes, pepper, and sugar. The Geographical-Indication products are based on the potential of specific geographical regions and potential to be an export products, with Japan as one of their export destinations. Currently, Geographical-Indications products such as Toraja coffee and Ubi Cilembu (Cilembu cassava) are among Geographical-Indication products favored by the people.

As we know, bilateral cooperation with the Japan International Cooperation Agency (JICA) and the Japan Patent Office (JPO), as well as through the Japan Fund-Trust organized by the World Intellectual Property Organization (WIPO), has been established since 1995, and during its course a number of improvements in different fields are indicated. The cooperation is strengthened and reciprocal relationship which beneficial for both country. During that time, there are many experts who come to Indonesia to share knowledge and experience and there are also a lot of opportunities given to Indonesians to participate in trainings in Japan.

In 2016, 39 DGIP employees have been sent to Japan through JICA, JPO and JETRO funding to follow comparative study and training on the implementation of the IP system in Japan. The program consists of a comparative study on Trademark Law for 15 DGIP officials and Trademark Bill Team; comparative study on law enforcement for 7 DGIP officials; IP training and overseas investment for 2 DGIP personnel; and Trademark Appeal Commission training for 15 DGIP personnel and members of the Trademark Appeal Commission. Thus, within a year, there are many activities that we have conducted as parts of the implementation of the cooperation between Indonesia and Japan to build the intellectual property system in Indonesia.

Intellectual Property Protection is one way to reward the creators and innovators who have produced new, creative and innovative intellectual works, and in turn to contribute to the improvement of law and economic development as well as the development of creative economy in Indonesia.

To improve the quality of implementation of Intellectual Property protection system in Indonesia, including to encourage investment in Indonesia, the Indonesian Government has made some revisions to the Law on Intellectual Property.

In the Copyright sector, Indonesia has enacted a new law, namely Law No. 28 of 2014 on Copyrights that was ratified on October 16, 2014. This law includes a new regulation concerning Rights Management Information (RMI), Technological Protection Measures (TPM), the handling of websites containing copyright-violating content, and the organization of collective management agency that plays a role in collecting and distributing royalties to copyright creators and owners.

In the Patent sector, a new law, namely Law No. 13 of 2016 on Patents promulgated on August 26, 2016, has now been ratified. The purpose of the Patent Law is to improve the protection of patents, which is critical for inventors and patent holders and is committed to creating a conducive investment climate in Indonesia. In this regard, Indonesia gives the same treatment to both Indonesian citizens and foreign nationals in investment agreement by reference to the principle of National Treatment and Non-Discrimination.

Through the new Copyright and Patent Laws, the government has shown its determination not only to appreciate and acknowledge the existence of the creators and inventors, but also to protect their economic rights while maintaining a balance between the interests of creators and inventors and those of the society as end user.

In the Trademark sector, the current revision of the Trademark Law is still being discussed in the Parliament, and the proposed name of the new law would be the Trademark and Geographical Indication Law. It is expected that the Trademark and Geographical Indication Law be confirmed by the Parliament in the near future.

Some new arrangements in the Trademark sector proposed in the draft of the Trademark and Geographical Indication Law include the accommodation of non-traditional trademark protection in the form of hologram, three-dimensional trademarks, and sound trademarks. In addition, the registration period of a maximum of 14 months has been reduced to a maximum of 8 months. The provisions of the Madrid Protocol are also accommodated in the Trademark Bill.

The Industrial Design Law is also expected to undergo changes in the future, which include those relating to the criteria of novelty, the procedure of appeal, and provisions related to the system of international registration of industrial designs according to the Geneva Act 1999.

To develop the administration system of intellectual property registration, the DGIP is currently using the Industrial Property Automation System (IPAS) which is supported by the World Intellectual Property Organization (WIPO). The whole administrative system of Patent, Trademark, Copyright and Industrial Design is already running using IPAS, and at the present, an e-filing system for registration of Patent, Trademark and Industrial Design is being developed with assistance from WIPO. DGIP has also applied an online trademark extension system to accelerate the process of trademark extension that is needed for the sake of more effective and efficient IP service.

To facilitate the search for IP application and registration data, the Ministry of Law and Human Rights through DGIP has sought cooperation both at the regional level with ASEAN and globally with WIPO. Searching for trademark and industrial design data in ASEAN can be done using the TM-View and Design-View applications that can be accessed through ASEAN's website. Moreover, through WIPO's website, the investigation of the status of trademark registration that is submitted in Indonesia can also be done through Global Brand facility that is provided by WIPO. In addition, to provide patent search support, DGIP has joined WIPO CASE as an accessing office.

IP service is designed not only for registration, but also for purposes related to reporting and accusation of IP violation that can be done online through e-complaint system to be handled later by the Directorate of Dispute Investigation and Resolution under DGIP.

Under the Copyright Law, to deal with copyright infringement over the internet, the Ministry of Law and Human Rights in cooperation with the Ministry of Communications and Information Technology is authorized to block or close websites charged with copyright infringement. On August 18, 2015, the Ministry of Communications and Information Technology has executed blocking procedure to content that violates copyright on 21 websites based on reports submitted by APROFI (Association of Indonesian Film Producers) for Indonesian films illegally broadcasted online or streamed via illegal websites on the internet.

Indonesia will remain committed to creating a conducive investment climate and expect that foreign parties continue to increase their investment in Indonesia, because Indonesia as a WIPO and WTO member will uphold Intellectual Property protection in line with international principles.

Furthermore, since June 1, 2013, a program called Patent Prosecution Highway (PPH), which is a collaborative program between the Directorate General of Intellectual Property and Japan Patent Office in the patent sector to accelerate the process of substantive examination, has been in progress. Hopefully, the implementation of this program will be able to ease the patent registration process both for application of patent originating from Indonesia to Japan or vice versa.

On October 4, 2016 in Geneva, Switzerland, Indonesia has signed an MoU with WIPO concerning the Development of National Strategy of Intellectual Property. WIPO will assist in the preparation of national strategy of intellectual property. It is expected that through the implementation of National Strategy of Intellectual Property, there will be an increase in IP sector's contribution to the economic development in Indonesia.

On the same occasion, a Service Level Agreement (SLA) on Technology and Innovation Support Centers (TISC) was also signed on the framework to make Intellectual Property one of the leading sectors in the economy of Indonesia through the empowerment of universities, research institutions, and national creators and inventors.

Finally, the Government of Indonesia requests support from the Government of Japan in order to develop a national strategy of intellectual property in Indonesia, considering that Japan is one of the developed country that have successfully used intellectual property system by relying on innovation and creativity of intellectual property as an economic powerhouse.

On this occasion, on behalf of the Government of Indonesia, we would like to express our deepest gratitude to the Government of Japan for the given assistance and support to build intellectual property system in Indonesia.

Sources: <http://www.kemenkumham.go.id/>

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