

DECISION OF THE MINISTER OF JUSTICE
OF THE REPUBLIC OF INDONESIA
NUMBER : M.04 - HC.02.10 YEAR 1991
CONCERNING
THE REQUIREMENTS, TIME FRAME, AND PROCEDURE
TO PAY PATENT FEES

THE MINISTER OF JUSTICE OF THE REPUBLIC OF INDONESIA

- Considering :
- a. that in order to expedite and improve service to the public in the field of patent, it is necessary to set the rule concerning the requirements, time frame, and procedure to pay patent fees as the implementation of Article 114 of Law Number 6 Year 1989 concerning Patent.
 - b. that based on the consideration in letter a, it is necessary to stipulate the Decision of the Minister of Justice of the Republic of Indonesia concerning the Requirements, Time Frame, and Procedure to Pay Patent Fees.

In view of : 1. Law Number 6 Year 1989 concerning Patent (State Gazette Year 1989 Number 39, Supplement to the Gazette Number 3398);

2. Government Regulation Number 34 Year 1991 concerning the Procedure of Patent Application (State Gazette Year 1991 Number 42. Supplement to the Gazette Number 3444);
3. Decision of the President Number 15 year 1984, concerning The Organizational Structure of Departments as amended several times, the latest by the Decision of the President Number 32 Year 1989 for the Ministry of Justice;
4. Decision of the President Number 29 Year 1984 concerning Implementation of National Income and Expenditure Budget;
5. Decision of the Minister of Justice of the Republic of Indonesia Number M.02.PR.07-10 Year 1989 concerning the Organization and Work Procedure of the Ministry of Justice.

With due observance to :

Approval of Minister of Finance Number S.997 MK.013/1991 dated August 30, 1991 concerning the Management and Amount of Patent Fees.

D E C I D E S :

To enact : DECISION OF THE MINISTER OF JUSTICE OF THE
REPUBLIC OF INDONESIA CONCERNING THE REQUIRE-
MENTS, TIME FRAME, AND PROCEDURE TO PAY PATENT
FEES.

Article 1

The payment of patent fees shall be done by filling out in advance the related forms provided by the Patent Office.

Article 2

The payment of patent fees as referred to in Article 1 shall be made directly and in cash to the Patent Office which shall thereafter be deposited to the National Treasury.

Article 3

The payment of the patent application fees shall be made at the time the relevant patent application is filed.

/Article 4 ---

Article 4

- (1) The payment of substantive examination fees shall be made at the time the relevant patent substantive examination application is submitted.
- (2) A patent application containing more than 10 (ten) claims shall be subjected to additional fees which must be paid to the Patent Office not later than the time the patent substantive examination application is submitted.
- (3) If the additional fees as referred to in paragraph (2) is not paid timely, substantive examination shall not be conducted on the additional claims and only the first 10 (ten) claims will be examined by the patent examiner.

Article 5

The payment of fees for the application and substantive examination of a simple patent application shall be paid in full upon the submission of such patent application.

Article 6

- (1) The payment of fees for the change in type of patent application shall be made upon the submission of such application for change.

- (2) In addition to the fees as referred to in paragraph (1), an applicant who submits an application for change in his patent application to a simple patent application, must pay the fee for substantive examination of a simple patent upon the submission of the relevant application for change in the type of patent application.
- (3) In addition to the fees as referred to in paragraph (1), an applicant who submits an application for the change of his simple patent application to become a patent application, must pay the patent substantive examination fees at the latest upon the submission of the relevant application for patent substantive examination.

Article 7

The payment of the fees for appeal against the result of a patent substantive examination shall be made upon the submission of such application of appeal.

Article 8

- (1) The first payment of the annual patent fees shall be made no later than 1 (one) year as of the date the patent is granted.
- (2) Each subsequent payment of the annual fees shall be made no later than the same date the patent is granted.

- (3) The payment of annual fees after the time limit referred to in paragraph (2), shall be subjected to an additional fee of 25 % (twenty five percent) of the fees payable for the relevant year.
- (4) The late payment of annual fees as referred to in paragraph (1) shall be notified in writing by the Patent Office within 7 (seven) days after the stipulated time frame to the relevant patent holder.
- (5) The non-receipt of the notification as referred to in paragraph (4) by the person concerned shall not detract the obligation to pay annual patent fees.

Article 9

- (1) If payment of the annual patent fees as referred to Article 8 are not paid for 3 (three) consecutive years, the patent shall be deemed to have expired as from the date of the time limit of the obligation to pay for the third year.
- (2) The invalidation of a patent due to the non-payment of annual Patent fees for 3 (three) consecutive years shall not detract the obligation of the patent holder to settle the fees payable for such outstanding years.

/Article 10 ---

Article 10

- (1) The payment of registration fees for the recordation of a patent licence agreement shall be made upon filing the application for registration of the relevant patent license agreement.
- (2) The first payment of the annual license fees shall be made no later than 1 (one) year as from the date of the recordation of the patent license agreement.
- (3) The subsequent payment of the license fees shall be made no later than the same date of recordation of the patent license.
- (4) If the license fees are not paid within the time frame as specified in paragraph (2), the recordation of the relevant patent license agreement shall be deemed as invalid by the Patent Office.
- (5) Payment of the annual license fees may be made in advance for several years.

Article 11

Payment of the application fee for the Previous Inventor Certificate shall be made upon submission of such application.

/Article 12 ---

Article 12

- (1) Payment of the application fee for extension of the patent period shall be made upon submission of such application for extension, and at least 6 (six) months before the expiration of the patent period.
- (2) If the application fee for the extension of the patent period is not paid within the time frame specified in paragraph (1), such application shall be rejected by the Patent Office.

Article 13

Payment of the fees to obtain a priority certificate shall be made upon the submission of such application.

Article 14

Payment of the application fees for an Official Statement to obtain a sample of a micro-organism shall be made upon the submission of such application.

Article 15

Payment of the application fees for the recordation of the transfer of a patent shall be made upon the submission of such application.

Article 16

Payment of the application fees for copies of patent documents or excerpts from the Patent Rolls shall be made upon submission of such application.

Article 17

Patent fees that have been paid cannot be withdrawn.

Article 18

The amount of the fees as referred to in Article 3 until Article 16 shall be as contained in the enclosure of this Decision.

Article 19

The patent fees as contained in the attachment of this Decision shall be periodically reviewed in accordance with the situation.

Article 20

This Decision shall be effective as of August 1, 1991.

Enacted in Jakarta
on September 18, 1991

(Official stamp
of the Minister
of Justice of the
Republic of
Indonesia)

MINISTER OF JUSTICE
OF THE REPUBLIC OF INDONESIA

(signed)

ISMAIL SALEH SH

Enclosure of the Decision of
the Minister of Justice
Number : M.04 - HC.02.10 Year 1991
Dated : September 18, 1991

PATENT FEES

| No. | Types of Fees | Amount (Rp) | Remarks |
|-----|--|-------------|---------|
| 1. | Patent Application : | | |
| | - Patent | 200,000 | |
| | - Simple Patent | 100,000 | |
| 2. | Refiling of Patent Application : | | |
| | - Patent | 100,000 | |
| | - Simple Patent | 50,000 | |
| 3. | Patent Substantive Examination : | | |
| | - Patent | 750,000 | |
| | - Simple Patent | 300,000 | |
| 4. | Additional Fee for Each Claim Exceeding 10 (Ten) Claims | 25,000 | |
| 5. | Change in Type of Patent Application | 50,000 | |
| 6. | Appeal Application | 250,000 | |
| 7. | Application for Previous Inventor Certificate | 500,000 | |

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|---|-----------------------------|
| 8. Application for Extension of Patent Protection Period | 50.000 |
| 9. Application for Priority Certificate | 25,000 without enclosure |
| 10. Application for Official Statement to obtain sample of Micro-organism | 25.000 |
| 11. Application for Recordation of Assignment of Patent | 50,000 |
| 12. Registration of Recordation of License Agreement or Compulsory License | 50.000 |
| 13. Annual Fees of License or Compulsory License | 50.000 per year |
| 14. Application for Excerpt from Patent Rolls | 25,000 |
| 15. Application for copy of Patent Documents | 1.000 per page |

| 16. Maintenance Fee for Patent | Amount (Rp) | |
|---|-------------|-------------------------|
| | Basic Fee | Add. Fee for each claim |
| a. Year 1 (first year after the patent grant) | 100.000,- | 10.000,- |
| b. Year 2 (second year after the patent grant) | 120.000,- | 20.000,- |
| c. Year 3 (third year after the patent grant) | 150.000,- | 50.000,- |
| d. Year 4 (fourth year after the patent grant) | 180.000,- | 80.000,- |
| e. Year 5 (fifth year after the patent grant) | 220.000,- | 120.000,- |
| f. Year 6 (sixth year after the patent grant) | 270.000,- | 170.000,- |
| g. Year 7 (seventh year after the patent grant) | 330.000,- | 230.000,- |
| h. Year 8 (eighth year after the patent grant) | 400.000,- | 300.000,- |
| i. Year 9 (ninth year after the patent grant) | 480.000,- | 380.000,- |
| j. Year 10 (tenth year after the patent grant) | 580.000,- | 480.000,- |
| k. Year 11 (eleventh year after the patent grant) | 700.000,- | 600.000,- |
| l. Year 12 (twelfth year after the patent grant) | 840.000,- | 740.000,- |
| m. Year 13 (thirteenth year after the patent grant) | 1.000.000,- | 800.000,- |
| n. Year 14 (fourteenth year after the patent grant) | 1.200.000,- | 1.040.000,- |
| o. Year 15 (fifteenth year after the patent grant) | 1.450.000,- | 1.200.000,- |

(Official stamp
of the Minister
of Justice of the
Republic of
Indonesia)

MINISTER OF JUSTICE
OF THE REPUBLIC OF INDONESIA

(signed)

ISMAIL SALEH SH