

**INDONESIA**

*Status as of May 2005*

<b>FEATURES</b>	<b>STATUS</b>	<b>CHANGES IN LAWS SINCE 1990</b>
<b>Types of protection for inventions</b>	<ul style="list-style-type: none"> <li>• Patents</li> <li>• Simple patents</li> </ul>	
<b>Term of protection</b>	<ul style="list-style-type: none"> <li>• Patents: 20 years from the filing date</li> <li>• Simple patents: 10 years from the filing date</li>   <li>• Extension of patent term is not possible.</li> </ul>	August 1, 2001 – Extension of term of protection for patents from 14 years to 20 years and for simple patents from 5 years from the date of grant to 10 years from the filing date.
<b>Subject matters excluded from patentability or not considered to be inventions</b>	<ul style="list-style-type: none"> <li>• The following subject matters are excluded from patentability:               <ul style="list-style-type: none"> <li>- Scientific theories/mathematical methods</li> <li>- Animals</li> <li>- Plants</li> <li>- Plant and animal varieties</li> <li>- Diagnostic, therapeutic and surgical methods for the treatment of humans and animals</li> <li>- Inventions contrary to morality/public order</li> </ul> </li>   <li>• The following subject matters are not considered to be inventions:               <ul style="list-style-type: none"> <li>- Discoveries</li> <li>- Aesthetic creations</li> <li>- Mental acts</li> <li>- Presentation of information</li> <li>- Computer programs</li> <li>- Business methods</li> </ul> </li> </ul>	August 1, 2001 – Introduction of living creation (except microorganisms) and biological processes essential to produce plants or animals (except non-biological processes or microbiological processes) as subject matters excluded from patentability.
<b>Filing language</b>	<ul style="list-style-type: none"> <li>• Filing an application in another language (English) than an official language is possible. The time limit to provide translation into an official language is 1 month from the filing date.</li> </ul>	No

<b>Certain requirements relating to filing</b>	<ul style="list-style-type: none"> <li>• The inventor rarely waives his right to be mentioned in the patent.</li> </ul>	No
	<ul style="list-style-type: none"> <li>• It is not possible to file provisional applications.</li> </ul>	
	<ul style="list-style-type: none"> <li>• The most frequent route used by foreign applicants to file patent applications is the PCT procedure (Patent Cooperation Treaty).</li> </ul>	
<b>Link between different inventions in the same application</b>	<ul style="list-style-type: none"> <li>• The applicable law allows that the claims in a patent application relate to a group of inventions; each group of inventions in claims has to have an inventive linking concept.</li> </ul>	No
<b>Publication</b>	<ul style="list-style-type: none"> <li>• The information related to the application is published or open for public access 18 months from the date of filing or from the priority date and when the patent is granted. For simple patents, the information related to the application is published 3 months from the filing date.</li> </ul>	August 1, 2001 – Before that date, the information related to the application of a simple patent was published after the grant of the simple patent.
<b>Classification system</b>	<ul style="list-style-type: none"> <li>• The patent classification system used is the International Patent Classification (IPC) system.</li> </ul>	N.A

<b>Search and examination</b>	<ul style="list-style-type: none"><li>• The applicable law establishes a substantive search and examination system. Search and examination are combined.</li><li>• For patents, the examination shall be requested at least 36 months from the filing date. If the applicant fails to do so within the time limit, the application is deemed withdrawn.</li><li>• For simple patents, the examination shall be requested when the application is filed or within 6 months from the filing date. If the applicant fails to do so within the time limit, the application is deemed withdrawn.</li><li>• During the examination procedure, the following criteria are examined:  For patents:<ul style="list-style-type: none"><li>- Novelty</li><li>- Inventive step/non obviousness</li><li>- Industrial applicability/utility</li><li>- Clarity</li><li>- Consistency (usage of technical terms in the description, abstract and claims must be consistent)</li><li>- Whether the subject matter is not excluded from patentability</li></ul> For simple patents:<ul style="list-style-type: none"><li>- Novelty</li><li>- Inventive step/non obviousness</li><li>- Clarity</li><li>- Consistency</li><li>- Whether the subject matter fulfills simple patents criteria (only for product which is tangible such as tool, means or device which has more practical use)</li></ul></li></ul>	
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<b>Specific legal provision regarding ownership of patents derived from public (government) research funding</b>	No	No
<b>Exceptions to exclusive rights conferred by a patent</b>	<ul style="list-style-type: none"> <li>• There are exceptions to the exclusive rights conferred by a patent as follows: <ul style="list-style-type: none"> <li>- Compulsory licenses</li> <li>- Governmental use</li> <li>- Research and/or experimental exception</li> <li>- Clinical trials for the purpose of obtaining a generic drug's regulatory approval (Bolar provision)</li> <li>- Parallel importation</li> </ul> </li> </ul>	August 1, 2001 – Introduction of the Bolar provision and parallel importation as exceptions to the exclusive rights conferred by a patent.
<b>Options to challenge a patent</b>	<ul style="list-style-type: none"> <li>• There are different options to challenge a patent or a simple patent as follows: <ul style="list-style-type: none"> <li>- Pre-grant administrative procedure (within 6 months from the publication of the application)</li> <li>- Court procedure</li> </ul> </li> </ul>	No