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K&K Advocates



www.kk-advocates.com

For further information
please contact:

office@kk-advocates.com

K&K Advocates - Intellectual
Property. KMO Building, Fl. 05,
Suite 502 Jl. Kyai Maja No. 1,
Kebayoran Baru RT03/RW08,
Jakarta Selatan DKI Jakarta
12120

Tel: +62 21 29023331

Fax: +62 21 29023107

THE UNITED STATES RAISES CONCERN ON INDONESIAS INTELLECTUAL PROPERTY PROTECTION AND ENFORCEMENT

The United States raises concern on Intellectual Property Protection and Enforcement issue in Indonesia. Indonesia remains seen by the United States Trade Representative (USTR) for not being able to provide adequate legal protection and enforcement on the issue of intellectual property.

Based on the press released published by the USTR, numbers of IP-owner originated from United States still worry on the high number of product piracy and infringement in Indonesia. Copyright product infringement, well-known trademark infringement and pharmaceutical product piracy made in to the headline in Indonesia.

Recently the Indonesian Police managed to dismantle and raided fake vaccine distributor and manufacture, and also arrest its perpetrator who is the manufacturer and distributor of the fake-vaccine. This case is currently under investigation by the police.

Raid action conducted by the police proves that Indonesia remains the paradise and market for counterfeit product. Not just fake vaccine and medicine, but other counterfeit products such as bag, software, garment, toner, spare parts, shoes and any other else are also highly traded in Indonesia.

In March 2016, the Directorate of Narcotic Crime of Indonesian National Police Headquarter managed to dismantle inter-region fake medicine distributor syndicate. Beside antibiotic, the police also seized traditional herb (jamu) containing chemical substance. Whereas according to the law, the traditional herb is not allowed to contain chemical substance.

From the data in 2002, there are 1.110 cases in BPOM, it comprises of 260 cases of pro-justice (related to the violation of the law-red) and non-justice. From the said pro-justice case, 199 cases are counterfeit medicine and hard drug, 29 cases of violation in food sectors, 20 cosmetic cases, 8 cases of traditional herb, 3 cases of medical instrument, and 1 narcotic case. Despite

the investigated number of the cases are high, the court proceeding did not result satisfactorily. This is due to the fact that sentences provided by the court are too lenient.

Based on the data we have, from 17 cases in the court, six months are the amount of month sentenced is 6 (six) months and maximum fine for Rp.500.000. In fact there was a case that consider as closed upon publication of public apologies statement. Whereas their act of distributing and trading fake medicine is dangerous and may cause death.

Indonesia, according the said USTR report, requires conducting intellectual property enforcement action to prevent online or offline market violation. Indonesia in the opinion of USTR does not have effective system to protect the commercial use of IP.

Despite of it, USTR appreciates positive updates on Indonesian governments effort to deal with online piracy issue and collective management organization establishment.

Not just that, USTR also praise Indonesia for having the Trademark law that being revised in November 2016 effective. Although the law enforcement on intellectual property rights is remain to be deemed inadequate.

The United States of America, based on the said press, requests Indonesia to strengthen cooperation between law enforcement institution, including Intra-department IP Taskforce, General Prosecutor, Directorate General of Intellectual Property, Economic and Creative Agency, and Food and Drugs Agency.