

IP
ALERT

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New Customs Regulations for Infringement of Intellectual Property Rights

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On 2 June 2017, the Government of Indonesia enacted the Government Regulation No. 20 Year 2017 on Import or Export Control for Goods Suspected of Infringing Intellectual Property Rights (“GR 20/2017”). The GR 20/2017 is an implementing regulation of the 2016 Indonesian Customs Law which sets out more detailed provisions than the existing regulations, Indonesian Supreme Court Regulation No. 4 and No. 5 of 2012 on Temporary Suspension and Temporary Provision.

Key highlights of GR 20/2017:

Recordation of IP Rights

IP rights holders domiciled in Indonesia can now record their IP Rights of trademark or copyright to Customs to be used for analysis of imported or exported goods. The recordation is valid for 1 year and can be extended.

Penegahan or Restraint

Customs Officers are now authorised to restrain goods that are suspected of infringing trademark or copyright. The relevant trademark or copyright holder will need to be informed of this in order to provide confirmation on whether or not they want to file a suspension of goods request to the court at least 2 days from the receipt of information.

Payment of security for suspension of goods as well as operational costs

The GR 20/2017 basically sets out a similar provision on the procedure of suspension of goods. With regard to the security that needs to be paid, the previous regulations require the applicant to provide security that is based on: (i) the value of the goods to be suspended; and (ii) some amount for operational costs. The GR 20/2017 now provides that the amount of security that needs to be paid for Custom’s operational costs is IDR 100,000,000 in the form of a bank guarantee or from an insurance company.

The regulation took effect on 2 August 2017, and the Customs Office is still in the midst of making preparations for the effective implementation of this GR 20/2017.

If you have any questions or require additional information concerning Intellectual Property enforcement Law in Indonesia, please contact [Endra Prabawa](#) and [Ajeng Yesie](#).