

# INDONESIA

## PATENT HANDBOOK

Copyright Reserved © PINTAS IP GROUP

**Disclaimer:** This IP HANDBOOK is intended to provide general guidelines only and not advice with regard to specific cases. The information given is non-exhaustive. Please also note that the relevant law and its interpretation are subject to change. You should contact us for advice specific to your own situation. Whilst every effort has been made to ensure the accuracy of the information, Pintas IP Group shall not be responsible for any inaccuracies or omissions, however caused therein. Nor can any responsibility be accepted for any loss or damage to any company or person as a result of actions taken or not taken on the basis of the content of this handbook.

**In Indonesia, patent protection is obtainable by way of either entering the national phase of a Patent Cooperation Treaty (PCT) application or filing a direct national application.**

### **Legislation**

With the passing of the new Patent Law ( Law No.13 of 2016 ) and its enactment, all national filings which were filed in Indonesia on and from 26 August 2016 will be processed under the new Patent Law, Law No. 13 of 2016. However, all applications which are still pending on the 26 August when Law 13 of 2016 was enacted, will be processed by the previous patent Law, i.e. Law No.14 of 2001.

### **Patentability Criteria**

An invention is patentable if:-

- novel
- it involves an inventive step
- it is industrially applicable

### **Utility Innovations**

There are 2 kinds of patents in Indonesia, namely, Patent and Simple Patent (Utility Model). Simple Patent shall be granted for a period of (10) ten years commencing on the date of issuance of the Letter of Simple Patent.

### **Membership**

- √ - Paris Convention
- √ - PCT

Indonesia is a member of the Paris Convention from 1950, whereby applications from convention countries will be subject to the same priority date in Indonesia. The application for priority has to be made within six months of the first application in a convention country.

Indonesia is also a member of the PCT since 1997. An applicant who has made an international patent application may file and/or prosecute the patent application during its national phase entry into Indonesia within 30 months from the filing date of the international application or from the earliest priority date of the application if a priority is claimed.

### **Rule of Priority**

"First to File" is the rule followed by Indonesia in determining priority of patents.

### **Duration**

A registered patent is valid for a term of 20 years whereas that of a simple patent is for 10 years.

## Procedures

### ▼ Filing of Patent Application

Every applicant is required to submit an application within 12 months of priority date.

### ▼ Publication

A patent application will be published within 18 months of the filing date.

### ▼ Opposition

The publication is for a duration of 6 months during which oppositions are invited from interested parties. The statements of opposition and counter statement will be considered in the examination stage.

### ▼ Substantive Examination

A request for examination has to be filed within 30 months after the priority filing date of the application else could result in automatic withdrawal of the application. Also a simple patent is examined only for novelty.

### ▼ Registration

The patent office is obligated to grant or reject a patent within 30 months after the receipt of an examination date. On successful completion of formalities a patent certificate will be issued by the office and the invention will be listed in the general register of patent.

In the case of simple patents, the time limit for competing substantive examination is 12 months from the filing date, reduced from 24 months under the old law.

## Filing Requirements

**The following information and/or documents are required to file an application for a patent application in Indonesia:-**

### Direct National Application:-

- Request for the grant of a patent:-
  - (a) the name and address of the applicant;
  - (b) the name and address of the inventor;
  - (c) a specification comprising a description, claims and any necessary drawings; and
  - (d) the country and filing particulars of basic application whose priority is claimed.
- Appointment of Patent Agent.
- Filing of an assignment from inventor to applicant.

### PCT National Phase Application:-

- A copy of the PCT application in English language (i.e. request form PCT/RO/101);
- The details of the PCT application (suitably, the bibliographic page as published by WIPO);
- PCT specification as originally filed;
- International Preliminary Report on Patentability;
- One copy of any amendments filed in the international phase (in or translated to English);
- Power of Attorney;
- Filing of an assignment from inventor to applicant.

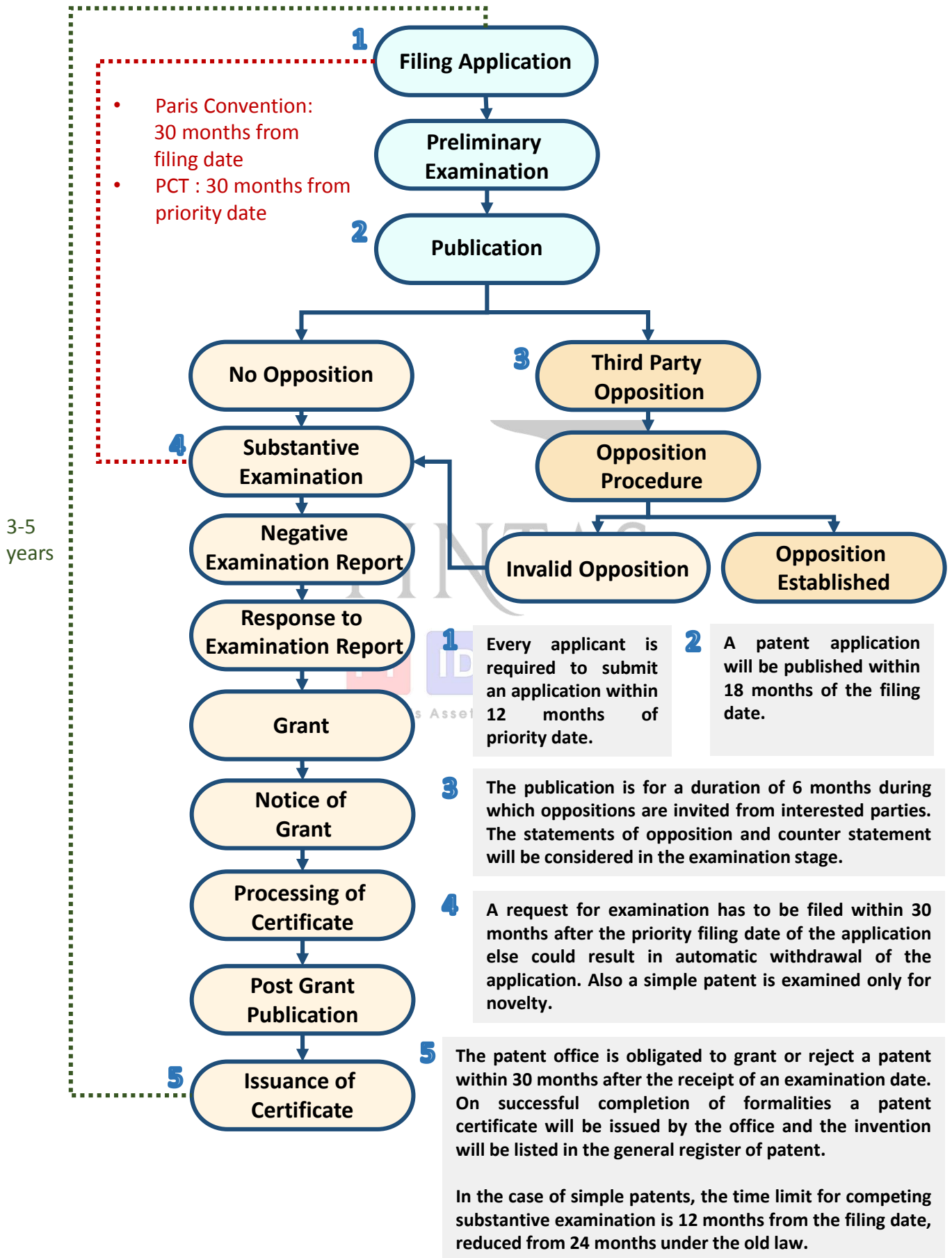
## Documents To Be Furnished For Filing A Patent Application in Indonesia

Basic Requirements		
Documents	Remarks	Time of Filing
Patent specification, claims and extract in English	translated into Indonesian Language.	On filing date
Drawings	(If Any)	One month from application date

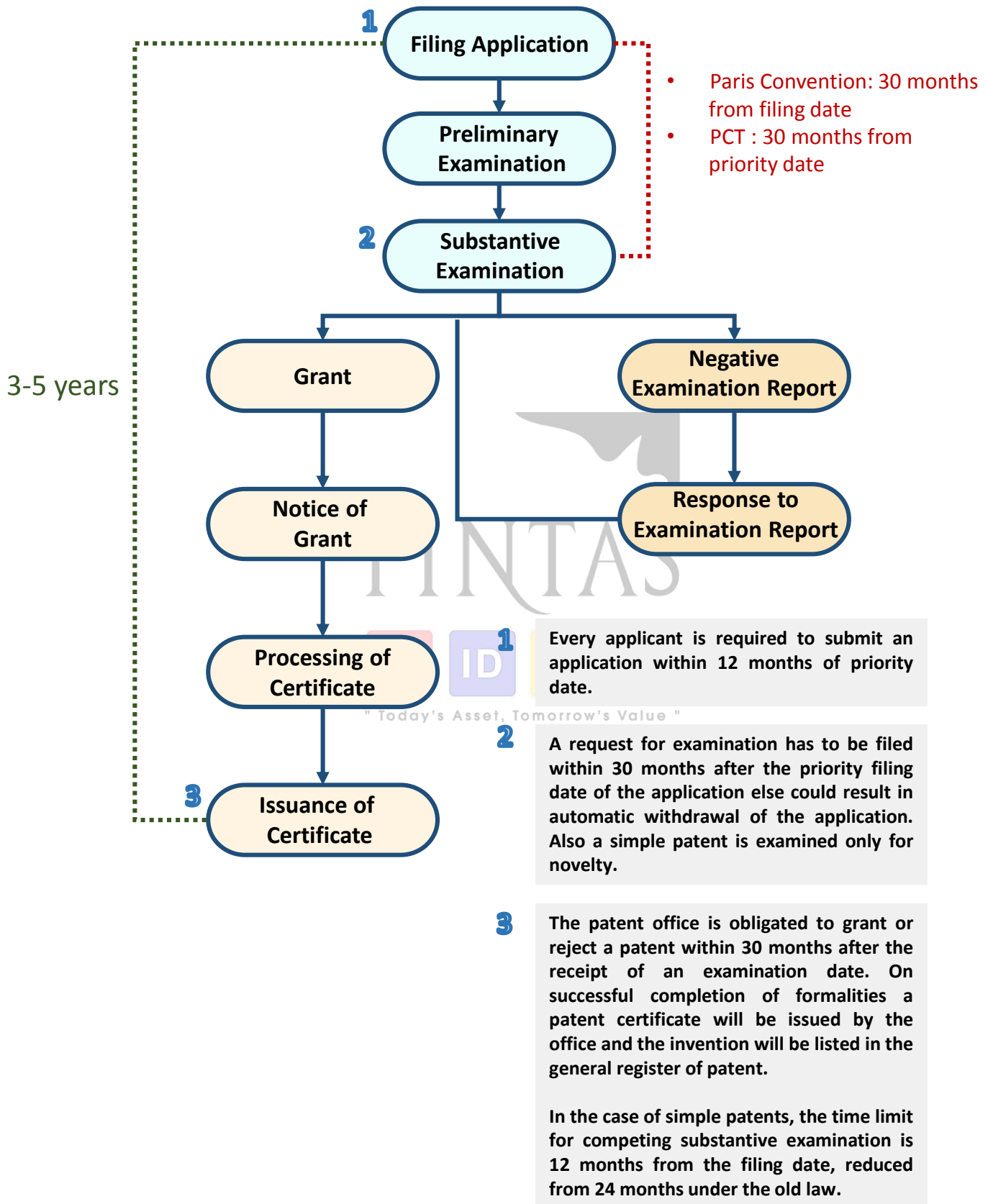
Additional Requirements		
Documents	Remarks	Time of Filing
Priority documents	With certified English translation	16 month from priority date (non-extendable)
Power of Attorney	No legalization requirement	1 month from application date
Assignment of Invention (if the applicant is not the inventor)	No legalization requirement	1 month from application date

Additional Documents for Entry of PCT National Phase in Indonesia	
Documents	Time of Filing
Form PCT/IB/306 or Notarized copy of Certificated of Change	2 month from application date
PCT specification as originally files	1 month from application date
Form PCT/RO/101	1 month from application date
Form PCT/IB/332	1 month from application date
Form PCT/IPEA/401	1 month from application date
Form PCT/IPEA/408	1 month from application date
Form PCT/IPEA/416	1 month from application date
Amendments file in the international phase	Between application until substantive examination request

# Patent Application Process In Indonesia (Substantive Examination Regime)



# Utility Model Patent Application Process In Indonesia (Substantive Examination Regime)



MALAYSIA  
OFFICE

Kuala Lumpur / Corporate Office  
Pintas Consulting Group Sdn Bhd (461057-W)  
Add: Suite 2B-21-1, Level 21, Block 2B, Plaze Sentral,  
Jalan Stesen Sentral 5, KL Sentral, 50470 Kuala Lumpur,  
Malaysia.

Selangor / Correspondence Operation Office  
Add: No.19, Jalan SS 1/36, 47300 Petaling Jaya, Selangor.  
Tel: +603-7876 5050  
Fax: +603-7876 2678  
H/P: +6012-797 5077  
Email: marketing@pintas-ip.com

SINGAPORE  
OFFICE

Pintas Pte Ltd (20010467111)  
Add: Suite 12-14, Manhattan House, 151 Chin Swee Road,  
Singapore 169876.  
Tel: +65-6250 2070  
Fax: +65-6737 1805  
H/P: +65-9747 2579  
Email: pintas.sg@pintas-ip.com

CHINA  
OFFICE

Pintas Inc (Customer Service Office)  
Add: Room1811, 18th Floor, Far East Tower,  
No. 1101 Pudong Road (s) Pudong, Shanghai,  
200120, China.  
Tel: +86-21 32180770  
Fax: +86-13 022176477  
Email: pintas.china@pintas-ip.com

USA  
OFFICE

Pintas LLC (Customer Service Office)  
Add: P.O. Box 190943, Boise, Idaho  
83719-0943, United States of  
America.  
Tel / Fax: +1 208 899 8528  
Email: pintas.usa@pintas-ip.com

BRUNEI  
OFFICE

Pintas Consulting Group (Customer Service Office)  
Add: P.O.Box 18, Anggerek Desa Complex,  
BB3780 Brunei Darussalam.  
Tel: +673-873 8478  
Fax: +673-245 2112  
Email: pintas.brunei@pintas-ip.com