

INTERNATIONAL UNION

Arrangement of Madrid

concerning the International Registration of Trade Marks
(Nice text of 1957)

Ratification by the Netherlands and Switzerland

(11th May and 2nd October, 1962)

The following communication has been received from the
Swiss Federal Political Department:

(Translation)

"In compliance with the instructions dated 4th October, 1962 of the Swiss Federal Political Department, the Swiss Embassy has the honour to inform the Ministry of Foreign Affairs that the Netherlands and the Swiss Confederation have deposited in Paris on the 11th May, 1962 and 2nd October 1962, respectively, their instruments of ratification in respect of the Arrangement of Madrid concerning the International Registration of Trade Marks of 14th April, 1891, as last revised at Nice on 15th June, 1957.

The Embassy adds that, according to a note dated 15th May, 1962, copy of which is enclosed¹⁾, the Embassy of the Netherlands in Berne has informed the Political Department that the Netherlands Government has invoked the benefits of Article 3^{bis} of this Arrangement.»

LEGISLATION

INDONESIA

Act

concerning Trade Names and Trade Marks

(No. 21, of 11th October, 1961)

Article 1

Registration and official publication of trade names and trade marks are made through the Office for Industrial Property²⁾ (*Kantor Milik Perindustrian*).

Article 2

(1) The exclusive right to use a particular trade mark to distinguish goods produced by a company, or goods of an individual or a firm, from the goods of other individuals or firms, shall be granted to everyone who uses this trade mark for this purpose for the first time in Indonesia.

The exclusive right to use the trade mark refers only to goods of the same kind bearing this trade mark, and is valid

¹⁾ Not published here. (*Ed.*)

²⁾ Hereinafter called "Office".

for only three years after the trade mark was used for the last time.

(2) Until there is proof to the contrary, any person who applies for the first time for registration of a particular trade mark in accordance with the conditions set out in Articles 4 and 5 shall be regarded as the first user of the mark concerned.

If this trade mark is not used in Indonesia by the applicant within six months of the above-mentioned registration, or of a registration in accordance with paragraph 3, the above-mentioned provision, or the provision contained in paragraph 3, is no longer applicable.

(3) Any person who, according to the provisions of Articles 4 and 5, files an application for the registration of a trade mark at the Office during the time in which the goods bearing this mark are being displayed by him in an official national exhibition, or in an exhibition officially recognized in Indonesia as national, shall be regarded as having used this mark in Indonesia during the time the mark was being displayed at this exhibition, provided that an application for registration of this mark is filed within six months of the opening of this exhibition.

As evidence of the date on which the trade mark was displayed, the Office may require the submission of a legalized document, prepared by the committee of this exhibition, or, with the approval of the Office, by another recognized authority.

Article 3

(1) The registration of a trade mark for more than one person or company using the mark in question is permissible only if the persons or companies have common rights in the firm producing the goods or trading in them, or if they are agreed to have common rights in the firm.

(2) In the above-mentioned case, the Office may require as evidence the submission of an official copy of the document or a similar attestation.

Article 4

(1) Applications for registration of a trade mark must be filed at the Office in writing, in duplicate, written in Indonesian. The following should be attached:

- (a) a sample of the goods using the trade mark, or at least clear details of the goods;
- (b) a printers' plate of this trade mark;
- (c) ten copies of the trade mark concerned.

(2) The following fees are payable for each trade mark at the time of filing the application:

- (a) application fee: 300 rupiah;
- (b) examination fee, determined according to the classification of the goods, as contained in the list of classes of goods in the appendix to this Act; for each class of goods: 200 rupiah;
- (c) registration fee: 500 rupiah.

(3) When an application for registration of a trade mark is refused, the above-mentioned registration fee shall be repaid. Application and examination fees shall not be repaid.