



INDONESIA

TRADEMARK 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

Legislation

The Law of the Republic of Indonesia Number 15 of 2001 regarding Trademark. Law 20 of 2016 on Marks and Geographical Indications has been enacted on 25 November 2016.

Definition

A trademark is a sign used for the purpose of indicating a connection between a person having the right to use the sign and his goods or services.

Criteria

- Any logo, number, word, name, label, letter or a combination of the above may constitute a trademark.
- The mark should be distinctive or Capable of differentiation from another's goods or services.
- A Trademark shall not be registered if it contains one of the following elements:-
 - △ being against the prevailing law, morality, religion, decency and public orders;
 - △ having no distinguishing power;
 - △ having been public property; or
 - △ constituting the explanation of or being related to the goods or services for which registration is applied.

Membership

- √ - Paris Convention
- √ - Madrid Protocol

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.

Rule of Priority

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

Duration and Renewal

A trademark once registered is valid for a term of 10 years and will be subject to protection depending on its further renewal. A 6-months grace period is allocated after the expiry date for the renewal. once the expiry date has passed, the trade mark will no longer have the benefit of any rights arising from registration.

Procedures

Application

Every applicant is required to submit an application with the Indonesia Intellectual Property Office.

Examination

On submission the Trademarks office will examine the application for statutory compliances. Applicants will be given two months time to respond the office action. On completion of the requirements a filing date will be issued by the office. Substantive examination is done thirty days after the filing date for a period of 9 months.

Publication

An application is published in the Official Bulletin of Marks for a period of 3 months, on passing the examination stage in a maximum period of 10 days.

Opposition

Concerned parties are required to send oppositions concerning the subject matter of a trademark. The common grounds of opposition pertain to prior marks and infringement. Counter statements are required to be submitted within 2 months of the receipt of the opposition letter after which a re-examination will take place. The re-examination should be completed in two months time.

Registration

On completion of the objections and opposition a Certificate of Registration will be issued subject to the payment of a fee. The duration of registration could take a minimum period of 24-36 months. The registration is effective from date of application.

Filing Requirements

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

- Application form.
- Power of Attorney.
- Statement of mark owner.
- A list of goods or services (which closely follow the Nice International Classification).
- Twenty (20) clear copy of the mark.
- The full name, nationality and registered address of the applicant.
- Description of claim if colour or a combination of colour or a combination of colours is claimed as Trademark.
- For marks that contain non-English words, a certified transliteration and translation.

Documents To Be Furnished For Filing Trade / Service Mark Application

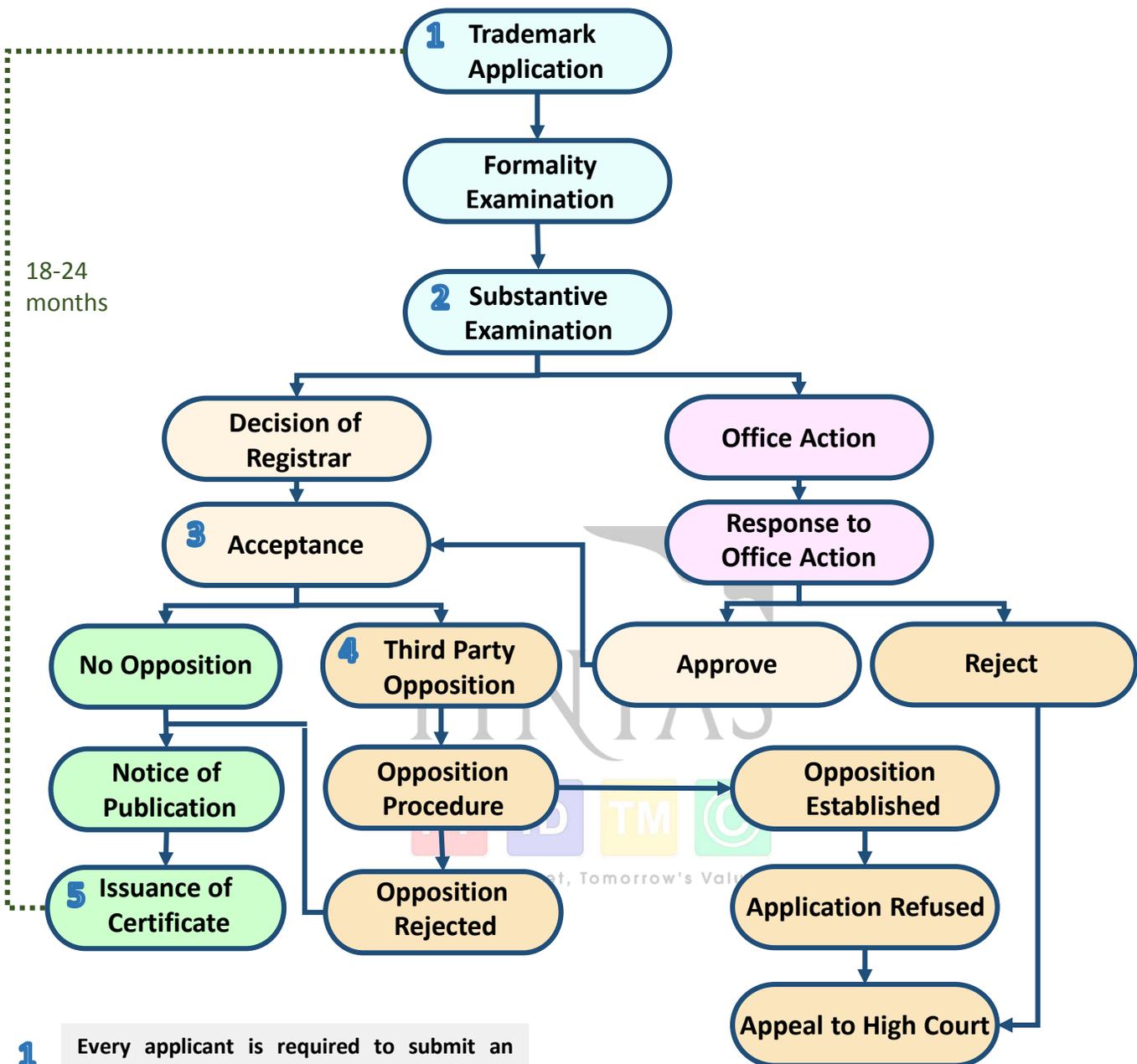
Basic Requirements		
Documents	Remarks	Time of Filing
Power of Attorney	Simply signed	On filing date
Statement of Mark Owner	Simply signed	On filing date
Image/Representation of the mark	Together with indication of whether the mark is in color or black and white, Specimen of mark sized 9cm x 9cm	On filing date

Additional Documents for Claiming a Convention Priority		
Documents	Remarks	Time of Filing
Priority documents	The certified copy of priority documents in other language must be provided in English translation.	7 months from filing

Documents for Filing a Request of Recordals of Assignments & Changes		
Documents	Remarks	Time of Filing
Notarized true copy of Deed of assignment documents	Attested by the Notary Public	Anytime after registration
Power of Attorney	Simply signed	Anytime after registration
Statement of Use of Mark	Simply signed	Anytime after registration

Documents for Filing an Opposition of Counter-Opposition (Deadline for Applying is during 3 Months Publication Period of the Trade Mark Application to be Opposed)		
Documents	Remarks	Time of Filing
Power of Attorney	Simply signed	On filing date
Copy of registrations in various countries		On filing date
Other supporting documents such as brochures, advertising materials, company's website, etc.		On filing date

Trademark Registration Process in Indonesia



1 Every applicant is required to submit an application with the Indonesia Intellectual Property Office.

2 Applicants will be given two months time to respond the office action. On completion of the requirements a filing date will be issued by the office. Substantive examination is done thirty days after the filing date for a period of 9 months.

3 An application is published in the Official Bulletin of Marks for a period of 3 months, on passing the examination stage in a maximum period of 10 days.

4 Concerned parties are required to send oppositions concerning the subject matter of a trademark. Counter statements are required to be submitted within 2 months of the receipt of the opposition letter after which a re-examination will take place. The re-examination should be completed in two months time.

5 On completion of the objections and opposition a Certificate of Registration will be issued subject to the payment of a fee. The duration of registration could take a minimum period of 24-36 months. The registration is effective from date of application.

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