



European
Union

MEDIATION ON DGIP INDONESIA

DIRECTORATE OF INVESTIGATION AND
DISPUTE RESOLUTION

11 s.d. 12 November 2024



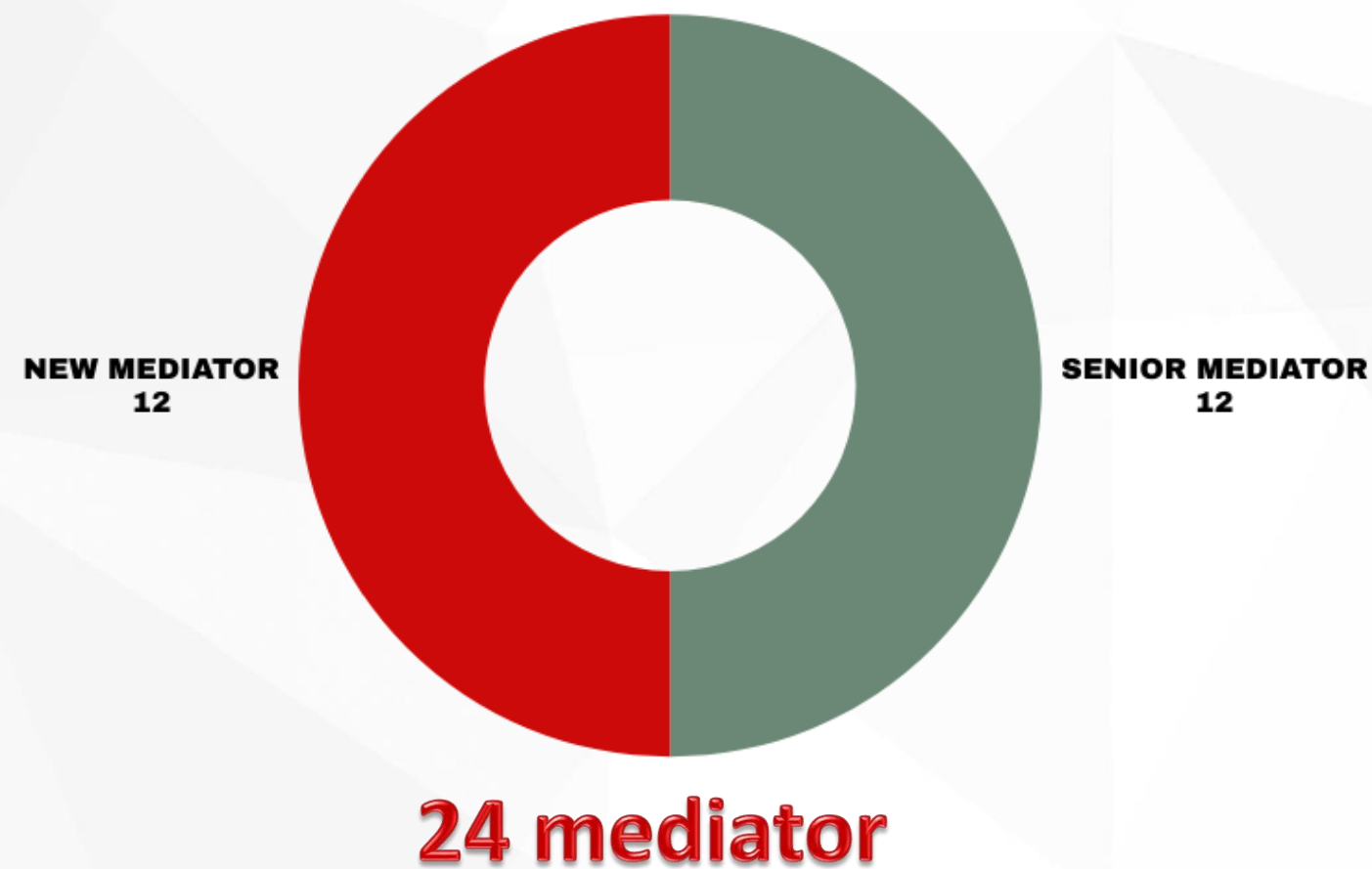
INTRODUCTION TO MEDIATION

- Mediation functions as an alternative method for resolving disputes by employing mutually agreed-upon procedures outside the realm of formal court proceedings.
- At the Directorate General of Intellectual Property Mediation is voluntary.
- Mediator prioritises impartiality and guarantees the confidentiality of the parties involved.
- The implementation of Mediation at DJKI is facilitated by reliable and certified mediators.
- If the peace agreement is successfully agreed, the binding force of civil law will apply.



TOTAL MEDIATOR IN DGIP

DESCRIPTION :



in the directorate of investigation and dispute resolution there are 12 mediators. Seven days ago dgip just held a mediation training for prospective 12 employees in the scope of the section that handles mediation. we hope that with the cases that request mediation can be resolved immediately.



SCOPE Mediation



Mediation Before Criminal Charges

Mediation is conducted
before there is a file
submission to the
prosecutor's officer.



Mediation Since the Complaint Report .

The dispute resolution
process through Mediation
can be conducted since the
complaint is received.

NOTE :

- Article 60 Paragraph (2) of Minister of Law and Human Rights Regulation No. 1 Year 2023 on Investigation Management in Intellectual Property. For criminal offences of copyright, related rights, patents, or simple patent the dispute must first be resolved through mediation through mediation.
- Article 60 Paragraph (3) of Minister of Law and Human Rights Regulation No. 1 Year 2023 on Investigation Management in Intellectual Property. The dispute resolution process through Mediation can be conducted since the complaint is received

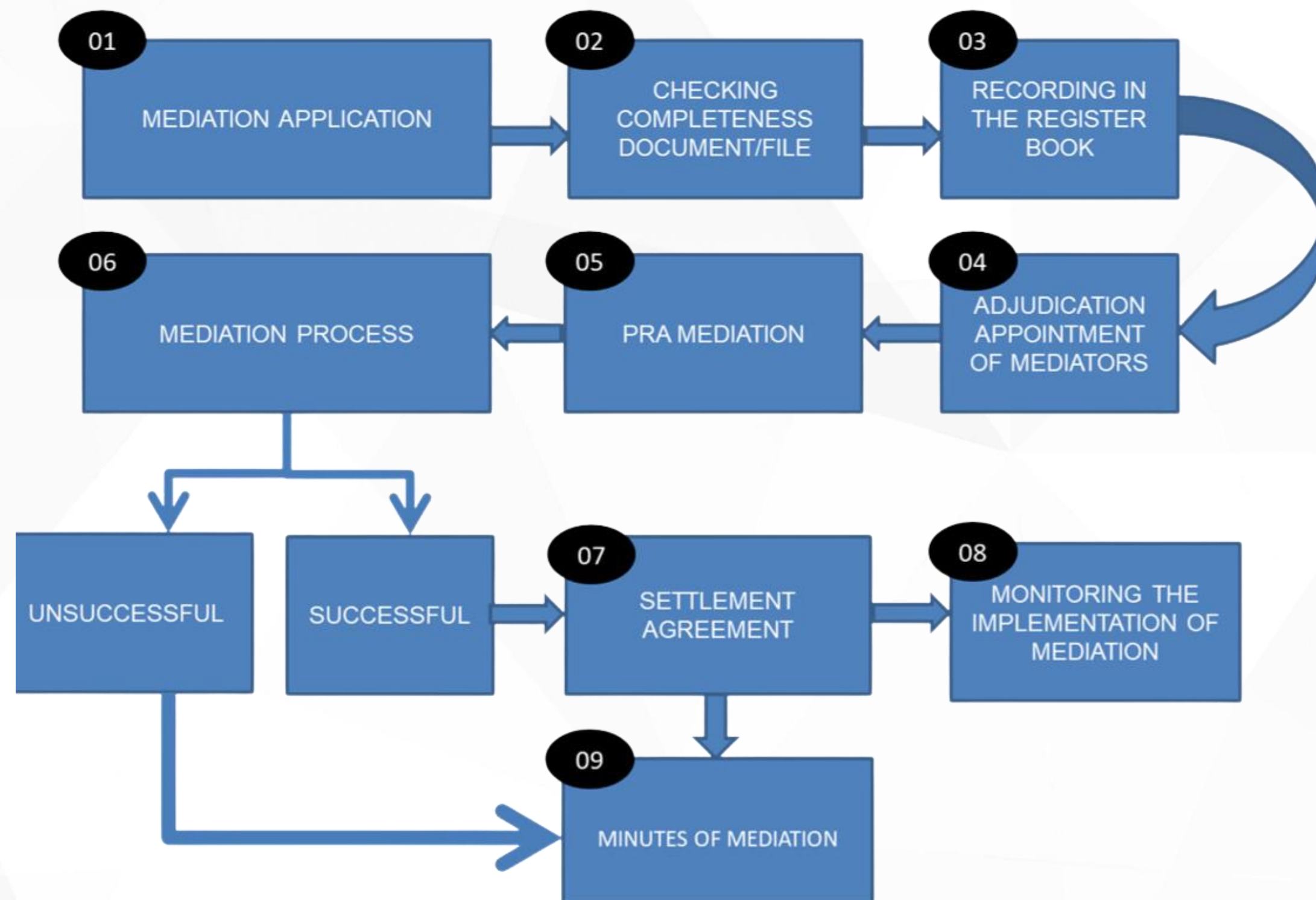
MEDIATION DATA 2021-2023

NOTE :

- FOR COPYRIGHT, THERE WERE **17 CASES** THAT WE SUCCESSFULLY MEDIATED
- FOR TRADEMARKS, WE SUCCESSFULLY COMPLETED **8 CASES**.
- FOR INDUSTRIAL DESIGN WE SUCCESSFULLY COMPLETED **1 CASE**
- FOR PATENTS WE HAVE NOT BEEN SUCCESSFUL IN COMPLETING **1 CASE**

MEDIATION CASE	QUANTITY
COPYRIGHT	42
TRADEMARK	31
DESAIN INDUSTRY	3
PATENT	3
TOTALLY CASE	79

PROCEDURE FLOW CHART of MEDIATION PROCESS



CASE TRADEMARK



They started as good friends and later established a joint business in watches by registering a legal entity.

However, problems arose because one of the parties registered the watch brand ELVANO as a brand unilaterally and in the name of an individual.

The other party felt that this was his idea in terms of the branding that he had created.

So DGIP formed a Mediation Team to mediate this case. and in the end they reconciled by transferring ownership rights to both and were willing to pay compensation as long as he used the watches under his individual name.

CASE COPYRIGHT



VS



The case began when the school downloaded and shared the novel's electronic book on the school library's internet site for public download.

Then the author filed for compensation for the electronic book that had been illegally downloaded but was ignored by the school.

The school felt that it was for educational purposes, not for commercial purposes. then the PPKC asked DGIP to mediate this problem

DGIP formed a mediation team and mediated this case and finally the PPKC and the School agreed to reconcile by replacing compensation for the number of books downloaded and the school got the original ebook book for its library.

Pre-Mediation



WHO

Explain to principals or Intellectual Property Owners who are responsible for making decisions



WHEN

Determine the timing of the mediation



WHERE

The parties involved have the discretion to choose the location of the meeting, whether they prefer a location outside our office or at the DGIP office.

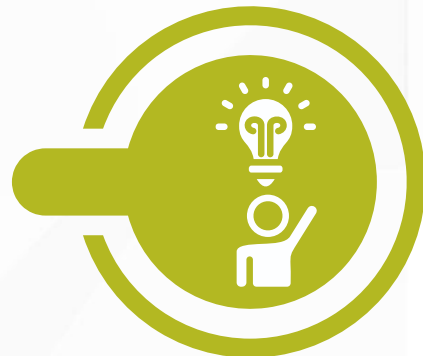
01 INTRODUCTION MEDIATION



02 PRESENTATION OF THE INVOLVED PARTIES



03 ESTABLISHING MUTUAL UNDERSTANDING



04 DEFINING THE CORE ISSUE



IMPLEMENTATION MEDIATION ON DGIP



05 NEGOTIATION PROCESS



06 SEPARATE MEETINGS



07 DECISION-MAKING PHASE



08 DRAFTING THE AGREEMENT



REASONS FOR CHOOSING MEDIATION



LOWER COST

less costly than hiring a lawyer and going to court



SAVING TIME

the parties can save time because the settlement is easier and faster can adjust the time of the parties



DELIBERATION IS PRIORITIZED

Decisions based on mutual interests because it adheres to the principle of win win solution



GUARANTEED CONFIDENTIALITY

we as mediators will always try to maintain the confidentiality of the parties in both the implementation process up to the joint decision of the parties.



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INTELLECTUAL PROPERTY OFFICE



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THANK YOU

Thank you once again for your time and attention. I look forward to continued collaboration and the exciting possibilities that lie ahead.



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