

DIRECTORATE GENERAL OF INTELLECTUAL PROPERTY (INDONESIA)

AS DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:

Office: Directorate General of Intellectual Property (Indonesia)

PL: Indonesian Patent Law

GR: Government Regulations of the Republic of Indonesia concerning Procedure for Patent Application

SUMMARY**Designated
(or elected) Office****SUMMARY****ID****DIRECTORATE GENERAL OF
INTELLECTUAL PROPERTY (INDONESIA)****ID****Summary of requirements for entry into the national phase**

Time limits applicable for entry into the national phase:	Under PCT Article 22(3): 31 months from the priority date ¹ Under PCT Article 39(1)(b): 31 months from the priority date ¹
Translation of international application required into: ²	Indonesian
Required contents of the translation for entry into the national phase: ²	Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19 ³), any text matter of drawings, abstract Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report ²)
Is a copy of the international application required?	No
National fee: ²	Currency: Indonesian rupiah (IDR) Filing fee: — electronic filing: IDR 1,250,000 — paper filing: IDR 1,500,000 Additional filing fee: — for each page of the description in excess of 30: IDR 15,000 Claim fee for each claim in excess of 10: IDR 75,000 Substantive examination fee: IDR 3,000,000
Exemptions, reductions or refunds of the national fee:	None
Special requirements of the Office (PCT Rule 51bis): ⁴	Appointment of an agent if the applicant is not resident in Indonesia Instrument of assignment of the international application if the applicant has changed after the international filing date Document evidencing a change of name of the applicant if the change occurred after the international filing date and has not been reflected in a notification from the International Bureau (Form PCT/IB/306) Translation of the international application to be furnished in three copies ⁵

*[Continued on next page]*¹ This time limit may be extended provided the applicant pays an additional fee for late entry into the national phase.² Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).³ Where the applicant furnishes only one translation and does not furnish the missing translation upon invitation by the office, the latter will proceed upon the basis of the translation of the international application as originally filed or as amended, as the case may be.⁴ If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.⁵ Where the application is filed electronically, only one copy of the translation in electronic form has to be furnished.

SUMMARY**Designated
(or elected) Office****SUMMARY****ID****DIRECTORATE GENERAL OF
INTELLECTUAL PROPERTY (INDONESIA)****ID***[Continued]*

Who can act as agent?Any person registered to practice as a patent consultant in Indonesia

Does the Office accept requests for
restoration of the right of priority
(PCT Rule 49^{ter}.2)?No

THE PROCEDURE IN THE NATIONAL PHASE

ID.01 FORMS FOR ENTERING THE NATIONAL PHASE. The Office has available a special form for entering the national phase (see Annex ID.II). The form should preferably (but need not) be used. It is strongly recommended that the national phase application be filed through the Office's online system at: <https://paten.dgip.go.id/site/login>.

ID.02 TRANSLATION (CORRECTION). Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).

ID.03 FEES (MANNER OF PAYMENT). The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex ID.I.

PL Art. 25 **ID.04 INVENTOR.** The indication of the name and nationality of the inventor is required and must be furnished, at the latest, at the time of entry into the national phase.

PL Art. 51 **ID.05 REQUEST FOR EXAMINATION.** The Office examines patent applications as to substance. The applicant must request substantive examination on a special form (see Annex ID.III) no later than 36 months from the international filing date and pay a special fee (see Annex ID.I).

GR Art. 2(3), 3 **ID.06 POWER OF ATTORNEY.** An agent must be appointed by means of a separate power of attorney.

ID.07 PRIORITY DOCUMENT (TRANSLATION). The Office requires a translation of the priority document in English but only if needed during national examination or other processing. If the required translation is not furnished, the Office will invite the applicant to furnish it within two months from the date of the invitation. The translation need neither be certified nor verified.

PCT Art. 28
41
PL Art. 38-39 **ID.08 AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may amend or correct the claims, description, and drawings in the international application at any time before the grant of the patent provided that the scope of protection of the application is not extended thereby.

PL Art. 126-129 **ID.09 ANNUAL FEES.** The first payment of the annual fees must be made before the expiration of six months as of the date the patent is granted. The first payment of the annual fees includes annual fees for the first year as from the international filing date of the application until and including the year the patent was granted plus the annual fee for the following year. Each subsequent payment of the annual fees should be made in the relevant subsequent year no later than one month before the date having the same number as the month and the day on which the patent was filed. If the annual fee has not been paid within the applicable time limit, the patent will be declared null and void. Annual fees may be paid within a grace period of 12 months from the expiration of the deadline for paying the fees, upon a written request for extension of the time limit and payment of the prescribed surcharge fee for late payment (see Annex ID.I). A request for extension of the time limit must be submitted to the Office not later than seven days before the expiration of the time limit for paying the fees.

PCT Art. 24(2)
48(2)
PCT Rule 82bis **ID.10 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** Reference is made to paragraphs 6.022 to 6.027 of the National Phase.

PCT Art. 25
Rule 51

ID.11 REVIEW UNDER ARTICLE 25 OF THE PCT. The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, an appeal against the decision may be lodged with the national IP Office.

PL Art. 67-73

ID.12 APPEALS. An appeal may be filed:

- a) against refusal of a patent application,
- b) to correct the description, claims, and/or drawings after the grant of a patent,
- c) against a decision to grant a patent.

An appeal shall be filed in writing to the Patent Appeal Commission, with a copy to the Patent Office, and is subject to the payment of a fee (see Annex ID.I). An appeal against a refusal of the application shall be filed not later than three months as of the mailing date of the notification of refusal of the patent application. An appeal to correct the description, claims, and/or drawings after the grant of a patent shall be filed within three months as of the mailing date of the notification of intention to grant a patent.

Corrections must be limited to the following:

- a) limitation on the scope of claims,
- b) corrections of errors in the translation of the description, and/or
- c) clarification of the contents of the description that is unclear or ambiguous.

Corrections may not result in a wider scope of protection of the invention than the scope of protection of the invention as originally filed. An appeal against the decision to grant a patent shall be filed not later than nine months from the date of the notification to grant a patent. If the appeal against a decision to grant a patent has not been made within the applicable period, an applicant may appeal by filing a lawsuit to the Commercial Court.

FEES

(Currency: Indonesian rupiah)

Filing fee		
— electronic filing	1,250,000	
— paper filing	1,500,000	
Additional filing fee		
— for each page of the description in excess of 30	15,000	
Substantive examination fee	3,000,000	
Additional fee for each claim in excess of 10	75,000	
Change in type of patent application	450,000	
Fee for recordation of assignment of patent	700,000	
Appeal fee:		
— refusal of the application	3,000,000	
— correction of the description, claims and/or drawings after the patent application has been granted	3,000,000	
— decision on granting a patent	3,000,000	
Additional fee for late entry into national phase.	5,000,000	
	<i>Basic fee</i>	<i>Additional fee for each claim</i>
Annual fees:		
— from the 1 st to the 3 rd year, per year	1,000,000	75,000
— from the 4 th year to the 5 th year, per year	1,250,000	100,000
— for the 6 th year, per year	1,750,000	175,000
— from the 7 th year to the 8 th year, per year	2,250,000	225,000
— for the 9 th year, per year	3,000,000	300,000
— for the 10 th year, per year	4,000,000	300,000
— from the 11 th year to the 20 th year, per year	6,500,000	500,000
Fee for late payment of the annual fee	100% of the applicable annual fee	

How can payment of fees be effected?

The payment of fees must be effected in Indonesian rupiah. Payments can be made by money order, cheque or bank draft (transfer to Government account). All payments must indicate the application number (national if already known; international if the national number is not yet known), the name of the applicant and the category of fee being paid.

KEMENTERIAN HUKUM DAN HAK ASASI MANUSIA R.I.
DIREKTORAT JENDERAL KEKAYAAN INTELEKTUAL

Dibuat rangkap 2

Formulir Permohonan Paten

<u>Diisi oleh petugas</u> Tanggal pengajuan : _____ Nomor permohonan : _____	
Dengan ini saya/kami ¹⁾ : (71) Nama : _____ Alamat²⁾ : _____ Alamat surat menyurat : _____ Warga Negara : _____ Email : _____ Telepon/HP : _____	
mengajukan permohonan paten/paten sederhana	[]
yang merupakan permohonan paten Internasional/PCT dengan nomor : _____ Tanggal Penerimaan Internasional : _____	[] []
(74) melalui/tidak melalui *) Konsultan KI Nama Badan Hukum ³⁾ : _____ Alamat Badan Hukum ²⁾ : _____ Nama Konsultan KI : _____ Alamat²⁾ : _____ Nomor Konsultan KI : _____ Telepon/Fax : _____ Email : _____	[]
(54) dengan judul invensi : _____	[]
Permohonan paten ini merupakan pecahan/perubahan dari permohonan paten nomor : _____	[]

(72) Nama dan kewarganegaraan para inventor : warga negara warga negara warga negara warga negara	<u>Diisi oleh petugas</u> []
(30) Permohonan paten ini diajukan dengan/tidak dengan *) hak prioritas ⁴⁾ Negara : Tgl. Penerimaan permohonan Nomor prioritas 	[]
Bersama ini saya lampirkan ⁵⁾ : 1 (satu) rangkap : [] dokumen non elektronik (sebutkan) : ☐ Surat Kuasa ☐ Surat Pengalihan Hak atas Invenisi ☐ Surat Pernyataan Kepemilikan Invenisi oleh Inventor (jika ada) ☐ Bukti penunjukan negara tujuan (DO/EO) ☐ Dokumen prioritas dan terjemahan halaman pertama ☐ Dokumen permohonan paten Internasional/PCT ☐ Sertifikat penyimpanan jasad renik dan terjemahannya ☐ Dokumen lain (sebutkan) : [] dokumen elektronik (<i>softcopy</i>) (sebutkan) : ☐ Formulir Permohonan Paten ☐ Deskripsi, Klaim, Abstrak, Sequence bahasa Indonesia/Inggris ☐ Gambar ☐ Formulir Substantif Paten / Formulir Kelebihan Klaim/Halaman ☐ Surat Kuasa ☐ Surat Pengalihan Hak ☐ Surat Pernyataan Kepemilikan Invenisi oleh Inventor (jika ada) ☐ Dokumen Prioritas/PCT/lainnya [] surat pernyataan sumber asal genetika dan pengetahuan tradisional dan 1 (satu) rangkap invenisi yang terdiri dari : [] uraian halaman [] klaim buah [] abstrak [] gambar buah	[] [] []
Saya/kami usulkan, gambar nomor dapat menyertai abstrak pada saat dilakukan pengumuman atas permohonan paten (UU No. 13 Tahun 2016)	[]

Demikian permohonan paten ini saya/kami ajukan untuk dapat diproses lebih lanjut

Pemohon/Konsultan

(.....⁶⁾)

Keterangan :

- 1) Jika lebih dari satu orang maka cukup satu saja yang dicantumkan dalam formulir ini sedangkan lainnya harap ditulis pada lampiran tambahan.
- 2) Adalah alamat kedinasan/surat-menyurat.
- 3) Jika Konsultan Paten yang ditunjuk bekerja pada Badan Hukum tertentu yang bergerak dibidang konsultan paten maka sebutkan nama Badan Hukum yang bersangkutan.
- 4) Jika lebih dari ruang yang disediakan agar ditulis pada lampiran tambahan.
- 5) Berilah tanda silang atau contreng pada jenis dokumen yang saudara lampirkan.
- 6) Jika permohonan paten diajukan oleh :
 - Lebih dari satu orang, maka setiap orang yang ditunjuk oleh kelompok/group
 - Konsultan Paten maka berhak menandatangani adalah konsultan yang terdaftar di Kantor Paten.

*) Coret yang tidak sesuai.

KEMENTERIAN HUKUM DAN HAK ASASI MANUSIA R.I.
DIREKTORAT JENDERAL KEKAYAAN INTELEKTUAL

Dibuat rangkap 2

Formulir Permohonan Pemeriksaan Substantif Paten

		<u>Diisi oleh petugas</u>	
		Tanggal pengajuan : _____	
Dengan ini saya/kami ¹⁾ : (71) Nama : _____ Alamat ²⁾ : _____ Warga Negara : _____ Email : _____ Telepon/HP : _____			
yang telah mengajukan permohonan paten sendiri/melalui Konsultan paten: (74) Nama Konsultan KI : _____ Nomor Konsultan KI : _____ Email : _____		[] []	
dengan : (21) Nomor permohonan paten : _____ (22) Tanggal penerimaan permohonan paten : _____ (54) Judul Invensi : _____		[] [] []	
mengajukan permohonan pemeriksaan substantif untuk permohonan paten tersebut diatas.			
Bersama ini, saya/kami sampaikan : [] Biaya pemeriksaan substantif paten sebesar Rp. (.....) [] Biaya klaim yang belum dibayar buah @ Rp. sejumlah Rp. (.....) [] Kekurangan-kekurangan lain yang rincian ringkasnya tersebut dalam lampiran formulir ini.		[] [] []	

Yang mengajukan permohonan,

(.....)