

THE PATENT LAW OF THE REPUBLIC OF INDONESIA

CONSOLIDATED TEXT OF LAW NO.6/1989 AS AMENDED BY LAW NO.13/1997

CHAPTER I GENERAL PROVISIONS

Article 1

1. Patent means an exclusive right granted by the State to an inventor for his invention in the field of technology, for a certain time, to use his invention or to authorise another person to use it.
2. Invention means any activity of solving a certain problem in a field of technology, either in the form of a production process or product or an improvement or enhancement of a production process or product.
3. *Inventor means a person or several persons acting together conducting activities resulting in an invention.*
4. Patent holder means an inventor as the owner of patent or a recipient of such right from the owner of a patent or a subsequent recipient of the patent from the person mentioned above who is registered in the General Register of Patents.
5. *Patent examiner means an official who because of his expertise is appointed by the Minister, or by the International Patents Office to search and examine patent applications.*
6. Minister means the Minister whose scope of duties and responsibilities includes the guidance of patents.
7. Patent Office means the organisational unit within the governmental department which undertakes duties and authorities in field of patents.

CHAPTER II
SCOPE OF PATENTS

Part One

Patentable Inventions

Article 2

- (1) A Patent shall be granted to an invention which is novel, contains an inventive step and is capable of industrial application.
- (2) An invention contains an inventive step if said invention does not constitute something obvious to a person possessing average technical skills.
- (3) Evaluation of whether or not an invention constitutes something obvious must be made taking into account the state of the art at the time the patent application is filed or which prevailed at the time the first application was filed where the application is filed on the basis of a priority right.

Article 3

- (1) *An invention is deemed to be novel, if at the time of filing of the patent application said invention is not the same or is not a part of any previous invention.*
- (2) *A previous invention as referred to in paragraph (1) is an invention which at the time of or before;*
 - a. *the date of filling of a patent application, or*
 - b. *the date of filing of a patent application claiming priority rights,**has been announced in Indonesia or outside Indonesia in a manner which enables an expert to implement said invention, or has been announced in Indonesia by a verbal description or by a demonstration of its use or in other ways which enable an expert to implement said invention.*

Article 4

- (1) *An invention shall not be deemed to have been announced, if, within a period of at most 6 (six) months prior to the filing of patent application;*
 - a. *the invention was exhibited in an official or officially recognised international exhibition in Indonesia or abroad or in an official and officially recognised national exhibition in Indonesia.*
 - b. *the invention was used in Indonesia by its inventor in relation to experimentation for research and development.*
- (2) *An invention shall also not be deemed to have been announced, if, within a period of 12 (twelve) months prior to the filing of patent application, it was announced by any other person by way of breaching an obligation to maintain the secrecy of the invention.*

Article 5

An invention is capable of industrial application if said invention can be produced or can be used in various types of industry.

Article 6

- (1) *Any invention being a process or product which is novel and possesses the qualities of a simple invention which because of its shape, configuration, construction, or component, however, possesses practical use values, may granted legal protection in the form of a Simple Patent.*
- (2) *The requirement of novelty for invention as referred to in paragraph (1) shall be limited to inventions used in Indonesia.*

Part Two

Non-Patentable and Postponable Inventions

Article 7

A patent shall not be granted to:

- a. an invention regarding a process or product of which the announcement and use or implementation contravenes the prevailing regulations, public order or morality;
- b. *deleted;*
- c. *deleted;*
- d. an invention regarding methods of examination, treatment, medication, or and surgery applied to people and animals, but excluding any products whatsoever used with or related to said methods;
- e. an invention regarding a theory and method in the field of science and mathematics.

Article 8

- (1) It may be determined by Presidential Decision to postpone the granting of patents for certain inventions, either in the form of production processes or products, for a period of at most 5 (five) years, provided that such determination shall not apply to:
 - a. an invention which at that time has obtained or been granted a patent;
 - b. an invention which at the time of issuance of the Presidential Decision has been applied for a patent on the basis of a priority right.
- (2) After the expiration of the period of postponement as referred to in paragraph (1), the patent application shall directly be announced and a substantive examination carried out after the expiration of the period of announcement as provided by this Act.

Part Three

Duration of Patents

Article 9

- (1) *A patent shall be granted for a period of 20 (twenty) years commencing on the date of filing of patent application.*
- (2) *The date of commencement and expiry of a patent shall be recorded in the General Register of Patents and announced in the Official Patent Gazette.*

Article 10

A Simple Patent shall be granted for a period of 10 (ten) years commencing on the date of issuance of the Simple Patent Certificate.

Part Four

Patent Subjects

Article 11

- (1) The inventor or a subsequent recipient of the rights of the inventor shall be entitled to obtain a patent.
- (2) If an invention is produced jointly by several persons, subsequent recipients of their rights shall be jointly entitled to the invention.

Article 12

- (1) Unless proven otherwise, those persons who first submit a patent application shall be deemed to be the inventor.
- (2) A patent shall not be granted to those persons who submit a patent application as referred to in paragraph (1) if the application contains copied material taken from a description and or drawing regarding the invention of another person for which a patent has been requested or granted.

Article 13

- (1) Unless agreed otherwise in an employment contract, the person entitled to obtain a patent on an invention produced shall be the person who has commissioned the work.
- (2) The provision as referred to in paragraph (1) shall also be applicable to an invention by an employee or a worker using data and facilities available in his work even though the employment contract does not require him to produce an invention.
- (3) An inventor as referred to in paragraph (1) and paragraph (2) shall be entitled to receive just compensation based on the economic benefit that can be obtained from said invention.
- (4) The amount of compensation as referred to in paragraph (3) may be paid:
 - (a) in a lump sum; or
 - (b) as a percentage; or
 - (c) as a combination or a lump sum together with a gift or bonus; or
 - (d) a combination of percentage with a gift or bonus, the amount to be mutually agreed on by the parties concerned.
- (5) Where no agreement can be reached regarding the method of calculation and the determination of the amount of compensation, the local District Court may be requested to decide the matter.
- (6) The provisions as referred to in paragraph (1), paragraph (2) and paragraph (3) shall not in any way invalidate the right of the inventor to have his name included in the patent certificate.

Article 14

- (1) A person implementing an invention at the time a patent on a similar invention has been applied for, shall continue to have the right to implement the invention as the prior inventor, even though a patent is subsequently granted for said similar invention.

- (2) The provision as referred to in paragraph (1) shall also apply to a patent application filed on the basis of a priority right.

Article 15

The provision as referred to in Article 14 shall not apply if the person implementing said invention implemented it by using knowledge of said invention from a description, drawing, sample or other information on the invention for which a patent has been requested.

Article 16

- (1) A person implementing an invention as referred to in Article 14 may be recognised as the prior inventor, if, after a patent has been granted for the similar invention, he submits a request to the Patent Office for this purpose.
- (2) An application for recognition as a prior inventor shall be accompanied by evidence that the implementation of said invention was not performed by using a description, drawing, or sample of, or other information on the invention for which a patent has been requested.
- (3) Recognition as prior inventor shall be issued by the Patent Office in the form of a Prior Inventor Certificate upon payment of a fee therefor.
- (4) A Prior Inventor Certificate shall expire at the same time as the expiry of the patent for said similar invention.

Part Five

Rights and Obligations of Patent Holder

Article 17

- (1) *A Patent Holder shall have the exclusive right to exploit his patent, and prohibit any other person who without his consent:*

- a. *in the case of product patent: makes, sells, imports, rents out, delivers, uses, makes available for sale, or rental or delivery of the patented product;*
 - b. *in the case of process patent: uses the patented production process to make products, and commits other activities as referred to in point a.*
- (2) *In the case of process patent; such prohibition against any other person who without his consent commits the importation as referred to in paragraph (1) shall only apply to imported products solely produced from the use of the pertinent process patent.*

Article 18

- (1) A Patent Holder shall be obliged to implement his patent within the territory of the Republic of Indonesia.
- (2) *It shall be precluded from the obligation as referred to in paragraph (1), if the implementation of such patent, upon economic consideration, is only appropriate to be carried out in a regional scale.*
- (3) *The exemption provided in paragraph (2) shall only be approved by the Patent Office if a written application is filed the Patent Holder, furnished with considerations and evidence given by the authorised Government offices.*
- (4) *Requirements for the exemption and procedures of submitting a written application as referred to in paragraph (3) shall be further regulated by a Government Regulation.*

Article 19

For purposes of maintaining the validity of a patent and the recording of licenses, the Patent Holder or Licensee must pay maintenance fees referred to as annual fees.

Part Six

Exceptions to Patent Implementation and Infringement

Article 20

The importation of patented products or products made by a patented production process shall not constitute patent implementation.

Article 21

In the case of the importation of a product made by using a process protected under this Law, the Patent Holder of the said patented process shall have the rights as provided for in Article 17 paragraph (2) to implement a legal effort on the imported product if said product was made in Indonesia by using the patented process.

Article 22

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CHAPTER III

PATENT APPLICATIONS

Part One

General

Article 23

A patent shall be granted on the basis of an application.

Article 24

Each patent application may be filed for one invention only.

Article 25

The patent application shall be filed by payment of a fee to the Patent Office the amount of which shall be stipulated by the Minister.

Article 26

- (1) If a patent application is filed by a person other than the inventor, the application must be accompanied by a statement with adequate supporting evidence that he is entitled to the invention concerned.
- (2) The Patent Office shall be obligated to send a copy of the statement as referred to in paragraph (1) to the inventor.
- (3) The inventor may examine the patent application form filed by a person other than the inventor as referred to in paragraph (1) and may at his own expense request a copy of said application documents.

Article 27

- (1) A patent application may be filed through a Patent Consultant in Indonesia as proxy, except in certain cases regulated otherwise in this Law.
- (2) A Patent Consultant as referred to in paragraph (1) shall be a consultant registered in the Register of Patent Consultants at the Patent Office.
- (3) Beginning on the date of receipt of the proxy until the date of announcement of the patent application concerned, the Patent Consultant shall be obligated to preserve the confidentiality of the invention and all patent application documents.
- (4) Provisions regarding requirements for registration as a Patent Consultant shall be regulated by Government Regulation.

Article 28

- (1) A patent application filed by an inventor or someone who has a right to the invention who does not reside or have a fixed domicile in the territory of the Republic of Indonesia must be filed through a Patent Consultant in Indonesia as proxy.
- (2) The inventor or someone who has a right to the invention as referred to in paragraph (1) must declare and elect a residence

or legal domicile in Indonesia for the purpose of said patent application.

Article 29

- (1) A patent application filed by use of a priority right as regulated by an international convention on patent protection adhered to by the Republic of Indonesia, must be filed within 12 (twelve) months commencing on the date on which the first patent application was received by any country also participating in said convention.
- (2) By fully observing the provisions of this Law regarding the requirements which must be fulfilled in a patent application, a patent application with a priority right as referred to in paragraph (1) must be accompanied by a copy of the first patent application form validated by the competent authority in the country concerned within a period of 6 (six) months commencing on the date of said patent application, provided that the time limit as referred to in paragraph (1) is not exceeded.
- (3) If the requirements in paragraph (1) and paragraph (2) are not fulfilled, a patent application may not be filed by using a priority right.

Article 30

- (1) A patent application shall be filed to the Patent Office in writing in the Indonesian Language.
- (2) The patent application form must contain:
 - a. date, month and year of application;
 - b. clear and full address of the applicant filing the application intended by letter a;
 - c. full name and citizenship of the inventor;
 - d. where the application is filed by a Patent Consultant as proxy, the full name and address of the proxy concerned;

- e. a special power of attorney, where the application is filed by a patent consultant;
 - f. a request that a patent be granted;
 - g. title of invention;
 - h. a claimed implied in the invention;
 - i. a written description of the invention which contains complete information on way of implementing the invention;
 - j. drawings mentioned in the description required for clarification;
 - k. an abstract regarding the invention.
- (3) Further provisions regarding the filing of patent applications shall be regulated by the Minister.

Part Two

Patent Application with a Priority Right

Article 31

- (1) In addition to the copy of the application form as referred to in Article 29 paragraph (2), the Patent Office may request that a patent application by use of a priority right also be accompanied by:
- a. a valid copy of the documents connected with the results of examination carried out with respect to the first patent application abroad;
 - b. a valid copy of the patent certificate granted in connection with the first application abroad;
 - c. a valid copy of the decision of the rejection of the first patent application abroad if said application was rejected;
 - d. a valid copy of the decision of cancellation of the foreign patent application concerned if said patent was ever cancelled;

- e. other documents required to facilitate an evaluation that the invention for which a patent is requested is indeed a new invention and truly contains an inventive step.
- (2) The filing of copies of documents as referred to in paragraph (1) may be accompanied by separate additional explanations by the patent applicant.

Article 32

Further provisions regarding the filing of patent application by use of a priority right shall be regulated by Government Regulation.

Part Three

Time of Receipt of a Patent Application

Article 33

- (1) A patent application shall be deemed to have been filed on the date of receipt of the patent application by the Patent Office after payment of the fee as referred to in Article 25.
- (2) *The date of filing of patent application shall be the date the Patent Office has received the patent application fulfilling the requirements as referred to in Article 30.*
- (3) The date of filing of patent application shall be specially recorded by the Patent Office.

Article 34

- (1) If it is evident that there are deficiencies in fulfilling the requirements as referred to in Article 30, the Patent Office shall request that the deficiencies be corrected within a period of 3 (three) months commencing on the date of transmittal by the Patent Office of the letter requesting that the deficiencies be corrected.

- (2) Based on reasons acceptable to the Patent Office, the period as referred to in paragraph (1) may be extended by a maximum of 3 (three) months upon the request of the patent applicant.

Article 35

Where there are deficiencies as referred to in Article 34, the date of filing of patent application shall be the date of receipt by the Patent Office of the final corrections to said deficiencies.

Article 36

If the deficiencies have not been corrected within the period as referred to in Article 34, the Patent Office shall notify the patent applicant in writing that the patent application is deemed to have been withdrawn.

Article 37

If during the initial examination there are found to be two or more patent applications for the same invention, and one of them has been filed based on a priority right by the same person, the Patent Office shall be entitled to reject said applications on the grounds that only one patent application may be filed for the invention.

Article 38

- (1) If different persons have evidently filed more than one application for the same invention, only the application which was filed finally or prior in time may be accepted.
- (2) If the patent applications as referred to in paragraph (1) were filed on the same date, the Patent Office shall request in writing that the applicants negotiate to decide which application is to be filed and deliver the decision to the Patent Office at the latest 6 (six) months from the date of transmittal of the written request.
- (3) If an agreement or decision is not reached among the patent applicants or it is impossible for them to hold a negotiation or the results of the negotiation are not delivered to the Patent Office within the period as referred to in paragraph (2), said

patent applications shall be rejected and the Patent Office shall give notice thereof to the patent applicants in writing.

Part Four Amendments to a Patent Application

Article 39

- (1) *A patent application may be amended by adding or reducing the number of claims, provided that such amendments do not add new matters expanding the scope of invention applied for the original application.*
- (2) Amendments of an application as referred to in paragraph (1) shall be deemed to have been filed on the same date as the original application.

Article 40

- (1) *Amendments of an application as referred to in Article 39 may be filed separately in one or more applications provided that such amendments do not add new matters expanding the scope of invention applied for the original application.*
- (2) Where said amendments constitute a separation of an application as referred to in paragraph (1), said application shall be deemed to have been filed on the same date as the original application.

Part Five

Withdrawal of a Patent Application

Article 41

- (1) A patent application may be withdrawn by submitting a written request to the Patent Office.

- (2) Further provisions regarding the withdrawal of patent applications shall be regulated by Government Regulation.

Part Six

Extension of Patent Duration

Article 42

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Article 43

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Article 44

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Part Seven

Prohibitions on Patent Applications and Obligations to Preserve Confidentiality

Article 45

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Article 46

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CHAPTER IV

EXAMINATION

Part One

Announcement of Patent Applications

Article 47

- (1) *The Patent Office shall announce a patent application that has fulfilled the requirements of Article 29 and 30 and has not been withdrawn.*
- (2) *The announcement shall be carried out*
 - a. *18 (eighteen) months after the date of filing of patent application;*
 - b. *18 (eighteen) months after the date of filing of the first patent application, in the case of a patent application with a priority right.*

Article 48

- (1) Announcement shall last for 6 (six) months and be carried out by:
 - a. placement on a special announcement board provided exclusively for this purpose and which can be easily and clearly seen by the public, and;
 - b. placement of the Official Patent Gazette announced periodically by the Patent Office.
- (2) The date of commencement of the announcement of a patent application shall be recorded by the Patent Office in the register of announcements.

Article 49

The announcement shall list the followings:

- a. full name and address of the inventor or the person having a right to the invention and the patent consultant where the application was filed by patent consultant ;
- b. *deleted;*
- c. title of invention;

- d. the date of filing of patent application or, in the case of a patent application is filed with a priority right, the date, number and country where the patent application was first filed ;
- e. an abstract ;
- f. *classification of the invention ;*
- g. *drawings, if any.*

Article 50

The Patent Office will provide a special place to provide any interested member of the public with an opportunity to see the documents of announced patent applications.

Article 51

- (1) During the period of announcement, any person, after having seen the announcement of the patent application, may submit written comments or objections to the patent application concerned stating the reasons therefor.
- (2) Where there are any comments or objections as referred to in paragraph (1), the Patent Office shall immediately send a copy of the letter containing the comments or objections to the patent applicant.
- (3) The patent applicant shall have the right to submit to the Patent Office written denials and explanations with respect to such comments or objections.
- (4) The Patent Office shall use the comments or objections, denials and explanations as referred to in paragraph (1) and paragraph (3) as additional information for consideration during the examination of the patent application concerned.

Article 52

- (1) With the approval of the Minister, the Patent Office may decide not to announce a patent application, if it considers said invention and its announcement to be potentially disturbing or contrary to the interest of the defence and security of the State.

- (2) The decision not to announce a patent application as referred to in paragraph (1) shall be made known in writing to the patent applicant by the Patent Office with a copy to the inventor or the person having a right to the invention if the patent application was filed by a patent consultant.
- (3) The provisions as referred to in Article 48 and Article 49 shall not apply to an unannounced patent application.
- (4) Any consultation held by the Patent Office with other government agencies, including the forwarding of information concerning an invention for which a patent has been requested, which results in a decision not to announce the patent application, shall not be considered to be a violation of the obligation to preserve the confidentiality of the invention and the patent application documents concerned.
- (5) The provision as referred to in paragraph (4) shall not detract from the obligation of the government agencies concerned and their staff members to continue to preserve the confidentiality of the invention and the patent application documents towards any third party.

Article 53

- (1) An unannounced patent application shall be examined as to whether to grant or not to grant a patent, if:
 - a. a period of 6 (six) months has elapsed from the date of the decision of the Patent Office not to announce the patent application concerned;
 - b. said patent application has not been withdrawn.
- (2) The examination of the patent application as referred to in paragraph (1) shall be recorded by the Government without charging an examination fee to the patent applicant.

Article 54

Further provisions regarding announcement procedures shall be regulated by the Minister.

Part Two
Examination

Article 55

- (1) A request for the examination of a patent application must be filed to the Patent Office in writing together with the payment of a fee, the amount of which shall be stipulated by the Minister.
- (2) The request as referred to in paragraph (1) shall be a substantive examination.
- (3) The form and requirements for requests for examinations shall be regulated further by the Minister.

Article 56

- (1) A request to conduct a substantive examination must be filed at the latest 36 (thirty six) months from the date of filing of patent application but not earlier than the expiration date of announcement as referred to in Article 48.
- (2) If a request for examination has not been filed after the time limit as referred to in paragraph (1) has elapsed, or the pertinent fee has not been paid, the patent application shall be deemed withdrawn.
- (3) The Patent Office will notify the patent applicant in writing regarding the withdrawal of the patent application, with a copy forwarded to the inventor or the person who has a right to the invention if the patent application was filed by a patent consultant.
- (4) *The request for substantive examination filed as referred to in paragraph (1) shall be conducted the Patent Office after the expiration of the announcement period.*

Article 57

Without prejudice to all the foregoing provisions regarding examination, Article 51 shall not apply to unannounced patent applications.

Article 58

- (1) *For purposes of substantive examination, the Patent Office may request expert assistance and or utilise appropriate facilities from other Government agencies or may request the assistance from patent examiners of other Patent Offices.*
- (2) *The use of expert assistance and or facilities as referred to in paragraph (1) must be performed by observing the provisions concerning the obligation to maintain the secrecy of the invention for which a patent has been requested.*

Article 59

- (1) *The substantive examination shall be conducted by a Patent Examiner as referred to in Article 1 item 5.*
- (2) *A Patent Examiner should hold the position of a functional official and shall be appointed and dismissed by the Minister based on certain conditions.*
- (3) *Upon a Patent examiner as referred to in paragraph (2) shall be accorded functional rank and allowances in addition to other rights in accordance with the prevailing regulations.*

Article 60

- (1) *Where the Patent Examiner reports that an invention for which a patent has been requested evidently contains vagaries or other significant deficiencies, the Patent Office shall notify in writing of the result of said examination.*
- (2) *The notification of results of an examination must state clearly and specifically state the items considered to be vague or other significant deficiencies together with the reasons and standard or references used in the examination as well as the period for the completion of said deficiencies.*
- (3) *If following notification as referred to in paragraph (1) the patent applicant does not provide any clarification or correct the deficiencies, including making any changes or improvements*

on the application which has been filed within the stipulated period, the Patent Office may reject the patent application.

Part Three

The Granting or Rejection of Patent Applications

Article 61

The Patent Office shall make the decision to approve a patent application and thus grant a patent, or to refuse the application, within the period of 36 (thirty six) months at the latest commencing on the date of receipt of application for substantive examination.

Article 62

- (1) *If the results of the examination conducted by the Patent Examiner indicate that the invention for which a patent has been requested does not comply with the provisions of the Article 2, Article 3, Article 5, Article 30 paragraph (1) and paragraph (2), Article 39, and Article 60, or is included among unpatentable inventions as referred to in Article 7, the Patent Office shall reject said patent application and shall notify the patent applicant in writing.*
- (2) Where a patent application is filed by a patent consultant, a copy of the notice as referred to in paragraph (1) shall also be sent to the inventor or the person who has a right to said invention.
- (3) The notification letter containing the rejection of a patent application must clearly state the reasons and considerations which constitute the basis for the rejection.

Article 63

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Article 64

- (1) If the report on the examination carried out by a Patent Examiner with respect to an invention for which a patent has been requested concludes that said invention complies with Article 2, Article 3, Article 5 and other provisions of this Law, the Patent Office shall officially grant a Patent Certificate for the invention concerned to the patent applicant or, where the patent application was filed by a proxy, a copy of said Patent Certificate shall also be given to the inventor or to the person who has a right to the invention.
- (2) The granted patent shall be recorded in the General Register of Patents and announced in the Official Patent Gazette.
- (3) The Patent Office may provide copies of the patent document to members of the public requiring copies upon payment of a fee for copying the documents, the amount of which shall be stipulated by the Minister.

Article 65

- (1) A Patent Certificate shall be proof of the grant of a patent by the Patent Office and shall be recorded in the General Register of Patents.
- (2) A letter containing the rejection of a patent application shall be recorded in the Patent Official Book which records the patent application concerned.
- (3) The granting of Patent Certificates and the rejection of patent applications shall be announced by the Patent Office in the same manner as the announcement of patent applications.

Article 66

A patent shall be valid on the date it is granted and shall be valid retroactively from the date of receipt of the patent application.

Article 67

- (1) Further provisions regarding the granting of Patent Certificates, including the form and contents thereof, shall be regulated by Government Regulation.

- (2) Other provisions regarding recording and requests for copies of patent documents shall be regulated by the Minister.

Part Four

Appeal Petitions

Article 68

- (1) An appeal petition may be filed with respect to the rejection of a patent application for reasons and considerations regarding matters which are substantive in nature as referred to in Article 62 paragraph (1).
- (2) An appeal petition shall be filed in writing by the patent applicant or his patent consultant to the Patent Appeal Commission with a copy delivered to the Patent Office.
- (3) The Patent Appeal Commission is a special agency permanently presided over by a chairman who also serves as a member and shall be part of the department headed by the Minister.
- (4) There shall be an odd number of members of the Patent Appeal Commission at a minimum of three persons consisting of several experts in the fields required and senior patent examiners who did not carry out a substantive examination of the patent application concerned.
- (5) The chairman and the members of the Patent Appeal Commission shall be appointed and dismissed by the Minister.

Article 69

- (1) An appeal petition shall be filed describing in detail the objections to the rejection of the patent application, stating the reasons therefor.

- (2) The reasons as referred to in paragraph (1) must not constitute new reasons or explanations or evidence or constitute corrections or improvements to the rejected patent application.

Article 70

- (1) An appeal petition must be filed no later than 3 (three) months from the date of the notification of rejection of the patent application.
- (2) If said period for an appeal petition has elapsed without an appeal petition, the rejection of the patent application shall be deemed to have been accepted by the patent applicant.
- (3) Where the rejection of a patent application has been deemed to have been accepted as referred to in paragraph (2), the Patent Office shall record this fact in the Official Patent Book.

Article 71

- (1) *A petition for patent appeal shall begin to be examined by the Patent Appeal Commission within 3 (three) months at the latest commencing from the date of filing of said petition.*
- (2) A decision of the Patent Appeal Commission shall be final.
- (3) Where the Patent Appeal Commission approves an appeal petition, the Patent Office shall grant a Patent Certificate as regulated under this Act.
- (4) If the Patent Appeal Commission rejects an appeal petition, the Patent Office shall immediately give notification of said rejection.

Article 72

The organisational structure and the work methods of the Patent Appeal Commission and the procedure for appeal petitions and examinations as well as settlements shall be further regulated by Government Regulation.

CHAPTER V

TRANSFER OF A PATENT

Part One

Transfer of Ownership

Article 73

- (1) A patent or the ownership of a patent may be transferred in whole or in part by:
 - a. inheritance;
 - b. donation;
 - c. testament;
 - d. agreement, provided that such agreement must be made in the form of a notarial deed;
 - e. other reasons recognised by law.
- (2) The transfer of a patent as referred to in paragraph (1) items a, b and c must be accompanied by patent documents together with other rights pertaining to the patent.
- (3) All forms of patent transfer as referred to in paragraph (1) must be registered with the Patent Office and recorded in the General Register of Patent upon payment of a fee, the amount of which shall be stipulated by the Minister.
- (4) The execution of a transfer which is not in accordance with the provisions of this article shall be invalid and have no force and effect.
- (5) The requirements and procedures for the registration and recording of patent transfers shall be further regulated by the Minister.

Article 74

- (1) Except for inheritance and in cases of an assignment or transfer made together with part or all of his business, the rights as the

first inventor may not be assigned or transferred to another person.

- (2) An assignment or transfer of right as the first inventor must be registered at the Patent Office which in turn shall record it in the General Register of Patents.
- (3) The Patent Office shall announce the assignment or transfer of the rights as referred to in paragraph (2) in the Official Patent Gazette.

Article 75

The transfer of ownership of a patent shall not nullify the right of the inventor to have his name or other identity included in the patent concerned.

Part Two

Licensing

Article 76

- (1) A Patent Holder shall be entitled to grant a license to another person on the basis of a licensing agreement in order to perform acts as referred to in Article 17.
- (2) Unless agreed otherwise, the scope of a license as referred to in paragraph (1) shall cover acts as referred to in Article 17, shall continue for the term of the license granted, and shall be effective for the entire territory of the Republic of Indonesia.

Article 77

Unless agreed otherwise, a Patent Holder shall continue to be able to personally implement the invention or to grant a license to any other third party to perform acts as referred to in Article 17.

Article 78

- (1) A licensing agreement shall be prohibited to contain provisions which may directly or indirectly give rise to effects which damage the Indonesian economy, or to contain restrictions which obstruct the ability of the Indonesian people to master and develop technology in general and in connection with the patented invention in particular.
- (2) Registration and requests for a licensing agreement containing provisions as referred to in paragraph (1) must be rejected by the Patent Office.

Article 79

- (1) A licensing agreement must be registered with the Patent Office and recorded in the General Register of Patents upon a payment of a fee, the amount of which shall be stipulated by the Minister.
- (1a) Where a licensing agreement is not registered with the Patent Office as referred to in paragraph (1), said licensing agreement shall not have legal effects on a third party.*
- (2) The requirements and procedure for the registration and recording of a licensing agreement shall be further regulated by Government Regulations.

Article 80

Further provisions governing licensing agreements shall be regulated by Government Regulation.

Part Three

Compulsory Licenses

Article 81

A Compulsory License is a license to implement a patent, which is granted by the District Court after having heard the Patent Holder concerned.

Article 82

- (1) Any person, after the expiration of a period of 36 (thirty six) months commencing from the date of issue of a patent, may file an application to the local District Court for a Compulsory License to implement the patent concerned.
- (2) An application for a Compulsory License as referred to in paragraph (1) may only be made on the grounds that the patent concerned is not being implemented in Indonesia by the Patent Holder despite opportunities for commercial implementation which should be pursued.
- (2a) *An application for a Compulsory License may also be made any time after a patent has been granted on the grounds that the patent concerned has been implemented by the Patent Holder or the Licensee in a form and manner which contravene the public interest.*
- (3) With due regard to capabilities and the situation as it develops, the Government may stipulate that during the initial implementation this Law, an application for Compulsory Licenses shall be filed to certain District Courts.

Article 83

- (1) *In addition to the truth of reasons as referred to in Article 82 paragraph (2), a Compulsory License may only be granted if:*
 - a. *the person submitting said request can provide convincing proof that he:*
 - 1) *has the ability to personally implement the patent;*
 - 2) *has his own facilities to readily implement of the patent concerned;*

- 3) *has made efforts in a sufficient period of time to acquire a license from the Patent Holder on the basis of normal terms and conditions but did not succeed.*
 - b. *the District Court is of the opinion that said patent can be implemented in Indonesia on a feasible economic scale and can be of benefit to the majority of the society.*
- (2) The examination of an application for a Compulsory License shall be carried out by the District Court in a court session, also hearing the expert opinion of the Patent Office and the Patent Holder concerned.
 - (3) A Compulsory License shall be granted for a period no longer than the period of patent implementation and shall be further regulated by Government Regulation.

Article 84

If, based on evidence and opinion as referred to in Article 83, the District Court is convinced that the period as referred to in Article 82 is insufficient for the Patent Holder to commercially implement the patent in Indonesia; or within a region as referred to in Article 18 paragraph (2), the District Court may stipulate either to temporarily postpone the court session or to reject the application.

Article 85

- (1) The implementation of a Compulsory License shall be accompanied by payment of royalties by the Compulsory Licensee to the Patent Holder.
- (2) The amount of royalty to be paid and the method of payment shall be stipulated by the District Court granting the Compulsory License.
- (3) Stipulation of the amount of royalties shall take into account common practice in patent licensing or other similar agreements.

Article 86

The decision of the District Court regarding the grant of a Compulsory License shall include the following matters:

- a. *a compulsory license shall be non-exclusive ;*
- b. the reasons for granting of the Compulsory License ;
- c. evidence, including convincing information or explanations which form the basis for the granting of the Compulsory License ;
- d. the period of the Compulsory License ;
- e. the amount of royalties to be paid by the Compulsory Licensee to the Patent Holder and the method of payment therefor ;
- f. conditions on the termination of the Compulsory License and matters which may cause revocation of the Compulsory License;
- g. *the Compulsory License will be solely used to supply the demand in the national market.*
- h. other matters necessary to fairly protect the interest of the parties concerned.

Article 87

- (1) The Compulsory Licensee shall be obligated to register the Compulsory License which he receives at the Patent Office to be recorded in the General Register of Patents.
- (2) A registered Compulsory License shall be immediately announced by the Patent Office in the Official Patent Gazette.
- (3) Registration of a Compulsory License shall be subject to a fee, the amount of which shall be stipulated by the Minister.
- (4) A Compulsory License may only be implemented after registration and payment of the fee as referred to in paragraph (3).
- (5) Implementation of a Compulsory License shall be deemed to be the implementation of a patent.

Article 88

- (1) A Compulsory License may also be applied from time to time by a Patent Holder on the grounds that the implementation of his patent would be impossible without infringing another existing patent.
- (2) An application for a Compulsory License as referred to in paragraph (1) may only be considered if the patent to be implemented genuinely contains elements of new technology, which are clearly more advanced than said existing patent.
- (2a) *Where a request for a Compulsory License is applied on the grounds as referred to in paragraph (1) and (2) :*
 - a. *the Patent Holder shall be entitled to give each other a license to use the other party's patent under reasonable terms.*
 - b. *the implementation of patent by the Compulsory Licensee cannot be transferred unless it is transferred together with the assignment of the other patent.*
- (3) Provisions regarding the filing of application to the District Court, the payment of royalties, the contents of the court decision, registration and recording, as well as the period or cancellation of the Compulsory License regulated by Part Three of this Chapter shall also apply to a Compulsory License as referred to in paragraph (1) and (2), except provisions regarding the period for filing of requests as provided for in Article 82 paragraph (1).

Article 89

- (1) Upon a request of the Patent Holder, the District Court may revoke previously granted Compulsory License if:
 - a. the grounds which formed the basis of the grant of the Compulsory License no longer pertain;
 - b. the recipient of the Compulsory License has evidently not implemented said Compulsory License or has not made any appropriate preparations for immediate implementation of the license;

- c. the recipient of the Compulsory License is no longer complying with other such terms and conditions, including the obligation to pay royalties stipulated in the grant of the Compulsory License.
- (2) Where the District Court decides to cancel a Compulsory License, a copy of the decision must be forwarded to the Patent Office at the latest 14 (fourteen) days after the date of the District Court's decision to be recorded in the General Register of Patents, and announced in the Official Patent Gazette.
- (3) *The Patent Office must give notice of the recording and announcement of the decision of the District Court as referred to in paragraph (2) to the Patent Holder, the Holder of the revoked Compulsory License and to the District Court which decided on said revocation at the latest 14 (fourteen) days after the Patent Office has received a copy of said decision of the District Court.*

Article 90

- (1) A Compulsory License shall expire at the end of the period stipulated in the grant thereof, upon revocation, or where the Compulsory License returns the license he has obtained to the Patent Office prior to the expiry of said period.
- (2) The Patent Office shall record the expiry of a Compulsory License in the General Register of Patents, announce it in the Official Patent Gazette and give notice in writing to the Patent Holder and the District Court which decided to grant the license.

Article 91

The revocation or expiry of a Compulsory License as referred to in Article 89 and Article 90 shall result in the restoration of the rights of the Patent Holder to the patent concerned, commencing on the date of recording in the General Register of Patents.

Article 92

- (1) *A Compulsory License may not be transferred unless said transfer is made concurrently with the transfer of commercial activities or parts of commercial activities using the patent concerned or by inheritance.*
- (2) *A Compulsory License which is transferred by inheritance shall continue to be subject to the requirements of its grant and other provisions, particularly regarding the period of time, and must be reported to the Patent Office to be recorded and registered in the General Register of Patents.*

Article 93

Further provisions regarding Compulsory Licenses shall be regulated by Government Regulation.

CHAPTER VI

REVOCATION OF PATENTS

Part One

Revocation of a Patent by Operation of Law

Article 94

A patent shall be deemed null and void by the Patent Office if the Patent Holder does not fulfil his obligation to pay annual fees within the period of time stipulated by this Act.

Article 95

- (1) The revocation of a patent by operation of law shall be made known to the Patent Holder and the Patent Licensee concerned in writing and shall be effective as of the date of said notice.

- (2) The revocation of a patent for the reasons as referred to in Article 94 shall be recorded in the General Register of Patents and announced in the Patent Official Gazette.

Part Two

Revocation of a Patent at the Request of the Patent Holder

Article 96

- (1) A patent may be revoked in whole or in part by the Patent Office upon a written request of the Patent Holder to the Patent Office.
- (2) A revocation of patent as referred to in paragraph (1) may not be carried out if the person recorded in the General Register of Patents as a licensee for implementation of the patent concerned has not given written consent attached to said request for revocation.
- (3) The decision to revoke a patent shall be known in writing to the Patent Holder and the Patent Licensee concerned as recorded in the General Register of Patents.
- (4) The decision to revoke a patent for reasons as referred to in paragraph (1) shall be recorded in the General Register of Patents and announced in the Official Patent Gazette.
- (5) Revocation of a patent shall be effective as of the date on which the Patent Office issues its decision to cancel.

Part Three

Revocation of a Patent by Virtue of a Claim

Article 97

- (1) *A lawsuit for revocation on of a patent may be granted where:*
 - a. *the patent should not have been granted according to Article 2 and Article 7;*

- b. said patent is the same as another patent that has been granted to another person based on this Law ;*
 - c. the grant of a Compulsory License cannot stop the implementation of a patent in the form and manners which contravene the public interest within the period of 2 (two) years commencing from the date of granting of the Compulsory License concerned or from the date of granting of the first Compulsory License where some Compulsory Licenses have been granted.*
- (2) A lawsuit for revocation on the grounds as referred to in paragraph (1) letter a may be filed by a third party against the Patent Holder to the District Court of Central Jakarta
 - (3) A lawsuit for revocation on the grounds as referred to in paragraph (1) letter b may be filed by the Patent Holder or the Patent Licensee to the District Court of Central Jakarta requesting revocation of the other patent which is the same to his.
 - (4) A lawsuit for the revocation on the grounds as referred to in paragraph (1) letter c may be filed by the Public Prosecutor against the Patent Holder or the Compulsory Licensee to the District Court of Central Jakarta.

Article 98

If a claim for revocation of a patent as referred to in Article 97 shall be confined to one or several claims or parts of claims, cancellation shall be granted only with respect to matters for which revocation is sought.

Article 99

- (1) A copy of the claim and decision of the District Court of Central Jakarta on the revocation of a patent must be immediately forwarded by the Clerk of the District Court of Central Jakarta to the Patent Office.
- (2) The Patent Office shall record the claim and the decision on revocation in the General Register of Patents and announce them in the Official Patent Gazette.

Part Four

Consequences of Patent Revocation

Article 100

Revocation of a patent shall nullify all legal consequences connected with the patent and other rights derived from said patent.

Article 101

Unless determined otherwise by a decision of the District Court of Central Jakarta, the revocation of a patent in whole or in part shall be effective as of the date of said revocation decision.

Article 102

- (1) *The Licensee of a patent revoked on the grounds as referred to in Article 97 paragraph (1) letter b shall continue to be entitled to implement his license until the expiry date stipulated in the licensing agreement.*
- (2) *A Licensee as referred to in paragraph (1) shall no longer be required to continue to pay royalties which he would otherwise be required to pay to the Patent Holder whose patent was revoked, but to pay royalties for the remaining of his licensing period to the right Patent Holder.*
- (3) *Where a Patent Holder has received in advance a lump sum payment of royalties from the Licensee, said Patent Holder shall be obligated to refund the amount of royalties proportionate to the remaining period of the utilisation of the license to the legitimate Patent Holder.*

Article 103

- (1) A license of a patent declared to be revoked for reasons as referred to in Article 97 paragraph (1) item b, but acquired in good faith before the filing of the claim for revocation of the

patent concerned, shall continue to be effective with respect to the other patent.

- (2) A license as referred to in paragraph (1) shall continue to be effective provided that said Licensee shall thereafter continue to be obligated to pay royalties to the Holder of patent that was not revoked in the same amount as previously agreed with the Holder of the revoked patent.

CHAPTER VII

USE OF PATENT BY THE GOVERNMENT

Article 104

- (1) If the Government is of the opinion that a patent in Indonesia is very important to the conduct of the State Defence and security, the Government may itself use the patent concerned.
- (2) The decision to itself use a patent shall be regulated by Presidential Decision after hearing the considerations of the Minister and the Minister responsible for the field of State defence and security.

Article 105

- (1) The provisions of Article 104 shall also apply to inventions for which patents have been requested but which have not been announced as referred to in Article 52.
- (2) Where the Government does not or does not yet intend to itself use the patent as referred to in paragraph (1), the use of a similar patent may only be undertaken with Government approval.

Article 106

- (1) Where the Government intends to itself use a patent that is important to the conduct of the State defence and security, the

Government shall notify the Patent Holder in writing of this fact setting forth:

- a. the name and number of the patent;
 - b. reasons;
 - c. the period of use;
 - d. other matters regarded as significant.
- (2) The use of a patent by the Government shall be carried out with the provision of reasonable compensation to the Patent Holder.

Article 107

- (1) A decision of the Government to itself use a patent shall be final.
- (2) Where the Patent Holder does not agree with the amount of compensation stipulated by the Government, objections may be filed to the District Court of Central Jakarta.
- (3) Objections as referred to in paragraph (2) shall be filed as a civil claim.
- (4) The process of examining a claim as referred to in paragraph (3) shall not stop the use of the patent by the Government.

Article 108

Further implementation of the provisions contained in this Chapter shall be regulated by Government Regulation.

CHAPTER VIII

SIMPLE PATENTS

Article 109

Except for matters that are specifically regulated for Simple Patents, all other provisions regarding patents as regulated in this Act shall also apply to Simple Patents.

Article 110

- (1) A Simple Patent shall only be granted for one claim.
- (2) Upon an application, a substantive examination of a Simple Patent shall be conducted directly.
- (3) *In conducting a substantive examination the Patent Office shall only examine the novelty requirement as referred to in Article 6 paragraph (2).*

Article 111

- (1) A Simple Patent Certificate shall be granted by the Patent Office for a Simple Patent.
- (2) A Simple Patent granted by the Patent Office as referred to in paragraph (1) shall be recorded in the General Register of Patents.
- (3) The refusal of an application for a Simple Patent may not be appealed to the Patent Appeal Commission.

Article 112

- (1) The period of a Simple Patent as referred to in Article 10 may not be extended.
- (2) *A Simple Patent shall not be applied for a Compulsory License.*

Article 113

Further provisions regarding Simple Patents shall be regulated by the Minister.

CHAPTER IX

FEES

Article 114

- (1) *A fee, the amount of which shall be stipulated by a Ministerial Decree, must be paid for each filing of patent application,*

application of substantive examination, Prior User Certificates, extracts from the General Register of Patents and copies of Patent Certificates, copies of patent documents, the recording of patent transfers, registration of Licensing Agreements, the registration of Compulsory Licenses and other matters stipulated in this Act.

- (2) Further provisions regarding the requirements, periods and methods of payment of said fees shall be regulated by a Ministerial Decree.

Article 115

The first payment of the annual fees must be made no later than one year from the date of the grant of a patent or the recording of a license and payments for subsequent years during the effectiveness of the patent or license must be made at the latest on the same date as the grant of the patent or the recording of the license concerned.

Article 116

- (1) *If within 3 (three) consecutive years a Patent Holder does not pay annual fees as stipulated in Article 19 and Article 115, the patent shall be deemed to have been void commencing from the date constituting the time limit for payment of said third year.*
- (2) *If obligation to make payment of said annual fees is not met in the eighteenth and subsequent years, the patent shall be deemed to have expired on the time limit for the annual fee payment obligation of the year concerned.*
- (3) The expiry of the duration of a patent for reasons as referred to in paragraph (1) shall be recorded in the General Register of Patents and announced in the Official Patent Gazette.

Article 117

- (1) Except for matters as referred to in Article 116 paragraph (3), the payment of annual fees later than the time stipulated in

Article 115 shall be subject to an additional fee of 20 (twenty) percent for each year.

- (2) The late payment of annual fees as referred to in paragraph (1) shall be made known by the Patent Office to the Patent Holder within 7 (seven) days after the stipulated time limit has passed.
- (3) Failure to receive the notice as referred to in paragraph (2) by the person concerned shall not detract from the applicability of the provisions as referred to in paragraph (1).

CHAPTER X

PATENT ADMINISTRATION

Article 118

- (1) The Patent Office shall conduct the administration of patents as regulated by this Law.
- (2) The conduct of administration as referred to in paragraph (1) shall be carried out with due regard for the authority of other agencies as regulated by this Act.

Article 119

The Patent Office shall conduct patent information services and documentation by the establishment of a national patent documentation system and information network capable of providing information to the public regarding patented technology as widely as possible.

Article 120

In implementing the administration of patents, the Patent Office shall receive guidance from and shall be responsible to the Minister.

CHAPTER XI

RIGHTS TO BRING LAWSUIT

Article 121

- (1) If a patent is granted to a person other than the person entitled to said patent based on Article 11, 12 and 13, the person so entitled to the patent may bring a lawsuit to the District Court of Central Jakarta requesting the surrender to him of the patent concerned and the rights which pertain to said patent in whole or in part or in joint ownership.
- (1a) *The right to bring a lawsuit as referred to paragraph (1) shall be retroactive from the date of filing of patent application.*
- (2) A copy of the decision on the lawsuit as referred to in paragraph (1) shall be forwarded immediately by the Clerk of the District Court of Central Jakarta to the Patent Office to thereafter be recorded in the General Register of Patents and announced in the Official Patent Gazette.

Article 122

- (1) The Patent Holder or Licensee shall be entitled to bring a lawsuit for damages through the local District Court from any person who deliberately and without rights performed acts as referred to in Article 17 against his rights.
- (1a) *The District Court may reject the lawsuit for damages including damages for the loss of profit which might be gained, if the defendant is able to prove that he was unaware or has sound reasons on his unawareness that he has infringed another's patent protected in Indonesia.*
- (2) A action for damages filed in respect of acts as referred to in Article 97 paragraph (1) letter b shall only be accepted if the product is proven to have been made by using said patented invention.
- (3) *The decision of the District Court on the lawsuit as referred to in paragraph (1), (1a) and (2) shall be forwarded immediately by the Clerk of the relevant District Court to the Patent Office to thereafter be recorded in the General Register of Patents and announced in the Official Patent Gazette.*

Article 123

- (1) In order to prevent greater losses to the parties whose rights have been infringed, a Judge may order the infringer of said patent to cease the acts as referred to in Article 17 while the lawsuit is being examined by the District Court.
- (2) If a lawsuit has been filed for the surrender of goods produced by a patent infringement or for the value of such goods, a Judge may order that the surrender shall be carried out only after the decision of the court has become final and binding and after the claimant has paid compensation to good faith of the goods.

Article 123A

- (1) *In the trial of an infringement case on a patented process, the burden of proof that the product was not produced by using a patented process shall lie on the defendant if:*
 - a. *the product which was made through the patented process constitutes a new one;*
 - b. *there is a possibility that the product has resulted from the patented process ; and*
 - c. *it is contrary to the facts that sufficient effort has been made for the purpose, a Patent Holder is not able to determine which process he has used to make the product suspected to have resulted from the infringement.*
- (2) *For the purpose of proof in an infringement case as referred to in paragraph (1) a Judge shall be authorised to:*
 - a. *order the Patent Holder to deliver in advance a copy of certificate of the patent concerned, and prima facie evidence supporting his assumption about the infringement on his patent ; and*
 - b. *order the party who is assumed to have committed an infringement to prove that the product did not result from the use of the patented process.*
- (3) *In the trial of a patent infringement case as referred to in paragraphs (1) and (2), a Judge shall consider the interest of*

the party assumed to have committed the infringement, to get a protection on the secrecy of the process he described for the purpose of proof in the court session.

Article 124

The right to bring a lawsuit as regulated in this Chapter shall not detract from the right of the State to conduct the criminal prosecution of patent offences.

Article 125

- (1) An appeal decision of the District Court may be lodged at the High Court and cassation at the Supreme Court.
- (2) A decision on appeal and a decision in cassation as referred to in paragraph (1) must be immediately forwarded by the Clerk of the District Court to the Patent Office to thereafter be recorded in the General Register of Patents and announced in the Official Patent Gazette.

Article 126

Any person who deliberately and without rights infringes the rights of a Patent Holder by committing any of the acts as referred to in Article 17 shall be sentenced to imprisonment of at most 7 (seven) years and a fine of at most Rp. 100,000,000 (one hundred million Rupiah).

Article 127

Any person who deliberately and without rights violates the rights of a Holder of Simple Patent by committing any of the acts as referred to in Article 17 shall be sentenced to imprisonment of at most 5 (five) years and a fine of at most Rp. 50,000,000 (fifty million Rupiah).

Article 128

Any person who deliberately fails to fulfil the obligations as referred to in Article 27 paragraph (3), Article 46 and Article 52 shall be sentenced to imprisonment of at most 5 (five) years.

Article 128.A

Where a patent infringement is established, a Judge may order that the products resulted from the patent infringement shall be confiscated by the State to thereafter be destroyed.

Article 129

The criminal offences as referred to in this Chapter shall be felonies.

CHAPTER XIII

INVESTIGATION

Article 130

- (1) In addition to investigating officers at the State Police of the Republic of Indonesia, certain civil servants from the department whose scope of duties and responsibilities include the guidance over patents shall be granted special authority as investigators as referred to in Act No.8 of 1981 on Criminal Proceedings, to conduct an investigation of criminal offences in the field of patents.
- (2) *Investigator as referred to in paragraph (1) shall be authorised to:*
 - a. *conduct examination of the truth of reports or information relating to criminal offences in the field of patents ;*
 - b. *conduct examination of persons or legal entities suspected of committing criminal offences in the field of patents ;*
 - c. *collect information and evidence from persons or legal entities in connection with incidents of criminal offences in the field of patents;*
 - d. *conduct examination of the books, records and other documents relating to criminal offences in the field of patents;*

- e. *inspect locations on which evidence, books, records, and other documents to be found, as well as to confiscate materials and goods resulting from infringements which can used as evidence in the criminal trials in the field of patents;*
 - f. *request expert assistance in the scope of carrying out the duties of investigation of criminal offences in the field of patents;*
- (3) *An investigator as referred to in paragraph (1) shall inform the investigating officers at the State Police of the Republic of Indonesia about the initiating and the result of an investigation.*
- (4) *An investigator as referred to in paragraph (1) shall forward the results of an investigation to the Public Prosecutor through the investigating officers at the State Police of the Republic of Indonesia in view of Act No. 8 of 1981 on Criminal Proceedings.*

CHAPTER XIV

TRANSITIONAL PROVISIONS

Article 131

- (1) Within one year commencing on the effective date of this Act, those persons who have filed patent applications on the basis of the Ministerial Decree of 1953 within 10 (ten) years prior to the effective date of this Act may file patent applications based on the provisions of this Act.
- (2) If a patent application that has been registered and complies with the provisions as referred to in paragraph (1) is not refiled within one year commencing on the effective date of this Act, said patent application shall be deemed to have expired.
- (3) The registration of patent applications based on the announcement as referred to in paragraph (1) which were filed

- more than 10 (ten) years before the effective date of this Act are declared to have lapsed.
- (4) The provisions of this Act shall apply to patent applications as referred to in paragraph (1) and where a patent is granted, the term of patent protection thereof shall be calculated from the date of receipt of the patent application based on said Ministerial Decree.

CHAPTER XV

OTHER PROVISIONS

Article 132

The establishment of agencies that function to provide considerations on strategic policies in patent matters shall be carried out by the Government in accordance with need and developments.

CHAPTER XVI

CONCLUDING PROVISIONS

Article 133

All existing regulations regarding patents are declared to no longer be in effect as of the date of promulgation of this Act.

Article II

- (1) Commencing from the date of effect of this Act, any Patents and Simple Patents which have been granted based on Act No. 6 of 1989 concerning Patents shall be valid for a period of 20

- (twenty) years from the date of filing of the patent application, and 10 (ten) years from the date of grant of the simple patent.
- (2) With regard to any patent and simple patent applications which have been filed based on Act No.6 of 1989 concerning Patents and have not been decided by the Patent Office, if the patent is granted, the period of protection shall be granted for 20 (twenty) years from the date of filing of the patent application, and 10 (ten) years from the date of grant of the simple patent.
- (3) Implementation of the adjustment for the period of 20 (twenty) years for a patent as referred to in paragraph (1) shall be made at the time of payment of annual fees of the patent concerned in the form and methods stipulated by the Minister.

Article III

This Act shall take effect on the date of its promulgation.

In order that every person may know of it, the promulgation of this Act is ordered by placement in the State Official Gazette of the Republic of Indonesia.

Ratified in Jakarta
On November 1 1989
PRESIDENT OF THE REPUBLIC
OF INDONESIA

SOEHARTO

Promulgated in Jakarta
On November 1 1989
MINISTER / STATE SECRETARY
OF THE REPUBLIC OF INDONESIA
MOERDIONO

STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 30