

**DIRECTORATE GENERAL OF
INTELLECTUAL PROPERTY (INDONESIA)
AS
DESIGNATED (OR ELECTED) OFFICE**

CONTENTS

THE ENTRY INTO THE NATIONAL PHASE — SUMMARY

THE PROCEDURE IN THE NATIONAL PHASE

ANNEXES

Fees	Annex ID.I
Form for entering the national phase	Annex ID.II
Patent substantive examination application form	Annex ID.III

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 Claim fee for each claim in excess of 10: IDR 50,000 Substantive examination fee: IDR 2,000,000
Exemptions, reductions or refunds of the national fee:	None
Special requirements of the Office (PCT Rule 51 <i>bis</i>): 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
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 <i>ter.2</i>)?	No

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.

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.

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 fee should be made no later than one year as of the date the patent is granted. Each subsequent payment of the annual fees should be made no later than the same date the patent is granted. The payment of annual fees after the expiration of the time limit is subjected to an additional fee of 2.5% per month of the fees payable for the relevant year. The Office will notify the late payment of annual fees in writing to the patent holder within seven days after the stipulated time frame. If the annual fees are not paid for three consecutive years, the patent will be declared null and void as from the date of the time limit of the obligation to pay for the third year. It should be noted that renewal fees and any late payment surcharge fees are due until the Office declares the application null and void, even where a patent is deemed to have expired after grant.

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 against the refusal of a patent application. A request for appeal shall be filed in writing to the Patent Appeal Commission, with a copy to the Patent Office, not later than three months as of the date of the notification of refusal of the patent application. If the Patent Appeal Commission refuses the appeal, the applicant can still file an appeal with the Commercial Court not later than three months after receiving notification of refusal.

FEES**(Currency: Indonesian rupiah)**

Filing fee		
— electronic filing		1,250,000
— paper filing		1,500,000
Substantive examination fee		2,000,000
Additional fee for each claim in excess of 10		50,000
Change in type of patent application		450,000
Fee for recordation of assignment of patent		150,000
Appeal fee		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:		
— for the first year	700,000	50,000
— for the second year	700,000	50,000
— for the third year	700,000	50,000
— for the fourth year	1,000,000	100,000
— for the fifth year	1,000,000	100,000
— for the sixth year	1,500,000	150,000
— for the seventh year	2,000,000	200,000
— for the eighth year	2,000,000	200,000
— for the ninth year	2,500,000	250,000
— for the tenth year	3,500,000	250,000
— for the eleventh year	5,000,000	250,000
— for the twelfth year	5,000,000	250,000
— for the thirteenth year	5,000,000	250,000
— for the fourteenth year	5,000,000	250,000
— for the fifteenth year	5,000,000	250,000
— for the sixteenth year	5,000,000	250,000
— for the seventeenth year	5,000,000	250,000
— for the eighteenth year	5,000,000	250,000
— for the nineteenth year	5,000,000	250,000
— for the twentieth year	5,000,000	250,000

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, and cash to the Office). 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 : Alamat ²⁾ : 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 : Alamat ²⁾ : Nomor Konsultan KI : Telepon/Fax : Email :		[]
(54) dengan judul invensi :		[]
Permohonan paten ini merupakan pecahan/perubahan dari permohonan paten nomor :		[]

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

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>	
<p>Tanggal pengajuan :</p>	
<p>Dengan ini saya/kami ¹⁾ :</p> <p>(71) Nama : Alamat²⁾ :</p> <p>Warga Negara : Email : Telepon/HP :</p>	
<p>yang telah mengajukan permohonan paten sendiri/melalui Konsultan paten:</p> <p>(74) Nama Konsultan KI : Nomor Konsultan KI : Email :</p>	<p>[] []</p>
<p>dengan :</p> <p>(21) Nomor permohonan paten : (22) Tanggal penerimaan permohonan paten : (54) Judul Invensi :</p>	<p>[] [] []</p>
<p>mengajukan permohonan pemeriksaan substantif untuk permohonan paten tersebut diatas.</p>	
<p>Bersama ini, saya/kami sampaikan :</p> <p>[] Biaya pemeriksaan substantif paten sebesar Rp. (.....)</p> <p>[] Biaya klaim yang belum dibayar buah @ Rp. sejumlah Rp. (.....)</p> <p>[] Kekurangan-kekurangan lain yang rincian ringkasnya tersebut dalam lampiran formulir ini.</p>	<p>[] [] []</p>

Yang mengajukan permohonan,

(.....)