Virtual Roundtable on Industry and Intermediary Cooperation Against Online IPR Infringements in Indonesia

Challenges to Protecting and Enforcing IPRs in the Online Environment and Initiatives Undertaken by Indonesia

Directorate General of Intellectual Property
Ministry of Law and Human Rights
The Republic of Indonesia
2020
The problem we all face is working out how to ensure that these valuable IP rights are usable, and how to ensure that their value is preserved in the face of relentless infringement on an enormous scale.
GOVERNMENT OF INDONESIA’S (GOI) STRATEGY

• The strengthening of the IP system
• Combating the serious problem of intellectual property rights (IPR) piracy in the country.
• Continuously building an IP culture in the society through capacity building and socialization activities.
THE STRENGTHENING OF THE IP SYSTEM IN INDONESIA

DGIPR POLICIES IN IP ON THE DEVELOPMENT OF IP SYSTEM

PREEMPTIVE
• Public awareness
• HR Development

PREVENTIVE
• Legislation
• Administration
• Coordination
• International Cooperation

REPRESSIVE
• Law enforcement on Intellectual Property

IP registration Incentif for universities, schools, and SMEs
• DGIPR partnership – Regional Government – Universities in building Database of Traditional IP Potential

E-Filling and electronic data search
• Implementation of Industrial Property Administration System
• Revision of Legislation as supporting infrastructure of IP national development
IP Laws in Indonesia

Intellectual Property

Personal

Industrial Property
- Patent
- Trademark
- Industrial Design
- IC Layout Design
- Trade Secret
- Plant Variety Protection

Communal

Copyright & Related Right

Geographical Indication

Appellation of Origin

Law No. 20/2016

Law No. 28/2014

Law No. 20/2016

Law No. 13/2016

Law No. 31/2000

Law No. 32/2000

Law No. 30/2000

Law No. 29/2000

Agriculture Ministry

Indonesia
Ratification on IP Treaties

1. WTO – TRIPS 1994 → Law No. 7 Year 1994
2. Paris Convention 1883 (Industrial Property) → Presidential Decree No. 15 Year 1997
4. Trademark Law Treaty (TLT) → Presidential Decree No. 17 Year 1997
5. Berne Convention 1886 (Copyright) → Presidential Decree No. 18 Year 1997
6. WIPO Copyright Treaty → Presidential Decree No. 19 Year 1997
7. WIPO Performers and Phonogram Treaty (WPPT) → Presidential Decree No. 74 Year 2004
8. Nagoya Protocol → Law No. 11 Year 2013
9. Marakesh Treaty → Presidential Decree No. 1 Year 2020
10. Beijing Treaty → Presidential Decree No. 2 Year 2020
Latest Development on IP Automation (IP Online System)

1. Administration
   • Online for Trademark, Industrial Design and Patent has been implemented
   • On-line Trademark renewal
   • On-line Copyright recordation

2. Search
   • Internal Patent, Trademarks, and Industrial Design database
   • WIPO-CASE (Accessing Office)
   • Global Brand Database (WIPO)

3. Development of E-filing \(\rightarrow\) WIPO

4. DGIP On-line Shopping program for IP documents services
Recent issues in copyright

- Current copyright infringement related to digital technology and internet
- Infringement of Cable TV: authorized use of copyright contents
- Regulations on CMO
- The new Copyright Law to improve the quality of copyright protection in Indonesia
Copyright Infringement Procedure in the Digital Environment
(Article 55 Law No. 28 of 2014 On Copyrights)

Verification Team
Consists of:
- Ministry of Law and Human Rights
- Ministry of Communication and Informatics
- Copyright/Related Right Association
- Copyright and Information technology expert

Process: Site and/or User Access Blockage

Report
Suspicious copyright/related right infringing site in internet
DGIP - Ministry of Law and Human Rights
Maximum 3 days
Recomendation
Maximum 14 days to ask for the Court Order to block the site

Ministry of Information and Communication
Site and/or User Access Blockage

Not Infringement
A copyright infringement

INDONESIA
# IP CRIME PROVISIONS

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<th>Intellectual Property</th>
<th>Punishment</th>
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<td><strong>Copyright</strong></td>
<td>Imprisonment of at most 10 years and/or a fine of at most Rp. 4,000,000,000,- (art 112, art 113 until art 120)</td>
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<tr>
<td><strong>Trade Mark</strong></td>
<td>Imprisonment for a maximum period of 5 years and/or a fine of at maximum amount of Rp. 1,000,000,000,- (art 90)</td>
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| **Patent**            | - Imprisonment of at most 4 years and/or a fine of at most Rp. 1,000,000,000,- (art 161 for Patent)  
                        - Imprisonment of at most 2 years and/or a fine of at most Rp. 500,000,000,- (art 162 for Simple Patent)  
                        - Imprisonment by resulting in human death of at most 10 years and/or a fine of at most Rp. 4,000,000,000,- (art 162 verse (1) for Patent)  
                        - Imprisonment by resulting in human death of at most 10 years and/or a fine of at most Rp. 3,500,000,000,- (art 162 verse (2) for Patent) |
| **IC Layouts**        | Imprisonment of at most 3 years and/or a fine of at most Rp. 300,000,000,- (art 42) |
| **Design**            | Imprisonment of at most 4 years and/or a fine of at most Rp. 300,000,000,- (art 54) |
| **Trade Secret**      | Imprisonment of at most 2 years and/or a fine of at most Rp. 300,000,000,- (art 17) |
| **Plant Variety**     | Imprisonment at the maximum of 7 years and a maximum fine of Rp. 2,500,000,000,- (art 71) |
Thank You

Website: www.dgip.go.id