

Criminal Procedure



Dear Sir,

We, Harvespat IP Services proudly inform you that we have handled some infringement cases for the clients in Indonesia, and international clients such as from: Malaysia, Singapore, Thailand, Vietnam, India, Philippines, Hong Kong, China, Dubai, Australia, Japan, Korea, US, Norway, Germany, Brazil, Bulgaria, dan UK, either for IP or non IP cases.

For the criminal case in the IP field, we herewith inform you the procedure of investigation process before entering the Court, in case there is an IP infringement ad how we coordinate with the Official investigator od DGIP and National Police, as follows:

1. Reception of IPR infringement complaints

The complaint must be filed by the IP owner (Trademark, Patent, Industrial Design, Copyright, etc), either directly to the Official Investigator of DGIP or through us as your proxy.

2. Mediation

In the initial process, it always be advised to arrange a mediation between the related parties as the conflict resolution efforts to help the dispute parties reach the accomplishment/solution which agreed by both parties.

It is advisable to involve the Proxy in this mediation phase to find the best solution, and arrange the Acta Van Dading if the agreement has been achieved, and the mediation succeed, or the case closed.

3. Preparation of Investigation Administration

If there is no agreement, therefore, the case will be continued, in this case, the required documents to be prepared by the Investigator as follows:

- Investigation Warrant
- Forclosure Warrant
- Duty warrant
- Search warrant

Note: the investigation warrant, and other warrant will be prepared one by one which adjusted according to the investigation needs.

4. Investigation

Investigation of the crime scene for:

- Search and collect informations, indications, evidences, suspect identity, and witnesses/victim for further investigation purpose;
- Search the relation between witnesses/victim, suspect, and evidences, and
- Obtain the description of the occurred crime action.
- Search warrant
- Seizure
- Investigation of witnesses
- Case Exposure
- Investigation of suspect(s)
- Notification of investigation
In case there is a suspect

8. Case Administration

Follow with the coordination with the Judiciary and Coordination, Supervision, Investigation of National Police of Indonesia (KORWAS POLRI) (Note: The POLRI Investigator has a role as a coordinator investigation

5. The investigation here means that the investigation to the witnesses, where the investigator may summons the expert witnesses (in IP field) and Reporter witnesses.

6. Case Exposure

The investigation here means that the investigation which conducted by the Investigator by presenting the reporter and reported party. The case exposure is also mandatory attended by both parties, and cannot be represented by other parties. May also present the independent expert witnesses.

7. Execution of IP infringement

Which follow by the the below action:

for government employee investigator, since the scope of works of Government Employees is under the coordination of supervision of POLRI Investigator).

If the administration has completed, therefore, P21 (Notification of Investigation Result has completed).

9. Submission of Evidences and Suspect

Along with the coordination with the Judiciary and Coordination, Supervision, Investigation of National Police of Indonesia (KORWAS POLRI). If the administration has completed, therefore, P21 Stage II or P.21A (Additional Notification of Investigation Result has completed).

Please be informed that for the serious IP Infringement, and has caused the big loss where the said loss wil sustainable and no legal remedies taken, therefore, the criminal

procedure will be the best solution for its case.

Should you have further question regarding the criminal procedure above or any other questions, please contact us at : (info@harvespat.com or our litigation team litigation@harvespat.com).

Should you have any IP infringement cases for the IP products which is sell or licensed, either in Indonesia or countries abroad, we will be pleased to assist you.

For consultation and further legal advice, we will not charge any cost.

We look forward to receiving your feedback regarding this matter.

Sincerely Yours,

HARVESPAT
Intellectual Property Services

automatically signed

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