APAA 2026, in Hong Kong
Trademark Committee
Group Report - Indonesia

A. Developments

- **New trademark registration regulation.** Minister of Law Regulation No. 5 of 2026 took effect on 23 February 2026, replacing Regulation No. 67 of 2016 and its 2021 amendment, subject to transitional provisions for earlier-filed requests. The regulation provides for publication within 15 working days, a two-month opposition period, and substantive examination within 30 working days for unopposed applications or 90 working days where an opposition is filed. It also sets out updated criteria and requirements for the protection of well-known marks.

- **Service targets and examination quality.** DJKI reported a six-month completion period for uncomplicated applications in December 2025. This was followed by a five-month target from 18 August 2026 and a four-month target for applications filed from 1 October 2026. These are administrative service targets rather than unconditional statutory deadlines, and oppositions or other complications may extend processing.

- **Trademark law reform.** DJKI held a public consultation on the academic paper and draft trademark amendment on 10 February 2026, and the Government subsequently proposed its inclusion in the revised 2026 priority legislative programme. Key issues under discussion include consent letters, suspension of examination where an earlier right is disputed, acceleration criteria, non-traditional marks, and the quality and publication of decisions.

B. Statistics

1. The number of new applications

Year	No. of new applications	Increase/Decrease
2024	146,640	-
2025	153,840	About 4.91 %

Comments and /or additional statistics:
The number of new trademark applications increased from 146,640 in 2024 to 153,840 in 2025, representing an increase of approximately 4.9%. This reflects continued growth in trademark filing activity in Indonesia.

2. Average timeframe from filing up to registration

Year	Average timeframe from filing up to registration (months)
2024	7-8 months
2025	7-8 months

Comments and/or additional statistics:
The average timeframe from filing to registration remained relatively stable at approximately 7-8 months in both 2024 and 2025. This suggests a consistent processing timeline for trademark applications despite the increase in filing volume.

C. CASES

(Note: At least two (2) representing cases are advisable)

1. BYD Company Limited v. PT Worcas Nusantara Abadi (DENZA Trademark Dispute) Supreme Court Decision No. 1338 K/Pdt.Sus-HKI/2025

The DENZA dispute reaffirmed Indonesia's first-to-file trademark system and demonstrated that a foreign brand owner's global reputation does not automatically prevail over an earlier Indonesian trademark registration. The case also illustrates the practical limitations of relying on well-known-mark arguments where the relevant procedural and registration requirements are not satisfied.

Facts

Denza is a premium electric vehicle brand developed and marketed by BYD Company Limited. Although the DENZA brand had been used internationally, PT Worcas Nusantara Abadi had already registered the "DENZA" trademark in Indonesia on 3 July 2023 under Class 12 for vehicles.

BYD Company Limited subsequently filed a trademark application for DENZA in Indonesia on 8 August 2024 and later commenced legal proceedings seeking cancellation of the Indonesian registration. BYD argued, among other things, that DENZA was a well-known trademark globally, that the local registration had been made in bad faith, and that BYD should be recognised as the legitimate owner of the mark.

Decision

The Indonesian courts ultimately rejected BYD's claim, and the Supreme Court upheld that outcome in Decision No. 1338 K/Pdt.Sus-HKI/2025. The DENZA registration remained valid in Indonesia.

The case reaffirmed the importance of Indonesia's first-to-file principle, under which trademark rights are generally obtained through registration rather than prior overseas use or reputation alone. The courts did not recognise BYD's global reputation as sufficient, by itself, to displace the earlier Indonesian registration.

The dispute further highlights that foreign trademark owners should secure Indonesian registrations at an early stage. While evidence of foreign use, foreign registrations, and international reputation may support a well-known-mark claim, such evidence does not

automatically confer enforceable trademark rights in Indonesia in the absence of the requirements prescribed under Indonesian trademark law.

Relevance

The DENZA case supports the view that where a trademark owner does not hold a corresponding Indonesian registration and the opposition stage has passed, reliance on foreign reputation alone may not be sufficient. Instead, Indonesia's trademark regime continues to place significant weight on registration status and compliance with the statutory procedures governing well-known marks and trademark challenges.

2. Guangzhou Xiaopeng Motors Technology Co., Ltd. v. Roysevelt (XPENG Trademark Dispute)
Supreme Court Decision No. 41 K/Pdt.Sus-HKI/2026

The XPENG dispute is a significant example of Indonesian courts affording protection to a foreign well-known trademark despite an earlier Indonesian registration. The case demonstrates that where a trademark owner can establish well-known-mark status through extensive international registrations, promotion, commercial reputation, and prior enforcement successes, Indonesian courts may find that a local registration was made in bad faith and should be cancelled.

Facts

Guangzhou Xiaopeng Motors Technology Co., Ltd. ("XPENG") is a Chinese electric vehicle manufacturer that markets smart electric vehicles under the XPENG brand. XPENG presented evidence that its XPENG trademark had been registered in numerous jurisdictions worldwide, including China, the United States, the United Kingdom, Australia, Singapore, Malaysia, Hong Kong, the European Union, South Africa, and other countries. XPENG also relied on evidence of international promotion, awards, commercial activities, and successful trademark enforcement actions in other jurisdictions.

In Indonesia, Roysevelt obtained registrations for the mark **XPENG** under Registration Nos. IDM000955526 (Class 12) and IDM000948231 (Class 37), both stemming from applications filed on 27 January 2021. XPENG subsequently sought cancellation of these registrations, arguing that they were confusingly similar to XPENG's earlier and well-known trademark and had been filed in bad faith.

At first instance, the Commercial Court dismissed XPENG's claims. The court found that XPENG had not sufficiently proven that its mark qualified as a well-known mark in Indonesia and concluded that the marks were not sufficiently similar when viewed as a whole.

Decision

The Supreme Court reversed the Commercial Court's decision and granted XPENG's claim in full. The Court held that XPENG had successfully demonstrated that its mark was a well-known trademark based on extensive international registrations, global promotion, awards, and evidence of prior enforcement and recognition abroad.

The Court further found that the Indonesian registrations contained the dominant element **"XPENG"**, which was identical to XPENG's trademark. According to the Court, the marks shared the same dominant word element, spelling, and pronunciation, creating similarity in their essential features.

Importantly, the Court concluded that the Indonesian registrations had been filed in bad faith because they imitated and sought to benefit from XPENG's reputation as a well-known trademark that had already been registered and used internationally. On that basis, the Supreme Court cancelled Registration Nos. IDM000955526 and IDM000948231 and ordered their removal from the Trademark Register.

Relevance

The XPENG decision provides a notable contrast to cases where foreign trademark owners fail to overcome earlier Indonesian registrations. It confirms that Indonesian courts may invalidate local registrations where strong evidence establishes that the foreign mark has achieved well-known-mark status and that the local registrant acted in bad faith.

The case also highlights the types of evidence that can be persuasive in proving a well-known-mark claim, including extensive international trademark registrations, significant promotional activities, cross-border commercial presence, awards and recognition, and successful enforcement actions in other jurisdictions. Where such evidence is sufficiently compelling, the protection afforded to well-known marks may prevail over an earlier Indonesian registration obtained in bad faith.