



## REPUBLIC OF INDONESIA

### IP OFFICES

Industrial Property (Patents, Trademarks, Industrial Designs and Copyright)	
Competent Authority	Directorate General of Intellectual Property (DGIP), Ministry of Law and Human Rights
Web site address	<a href="http://www.dgip.go.id">http://www.dgip.go.id</a>
Address	H.R. Rasuna Said Kav. 8-9, Jakarta Selatan 12940
Telephone	62 21) 5790 5613 (TM) 62 21) 5790 5606 (DG) 62 21) 5790 5611 (Patents) 62 21) 5790 5619 (Sec) 62 21) 5790 5609 (CR)
E-mail	<a href="mailto:dirgen@dgip.go.id">dirgen@dgip.go.id</a> <a href="mailto:docopyright@dgip.go.id">docopyright@dgip.go.id</a> <a href="mailto:freddy.harris@dgip.go.id">freddy.harris@dgip.go.id</a> <a href="mailto:domark@dgip.go.id">domark@dgip.go.id</a> <a href="mailto:patent.administration@gmail.com">patent.administration@gmail.com</a>

### MAIN INTERNATIONAL IP CONVENTIONS TO WHICH THE COUNTRY IS PARTY

S.No.	Instrument	In Force Since
1.	Beijing Treaty on audiovisual Performances	[Only signatory]
2.	Berne Convention	September 5, 1997
3.	Madrid Protocol	January 2, 2018
4.	Nairobi Treaty	[Only signatory]
5.	Paris Convention	December 24, 1950
6.	Patent Cooperation Treaty	September 5, 1997
7.	Trademark Law Treaty	September 5, 1997
8.	WIPO Convention	December 18, 1979
9.	WIPO Copyright Treaty	March 6, 2002
10.	WIPO Performances and Phonograms Treaty	February 15, 2005

For More Information, please refer to:

[https://www.wipo.int/treaties/en/ShowResults.jsp?country\\_id=77C](https://www.wipo.int/treaties/en/ShowResults.jsp?country_id=77C)

IP Rights	Legal Requirements	Duration	Responsible Authority
Copyright	- Originality	Life of author + 70 years	DGIP
Trademarks	Distinctiveness Not in conflict with prior signs Not generic Not descriptive Not contrary to public order/morality - Not contrary to art 6ter	10 years renewable	DGIP
Patents & Utility Models	Novelty Industrial applicability Inventive step (not for utility models) Disclosure -	20 years  (10 years for utility models)	DGIP
Industrial Designs	- Novelty	10 years	DGIP

PATENT SYSTEM	
National Law	Law of the Republic of Indonesia, No. 13 of August 26, 2016 regarding Patents. (Adopted on August 26, 2016)  <a href="https://wipolex.wipo.int/en/legislation/details/16392">https://wipolex.wipo.int/en/legislation/details/16392</a>
Requirement of Agent for Foreigners	An application which is filed by an inventor or an applicant who does not reside or does not have domicile in the territory of the Republic of Indonesia must be filed through a local agent (art. 28).
Language in which request may be filed	Indonesian Language (art. 24). In case the claims and the description of the invention are in English, they shall be submitted with their translation in Indonesian Language which must be lodged at the latest 30 days from the filing date (art. 34).
Grace Period	<ul style="list-style-type: none"> <li>- 6 months before the filing date: if the invention was exhibited in an officially recognized international exhibition in Indonesia or abroad, or in an officially recognized national exhibition in Indonesia; or if the invention was exploited in Indonesia by its inventor in the context of experimentation, research and development</li> <li>- 12 months before the filing date: in case of breach of an obligation to preserve the confidentiality of the relevant invention. (Art. 6)</li> </ul>
Non-Patentable Subjects	<ul style="list-style-type: none"> <li>- Discoveries</li> <li>- Discovery of scientific rules and theories</li> <li>- Mathematics, business plans, regulations or methods, mental treatments or gambles</li> <li>- Human and animal treatment</li> <li>- Microorganisms and any components of natural</li> </ul>

	<ul style="list-style-type: none"> <li>microorganisms</li> <li>- Extracts from animals or plants</li> <li>- The invention and devices contrary to state peace and social order, health, environments, rules and laws, and national good traditional cultures (Art 9)</li> </ul>
Substantive Examination	Yes. (art. 51 - 56)
Publication	18 months after the filing date or priority date (art. 46 - 48).
Opposition System	Yes. (Art. 49)
PCT international application through the national office of the country as a receiving office under the PCT	<a href="https://www.wipo.int/export/sites/www/pct/guide/en/gdvol1/annexes/annexc/ax_c_id.pdf">https://www.wipo.int/export/sites/www/pct/guide/en/gdvol1/annexes/annexc/ax_c_id.pdf</a>
PCT international application to the national office of the country as a designated office under the PCT	<a href="https://www.wipo.int/export/sites/www/pct/guide/en/gdvol2/annexes/id.pdf">https://www.wipo.int/export/sites/www/pct/guide/en/gdvol2/annexes/id.pdf</a>

#### INDUSTRIAL DESIGN SYSTEM

National Law	Law of the Republic of Indonesia, No. 31 of December 20, 2000 Regarding Industrial Designs (Adopted on December 20, 2000)  <a href="https://wipolex.wipo.int/en/legislation/details/2260">https://wipolex.wipo.int/en/legislation/details/2260</a>
Requirement of Agent for Foreigners	An applicant who resides outside the country must file an application through a consultant on intellectual property rights who is registered at the DGIP (art. 1).
Language	Indonesian Bahasa (art. 11(1))
Non-Registrable Subjects	Designs contrary to the prevailing laws and regulation, public order, religion or morality (art. 4).
Substantive Examination	Yes
Designs for a set of Articles	Where there is an objection against an application, the examiner shall conduct a substantive examination (art. 26).
International application through and to the national office of the country under the Hague System: no information. Please refer also the following website.	Indonesia is not a party yet to the Hague Agreement

#### TRADEMARK SYSTEM

National Law	Law of the Republic of Indonesia Number 20 of 2016 Regarding Marks and Geographical Indications (Adopted on November 25, 2016)  <a href="https://wipolex.wipo.int/en/legislation/details/2263">https://wipolex.wipo.int/en/legislation/details/2263</a>
Subjects of Protection	Trademarks, Service Marks, Collective Marks, Geographical Indications, Sources of Origin.
Requirement of Agent for Foreigners	An applicant who resides outside the country must file an application through a consultant of intellectual property rights and able of being represented graphically (registered at the DGIP) (art. 5 and 7)

Language	Indonesian Bahasa
Non-Registrable Subjects	<ul style="list-style-type: none"> <li>(i) Application by an applicant in bad faith</li> <li>(ii) Contrary to prevailing rules and regulation, morality, religion, or public order</li> <li>(iii) Not having distinctive character (both generic and descriptive)</li> <li>(iv) Having become public property</li> <li>(v) Constituting information or related to the goods or services for which registration is required</li> <li>(vi) Similar in its essential parts or in its entirety with a mark owned by another party which has previously been registered for the same or similar kind of goods and/or services</li> <li>(vii) Similar in its essential parts or in its entirety with a known geographical indication.</li> </ul> <p>(Art. 20 and 21)</p>
Substantive Examination	Yes (Art. 23)
Publication of Application	Yes, 15 (fifteen) days as from the filing date (art. 14 and 15)
Opposition system	Yes, during the 2 months following publication (art. 16).
International application through the national office of the country as an office of origin under the Madrid System	<a href="https://www.wipo.int/madrid/memberprofiles/#/result?countries=10000&amp;datafields=9583,9582,9584">https://www.wipo.int/madrid/memberprofiles/#/result?countries=10000&amp;datafields=9583,9582,9584</a>
International application to the national office of the country as a designated office of designated country under the Madrid System	<a href="https://www.wipo.int/madrid/memberprofiles/#/result?countries=10000&amp;datafields=9634,9633,9636,9637,9635,9606,9617,9615,9621,9616,9619,9620,9607,9611,9618,9612,9610,9609,9608,9614,9613,9622,9627,9623,9624,9625,9626,9597,9599,9596,9598,9601,9603,9604,9602,9605,9600,9639,9640,9628,9631,9632,9629,9630,9638,9595,9587,9589,9591,9594,9588,9593,9586,9592,9585,9590">https://www.wipo.int/madrid/memberprofiles/#/result?countries=10000&amp;datafields=9634,9633,9636,9637,9635,9606,9617,9615,9621,9616,9619,9620,9607,9611,9618,9612,9610,9609,9608,9614,9613,9622,9627,9623,9624,9625,9626,9597,9599,9596,9598,9601,9603,9604,9602,9605,9600,9639,9640,9628,9631,9632,9629,9630,9638,9595,9587,9589,9591,9594,9588,9593,9586,9592,9585,9590</a>

COPYRIGHT SYSTEM	
National Law	<p>Law Number 28 of 2014 on Copyright (Adopted on October 16, 2014)</p> <p><a href="https://wipolex.wipo.int/en/legislation/details/15600">https://wipolex.wipo.int/en/legislation/details/15600</a></p>
Subjects of Protection	<p>“Work” protected under copyright is defined as result of works of an author, which shows originality in the field of science, arts and literature (art. 1 and 2). Author: a person or several persons who individually or jointly produce works that are unique and personal (art. 1).</p>
Moral Rights	<ul style="list-style-type: none"> <li>- Right to be named as author of the work.</li> <li>- Right to oppose changes to a work. (Art. 5)</li> </ul>
Economic Rights	<ul style="list-style-type: none"> <li>- Demonstrating the works in public</li> <li>- Publicizing the works or authorizing other persons to publicize such works</li> <li>- Reproduction or adaptation of works</li> <li>- Dissemination of the original works or copies of the works to public</li> </ul>

	<ul style="list-style-type: none"> <li>- Communication of works to public by wire or wireless communication systems through electronic data network or other technical systems</li> <li>- Creating derivative works</li> <li>- Renting the original or copies of cinematographic works or computer programs</li> <li>- Giving benefits to other person from his own copyright, such as assigning his own copyright to other person for research.</li> </ul> <p>(Art 8 - 12)</p>
Limitation to Author's Rights	<p>Provided that sources are fully cited; the following shall not be deemed as Copyright infringement (art. 43 - 49)</p> <ul style="list-style-type: none"> <li>- The use of a work of another party for the purpose of education, research, scientific thesis, report writing, criticizing or reviewing an issue, provided that it does not prejudice the normal interest of the author.</li> <li>- The excerpt of a work another party for the purpose of advocacy within or outside the court.</li> <li>- The excerpt of a work of another party for the purposes of lecturers of which the purpose is solely for education and science or free-of-charge exhibitions or performances, provided that they do not prejudice the normal interests of the author.</li> <li>- Reproduction of a scientific, artistic and literary work in Braille for the purposes of the blind, unless such reproduction is of a commercial purpose.</li> <li>- Limited reproduction of a work other than computer program limitedly, by using any means whatsoever or by employing a similar process by a public library, scientific or educational institution and documentation center of non-commercial nature, solely for the purpose of conducting their activities.</li> <li>- Modification of any architectural works, such as building construction, based on considerations of technical nature.</li> <li>- Making of a back-up copy of a computer program by the owner of the computer solely for his own use.</li> </ul>
Duration of Copyright	<ul style="list-style-type: none"> <li>- Copyright shall be valid for the life of the Author and 70 years after death (art. 58).</li> <li>- The copyright on computer programs, cinematographic works, photographic works, databases and works resulting from adaptations, arrangements of a published work shall be valid for 50 years as of the first publication of the work. (art. 59).</li> <li>- The copyright owned or held by a legal entity shall be valid for 50 years as of from the first publication (art. 58).</li> </ul>

#### TECHNOLOGY TRANSFER OFFICE IN THE COUNTRY

While there is no official national technology transfer office, however, most research organizations have established dedicated units or companies to facilitate technology transfer.

## ATTORNEYS IN THE COUNTRY

Intellectual Property Attorneys in Indonesia have established an association called AKHKI with a total of currently registered member of 964.

### Detail Information:

Web site address : <https://www.akhki.or.id>

Address : Menara Imperium, 12th Floor, Suite D, Jl. H.R.Rasuna Said Kav. 1, Metropolitan Superblock, Jakarta 12980, Indonesia

Telephone : (62-21) 8354052

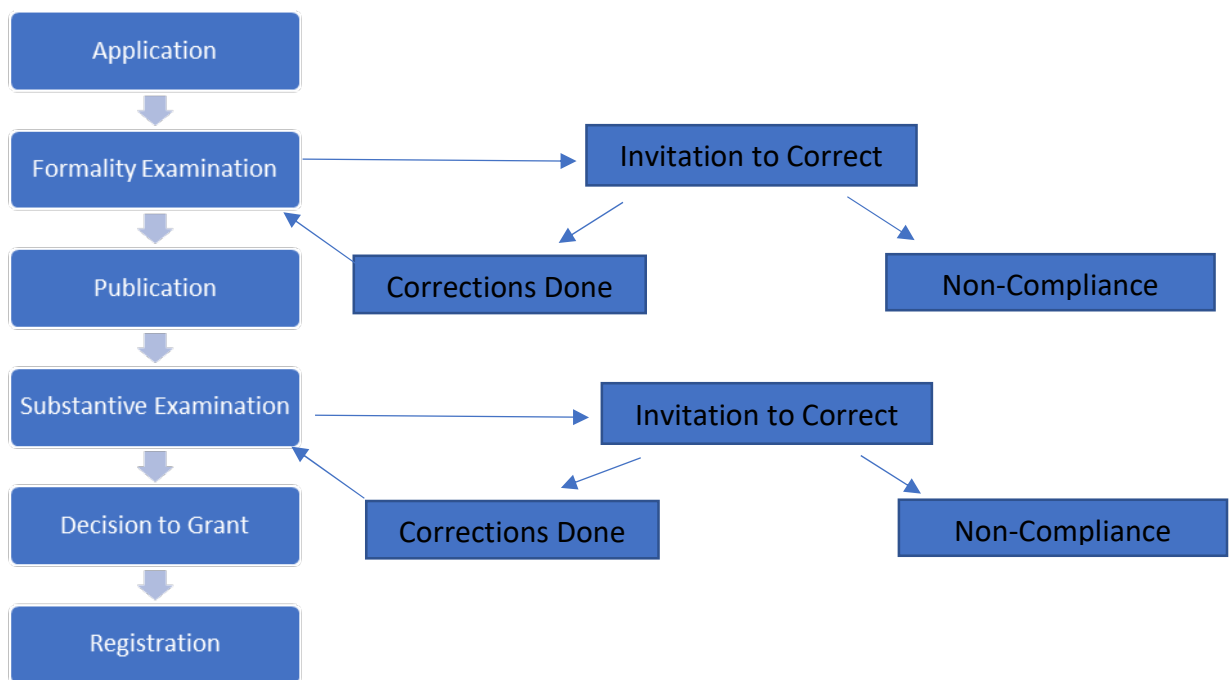
## FILING PROCEDURES

### Patents

#### **Procedures for Obtaining a Patent in Indonesia**

1. A national application is filed with the Directorate General of Intellectual Property (DGIP), Ministry of Law and Human Rights, including a description, claims and drawings.
2. DGIP carries out a formality examination. If the application does not comply the requirements under the law, DGIP invites the applicant to amend the application within 3 months.
3. DGIP publishes the patent application 18 months after filing date or priority date. Third parties may file the comments and/or objections to the patent application within 6 months.
4. Applicants should request for substantive examination within 30 months from the filing date. Otherwise, the application is deemed withdrawn.
5. DGIP carries out a substantive examination. If the application does not comply the requirements under the law, DGIP invites the applicant to amend the application.
6. DGIP notifies the applicant of the decision to grant or to refuse to grant a patent within 36 months from the request for examination.
7. In case of a decision to refuse the application, the applicant may file an appeal petition to the Patent Appeal Commission.
8. In case of a decision to grant the patent, third parties may file a lawsuit for revocation of the patent to the Commercial Court. In case of decision to refuse the patent, the applicant may file an appeal petition to Patent Appeal Commission.

## **Flow Chart of Filing Procedure for Patents**



## **Additional information relating to the Procedures for obtaining a Patent in Indonesia through the PCT**

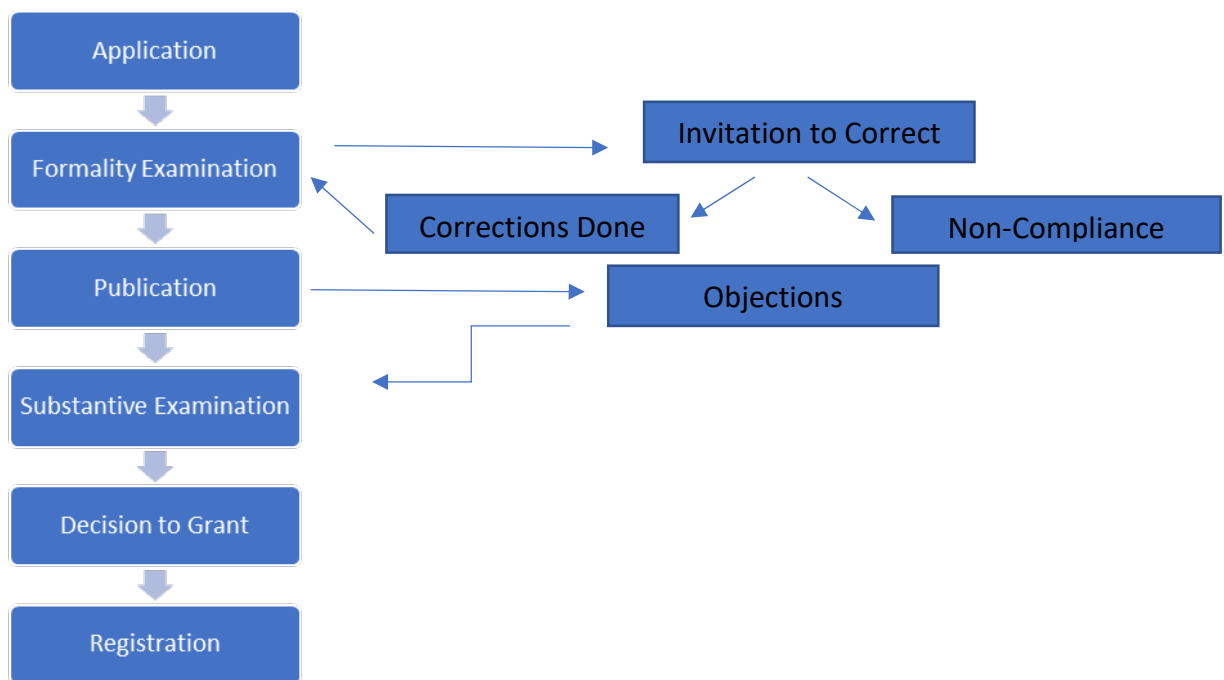
- PCT international applications designating the country should be translated into Indonesian and enter the national phase within 31 months from the priority date. Filing fees should be paid at this stage.
- Applicants should request for substantive examination within 31 months from the international filing date. Otherwise, the application is deemed withdrawn.
- The rest of the procedures is in line with what described above for patent applications filed with DGIP.

## **Trademarks**

### **Procedures for Obtaining a Trademark in Indonesia**

1. A national application is filed with the Directorate General of Intellectual Property (DGIP), Ministry of Law and Human Rights.
2. DGIP carries out a formality examination. If the application does not comply the requirements under the law, DGIP invites the applicant to amend the application within 2 months.
3. DGIP publishes the applications in the Mark Gazette not later than 15 (fifteen) days as from the filing date. The publication of application in the Mark Gazette lasts for 2 (two) months (Art. 14).
4. Within the period of publication, any party may file an opposition against the application (Art. 16).
5. DGIP commences a substantive examination in the event that there is no opposition within a period of not later than 30 (thirty) days as from the expiration date of publication (Art. 23).
6. DGIP notifies the applicant of the decision to grant or to refuse the mark within 150 (a hundred and fifty) days (Art.23) after the commencement of substantive examination.
7. In case of a decision to refuse the application, the applicant may file an appeal with the Trademark Appeal Commission.
8. In case of a decision to grant the patent, third parties may file a lawsuit for cancellation to the Commercial Court within 5 years from the date of registration.

### Flow Chart of Filing Procedures for Trademarks



### Additional information relating to the Procedures for obtaining a trademark in Indonesia through the Madrid System

- DIP carries out a substantive examination within 18 months from the receiving the request for extension of protection from WIPO. If the application does not comply the requirements under the law, the Registrar issues a provisional refusal and invites the applicant to response to DIP within 30 days.
- The rest of the procedure is in line with what described above in the case of trademark application filed directly with DGIP.

## Industrial Designs

### **Procedures for Obtaining an Industrial Design in Indonesia**

1. A national application is filed with the Directorate General of Intellectual Property (DGIP), Ministry of Law and Human Rights, including drawings, photographs or other adequate graphic representations of the industrial design, a description of the design for which protection is sought, and an indication of the kinds of products for which the industrial design will be used.
2. DGIP carries out a formality examination. If the application does not comply the requirements under the law, DGIP invites the applicant to amend the application within 3 months.
3. DGIP publishes the design application within 3 months from the filing date.
4. Third parties may file objections to the application during 3 months from the publication date.
5. DGIP carries out a substantive examination when it receives objections to the application from the third parties. DGIP shall produce a decision whether to approve or to refuse the objection.
6. In case of a decision to refuse the application, the applicant may file a lawsuit with the Commercial Court within the period of 3 months from the notification of refusal.
7. Where there is no objection, DGIP shall grant a Certificate of Industrial Design.

### Flow Chart of Filing Procedures for Designs



