CURRENT STATUS AND FUTURE PERSPECTIVES OF REGIONAL STATES ON GLOBAL IP PROTECTION SYSTEM

BY:
ERBITA DUMADA RIANI - IKA KURNIAWATI
TOKYO, JAPAN 11-12 NOVEMBER 2010

DIRECTORATE GENERAL OF INTELLECTUAL PROPERTY
MINISTRY OF LAW AND HUMAN RIGHT
REPUBLIC OF INDONESIA
CONTENTS

- DGIPR AT GLANCE
- DGIPR’s STRATEGIC POLICIES
- PROBLEMS & CHALLENGES
ESTABLISHMENT OF IP OFFICE

- 1988: Establishment of Directorate General of Copyrights, Patents and Trademarks (DGCPT) under the Department of Justice
- 1998: DG CPT became the Directorate of Intellectual property Rights (DGIPR) Under the Ministry of Law and Human Rights
Vision:

to foster an effective and internationally competitive IP system that support the national development and helps improve the prosperity of the country.

Mission:

● to administer the intellectual property rights system by granting protection, reward and recognition to creativities;

● to promote technology and knowledge based investment and economic growth; and

● to encourage an innovative and inventive culture.
Organizational Structure

- Directorate General
- Secretariat
  - Directorate of Copyright, Industrial D, L D of IC Trade Secret
  - Directorate of Patents
  - Directorate of Trademarks
  - Directorate of Cooperation & Development
  - Directorate of Information Technology
## Human Resources (Employees and Examiner)

<table>
<thead>
<tr>
<th>Business Unit</th>
<th>Number of Employees</th>
<th>Number of Examiner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secretariat</td>
<td>98</td>
<td>-</td>
</tr>
<tr>
<td>Directorate of Copyright, Industrial Design, L D of IC, and Trade Secret</td>
<td>66</td>
<td>13 (Industrial Design)</td>
</tr>
<tr>
<td>Directorate of Trade Mark</td>
<td>146</td>
<td>67 (Trade Mark)</td>
</tr>
<tr>
<td>Directorate of Patent</td>
<td>130</td>
<td>74 (Patent), 5 (Formality Checking)</td>
</tr>
<tr>
<td>Directorate if Cooperation and Development</td>
<td>40</td>
<td>-</td>
</tr>
<tr>
<td>Directorate of Information Technology</td>
<td>37</td>
<td>-</td>
</tr>
<tr>
<td>Total Number of Employees</td>
<td>517</td>
<td></td>
</tr>
</tbody>
</table>

Tokyo, 11-12 November 2010
LEGAL FRAMEWORK

IP LAWS IN INDONESIA

1. Law no 30 of 2000 regarding Trade Secret
2. Law no 31 of 2000 regarding Industrial Design
3. Law no 32 of 2000 regarding Lay-out Design of Integrated Circuit
4. Law no 14 of 2001 regarding Patents
5. Law no 15 of 2001 regarding Marks
6. Law no 19 of 2002 regarding Copyrights
7. Law no 29 of 2002 regarding the Protection of Plant Variety (administered by Ministry of Agriculture)
IP INTERNATIONAL CONVENTION

1. Paris Convention for the Protection of Industrial Property,
2. Patent Cooperation Treaty (PCT)
3. Trademark Law Treaty 1994 (TLT)
5. WIPO Copyright Treaty 1996 (WCT)
6. WIPO Performances and Phonograms Treaty 1996 (WPPT)

At present Indonesia is studying the possibility to join the Madrid Protocol on the International Registration of Trademark, Singapore TM Law Treaty and Geneva Act.
II. DGIPR’S STRATEGIC POLICIES

1. SERVICE OF EXCELLENCE & INFORMATION TECHNOLOGY
2. ADMINISTRATION
3. COOPERATION AND SOCIALIZATION
4. LEGISLATION
5. LAW ENFORCEMENT
1. SERVICE OF EXCELLENCE & INFORMATION TECHNOLOGY

- Integrated administration system and information management of on-line system (e-filing and e-registration, IPR information, etc)
- IPDL (Intellectual Property Digital library)
- Developing on line IP applications
- Digitalisation of all IP administration documents
2. ADMINISTRATION

- Increasing effectiveness and efficiency of operational system and administrative process;
- Increasing non-tax revenue (PNBP) through fast, simple and accurate working process (reducing backlog);
- Modernization of IP Office
- Streamlining of IP procedure
3. COOPERATION AND SOCIALIZATION

- Develops public and private partnership
- Increase activities in capacity building and socialization through education, dissemination: brochures, electronic campaign etc.
- Increase cooperation among agencies in Indonesia or abroad
Socialization (cont’)

- Hold public awareness activities/campaign such as seminars, workshops, training courses;
- Dispatched officials to participate in capacity building held overseas;
- IP awareness campaign through interactive talk-shows on IPR in various TV and interactive IP dialogues on radio;
- Dissemination of IP Information through the DGIP website (www.dgip.go.id);
- Publication of IP Information in the form of books, booklets, brochures, leaflets, posters, stickers, bi-monthly IP magazines “Media HKI”, and IP Law Compilation;
- World IP Day 26-30 April of every year- seminars, exhibitions, innovation competition, IP Quiz for Senior High School, etc.

Tokyo, 11-12 November 2010
### Cooperation Activities (cont’)

<table>
<thead>
<tr>
<th>IPR Offices</th>
<th>Cooperation Area</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>The European Patent Office</td>
<td>MoU on Bilateral Cooperation</td>
<td>June 2009 - Dec 2010</td>
</tr>
<tr>
<td>KIPO</td>
<td>MoU on the IP Office Automation Project at the DGIPR</td>
<td>December 2009 - April 2014</td>
</tr>
</tbody>
</table>
4. LEGISLATION

1. Indonesia is now under a process to amend 4 IP Laws (Copyrights, Patent, Trademark, and Industrial Design)

The backgrounds of amendment are:
- Streamlining procedures
- Harmonizing to international development and treaties of which Indonesia has ratified or intent to ratify: Madrid Protocol compulsory license
- Improvement of appeal commission
- Improvement of the function of the civil servant investigators
- Adopt some inputs from users, internal experiences to develop and improve local industries to be able to compete in the international trade era

2. Preparing draft law on TK and TCE protection

Tokyo, 11-12 November 2010
Amendment of Patent Law

Some important points of amendment are:

- Compulsory License
- Public Health
- Formulation of Simple Patent
- Articles adjustment
- Injunction
- Parallel Import
Amendment of Trademark Law

Some important points of amendment are:

- Streamlining of Registration Process
- International Trademark Registration (Madrid Protocol)
- Articles Adjustment
- Injunction
Amendment of Copyright Law

Some important points of amendment are:

- Collecting Management Organization (CMO)
- Traditional Expression
- Articles Adjustment
Amendment of Industrial Design Law

- Requirement in obtaining rights (novelty)
- Scope and definition of protection
- Adoption of resemblance and similarity
- Appeal Commission
- Annual Fee
- International Registration (Geneva Act)
- Substantive Examination
- Administrative procedures and remedies
- Articles Adjustment
5. LAW ENFORCEMENT

- Indonesian Government set up a National Task Force (NTF) on Tackling IPR Infringement in 2006 in order to strengthen and enhance the coordination and cooperation among the government institutions in national level.

- NTF on IPR had focused on and prioritized improving the handling of IPR infringement cases by the relevant agencies.

- Conducted activities on combating IP piracies and counterfeiting.
STATISTIC
### Applications for Registration of Trademark

<table>
<thead>
<tr>
<th>YEAR</th>
<th>RECEIVED</th>
<th>REGISTERED</th>
<th>REFUSED</th>
<th>WITHDRAWN</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>41,152</td>
<td>35,878</td>
<td>3,969</td>
<td>146</td>
</tr>
<tr>
<td>2002</td>
<td>42,416</td>
<td>31,530</td>
<td>3,052</td>
<td>80</td>
</tr>
<tr>
<td>2003</td>
<td>46,947</td>
<td>35,353</td>
<td>3,527</td>
<td>83</td>
</tr>
<tr>
<td>2004</td>
<td>49,311</td>
<td>23,187</td>
<td>3,044</td>
<td>16</td>
</tr>
<tr>
<td>2005</td>
<td>54,031</td>
<td>29,729</td>
<td>3,564</td>
<td>94</td>
</tr>
<tr>
<td>2006</td>
<td>54,250</td>
<td>24,677</td>
<td>6,291</td>
<td>105</td>
</tr>
<tr>
<td>2007</td>
<td>50,672</td>
<td>21,274</td>
<td>8,321</td>
<td>126</td>
</tr>
<tr>
<td>2008</td>
<td>56,714</td>
<td>26,543</td>
<td>11,519</td>
<td>0</td>
</tr>
<tr>
<td>2009</td>
<td>56,219</td>
<td>26,556</td>
<td>9,102</td>
<td>127</td>
</tr>
<tr>
<td>TOTAL</td>
<td>451,715</td>
<td>254,727</td>
<td>52,389</td>
<td>777</td>
</tr>
</tbody>
</table>
## Patent Applications

<table>
<thead>
<tr>
<th>Year</th>
<th>Patent</th>
<th>Simple Patent</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PCT</td>
<td>NON PCT</td>
</tr>
<tr>
<td></td>
<td>Domestic</td>
<td>Foreign</td>
</tr>
<tr>
<td>1991-2000</td>
<td>1</td>
<td>4628</td>
</tr>
<tr>
<td>2001</td>
<td>4</td>
<td>2901</td>
</tr>
<tr>
<td>2002</td>
<td>6</td>
<td>2976</td>
</tr>
<tr>
<td>2003</td>
<td>0</td>
<td>2620</td>
</tr>
<tr>
<td>2004</td>
<td>1</td>
<td>2989</td>
</tr>
<tr>
<td>2005</td>
<td>1</td>
<td>3536</td>
</tr>
<tr>
<td>2006</td>
<td>6</td>
<td>3805</td>
</tr>
<tr>
<td>2007</td>
<td>5</td>
<td>4357</td>
</tr>
<tr>
<td>2008</td>
<td>11</td>
<td>4278</td>
</tr>
<tr>
<td>2009</td>
<td>2</td>
<td>3761</td>
</tr>
<tr>
<td></td>
<td>37</td>
<td>35851</td>
</tr>
</tbody>
</table>
Patent Applications

Tokyo, 11-12 November 2010
### Applications for Registration of Industrial Design

<table>
<thead>
<tr>
<th>YEAR</th>
<th>APPLICATIONS RECEIVED</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>DOMESTIC</td>
<td>FOREIGN</td>
</tr>
<tr>
<td>2001</td>
<td>1,092</td>
<td>311</td>
</tr>
<tr>
<td>2002</td>
<td>2,496</td>
<td>372</td>
</tr>
<tr>
<td>2003</td>
<td>2,791</td>
<td>363</td>
</tr>
<tr>
<td>2004</td>
<td>3,789</td>
<td>607</td>
</tr>
<tr>
<td>2005</td>
<td>4,319</td>
<td>795</td>
</tr>
<tr>
<td>2006</td>
<td>4,174</td>
<td>752</td>
</tr>
<tr>
<td>2007</td>
<td>3,646</td>
<td>827</td>
</tr>
<tr>
<td>2008</td>
<td>2,866</td>
<td>1,000</td>
</tr>
<tr>
<td>2009</td>
<td>3601</td>
<td>600</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
</tr>
</tbody>
</table>
III. PROBLEMS AND CHALLENGES

- Insufficient of knowledge and understanding of IPR by related institutions;
- Low of public awareness;
- Limited budget for infrastructure;
- Low of domestic patent application.
Possible measures to overcome the problems:

- Improving cooperation with other agencies in improving quality and quantities of IP socialization and dissemination program
- Improving knowledge and quality of DGIPR human resources by internal system or in frame of cooperation with other IP Offices/agencies
CONCLUSION

- To make the intellectual property works, it does not only depend on the capability and competence of the intellectual property office but also on the awareness, understanding and knowledge of the parties involved.
- Human resources plays an important role in supporting the implementation of IP system and economic development.
- The dissemination of information pertaining to intellectual property legislation also plays an important role in the effort to enhance the IPR system in Indonesia.
Thank you for your attention

Contact Details:
Jalan. Daan Mogot Km. 24
Tangerang 15119
Telephones: +62 21 5525388, 5524992
Facsimiles: +62 21 5517921, 5525386
Web Site: www.dgip.go.id
E-mail: dirgen@dgip.go.id