

Newsletter

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Enforcement of Anti-Counterfeiting in Indonesia

Strategic, market-specific enforcement campaigns

The intellectual property enforcement environment in Indonesia generally remains challenging, given the lengthy and complicated process of pursuing civil claims against counterfeiters. Nevertheless, we are able to effectively cease various counterfeiting activities.

From our experience, taking a criminal route (i.e., raids) has been the most effective action in practice rather than going through civil action, i.e., filing a claim to the Commercial Court seeking compensation and the ceasing of counterfeit activities. As such, the participation of police authorities plays a significant role in the success of anti-counterfeiting enforcement as the police have the authority to, among others, conduct raids, detain counterfeiters, and seize the counterfeit products, all of which can be used as leverage for an out-of-court settlement. Furthermore, the involvement of police authorities usually provides greater deterrent effects against counterfeiters.

Before initiating enforcement against counterfeiters, investigations are carried out to gather reliable intelligence regarding the source of products and chain of distribution. Based on strong evidence, a trademark owner can file a criminal complaint so that enforcement officials can initiate a criminal action.

Recent update: Raid against counterfeiters

In the past, using the above strategy, we have successfully dealt with numerous counterfeiters. Most recently, we were able to successfully raid wholesalers that obtained counterfeit goods from a large distributor which allegedly imported the counterfeit goods from abroad. The raid was made possible with the help of the police, with whom we have built strong ties.

The raid was significant as it was done simultaneously in three markets in Jakarta, Depok and Bekasi that are notorious for dealing with counterfeit goods and are known to be hard to penetrate, given the presence of strong organised criminal organisations in and around those markets.

The police seized the counterfeit goods and named the counterfeiters as suspects. The counterfeiters are now asking for settlement with the client and proposing remedies in return, i.e., public apology in national newspapers, gathering the remaining counterfeit goods to be destroyed, and material compensation.

How we can help

We seamlessly collaborate across borders to pursue and pioneer remedies on your behalf. Our programs are effective: scaled to meet your needs and nimbly executed by leading practitioners in the field.

We have vast experience in working with enforcement officers to strategise effective enforcement that fits the local situation and can assist you in your enforcement strategy in Indonesia. This includes:

- **Pre-litigation services:** Mitigate costly proceedings through flexible fee arrangements for sending cease-and-desist letters, obtaining settlements, and issuing takedown notices to stop online infringers.
- **Raids:** Conduct in-depth investigations on counterfeit products, identify the counterfeiters and their sources, arrange necessary preparation for raids, and cooperate with enforcement officers to conduct raids.
- **Civil and criminal litigation:** Obtain restraining orders, injunctive reliefs, orders for the destruction of counterfeit goods and other appropriate measures, as well as prosecute infringers and other parties through innovative applications of laws and regulations.