



“Renewed BANI” Dispute: To be Continued

November 2017

Over a year has passed since the establishment of *BANI Pembaharuan* (the “**Renewed BANI**”). Despite recent twists and turns, as summarised in this article, a permanent solution is not yet in sight.

The background to the dispute can be found in the [November 2016 special edition of Indonesia in Focus](#).

New court proceedings

Each side started multiple proceedings against the other after BANI’s board stated in September 2016 that it does not recognise the Renewed BANI.

The skirmishes were kicked off by the Renewed BANI in the South Jakarta District Court where an unlawful act action was brought against BANI’s governing board members. The Renewed Bani sought declarations that, in effect, it is BANI’s true successor and as such, it is entitled to both the name and BANI’s premises.

Not long afterwards, BANI hit back and filed an administrative suit against the Renewed BANI at the Jakarta State Administrative Court. The suit claimed that the Renewed BANI was illegitimately using the contested acronym.

BANI was successful in the Jakarta State Administrative Court and the Renewed BANI prevailed in the South Jakarta District Court. In June 2017, the Renewed BANI commenced separate proceedings in the Commercial Court seeking cancellation of the existing BANI trademark in the name of BANI.

Appeals have followed and a new Commercial Court action is now pending. If all appeals are exhausted by the respective claimants, the relevant proceedings could potentially continue for several years.

Where does this leave BANI’s users?

As different courts have reached different conclusions on similar issues, BANI’s users have been left in the same uncertain situation as they were in a year ago. As such, our original BANI recommendation remains the same. Please refer to our expert legal insights, [“Will the real BANI please stand up? A fork in the road for arbitration in Indonesia?”](#)

In the absence of a voluntary settlement, legislative intervention should be urgently considered by the Indonesian government in light of the potential adverse consequences to Indonesia’s attractiveness as a dispute resolution forum. Until the matter is resolved, question marks remain over both the status of arbitration proceedings under the auspices of either institution and the validity of any awards.

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