

DECISION OF THE MINISTER OF JUSTICE  
OF THE REPUBLIC OF INDONESIA  
NUMBER : M.06 - HC.02.10 YEAR 1991  
CONCERNING  
THE PROCEDURE TO FILE PATENT APPLICATIONS  
THE MINISTER OF JUSTICE OF THE REPUBLIC OF INDONESIA

- Considering :
- a. that as the implementation of Article 30 of Law Number 6 Year 1989 concerning Patent, it is necessary to regulate provisions concerning the procedure to file patent applications;
  - b. that based on the consideration in letter a, it is necessary to stipulate the Decision of the Minister of Justice concerning the Procedure to File Patent Applications;

- In view of :
1. Law Number 6 Year 1989 concerning Patent (State Gazette Year 1989 Number 39, Supplement to the Gazette Number 3398);
  2. 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 1988 for the Ministry of Justice;
  3. Decision of the Minister of Justice Number M.02.PR.07-10 Year 1989 concerning The Organization and Work Procedure of the Ministry of Justice;

4. Decision of the Minister of Justice Number M.04-HC.02.10 Year 1991 concerning The Requirements, Time Frame, and Procedure to Pay Patent Fees.

D E C I D E S :

To enact : DECISION OF THE MINISTER OF JUSTICE OF THE REPUBLIC OF INDONESIA CONCERNING PROCEDURE TO FILE PATENT APPLICATIONS

CHAPTER I  
GENERAL PROVISIONS

Article 1

Under this Decision :

1. A description or disclosure of the invention shall mean a written explanation on the way of carrying out the invention which may be understood by persons skilled in the art.
2. Claim shall mean the description of the matter or subject matter of the invention for which protection in a form of a patent is sought.
3. Drawings shall mean technical drawings of an invention which contains signs, symbols, letters, numbers, flow-charts, or diagrams which illustrate the parts of the invention.
4. Abstract shall mean a concise summary of the invention which constitutes a summary of the subject matter of the description, claims, or drawings.
5. Micro-organism shall mean an organism (living thing) which may only be seen with the aid of a microscope.

CHAPTER II  
REQUIREMENTS TO FILE A PATENT APPLICATION

Article 2

- (1) A patent application shall be filed by filling out an application form which contains:
- a. date, month, and year of the application letter;
  - b. full name and address of the applicant;
  - c. full name and nationality of the inventor;
  - d. full name and address of the patent consultant, if a patent application is filed by a Patent Consultant;
  - e. title of invention;
  - f. type of patent requested.
- (2) The patent application as referred to in paragraph (1) shall enclose the following:
- a. a description of the invention;
  - b. claim(s) contained in the invention;
  - c. one or more drawings mentioned in the description which are necessary in order to explain;
  - d. an abstract;
  - e. a power of attorney, if the patent application is filed by a Patent Consultant;
  - f. a letter of assignment from the inventor(s) or the party entitled to the invention, if the patent application is not applied in their/names.

- (3) Unless stipulated otherwise, the description, claim, drawing(s) and abstract, and other patent related application documents shall be filed in triplicate copies.
- (4) The form and contents of the application form as referred to in paragraph (1) is attached hereto.

### Article 3

- (1) In addition to the fulfillment of the requirements referred to in Article 2, an invention which has been published in an official exhibition or in an exhibition which is deemed to be official, shall enclose a Certificate of Exhibition containing the date of the exhibition of the invention, and the description of such invention which has been certified by the organizer of the exhibition.
- (2) If the date of exhibition of the invention is not inserted in the certificate, then the publication of the invention will be deemed to have been made as of the opening date of the exhibition.
- (3) The certificate and description as referred to in paragraph (1) must be submitted at the time the patent application is filed or at the latest 3 (three) months after the filing date of the application.

/Article 4 ---

#### Article 4

The physical requirements for the presentation of the description, claim(s), abstract, and drawing(s) are as follows:

1. Only 1 (one) page of every sheet may be used to write the description, claim(s) and abstract, and to make the drawing(s).
2. The description, claim(s), and abstract shall be typed on detached A<sub>4</sub> size bonded paper (29.7x21cm) with minimum weight of 90 grams with the following margins :
  - a. Top margin : 2 cm;
  - b. Bottom margin : 2 cm;
  - c. Left margin : 2.5 cm;
  - d. Right margin : 2 cm;
3. The A<sub>4</sub> size paper referred to in point 2 shall be white in colour, smooth, lustreless, and to be used by placing the short edges at the top and bottom (unless it is used for drawings).
4. Each sheet of the description, claim(s), and drawing shall be numbered in sequence using arabic numerals at the top center and not at the top margin.
5. On the left side of every sheet containing the description and claim(s), a line number must be placed at the side of every fifth line, which number shall start from the beginning for every new sheet and shall not be written on the left margin.

6. Typing shall be in black colour with spacing of 1.5 between each line, with upright letters of which the minimum height of the capital letters shall be 0.21 cm.
7. Marks made by lines, chemical or mathematical formula and specific marks may be either written or drawn.
8. Drawing(s) shall be made by using black Chinese ink, on white, lustreless A<sub>4</sub> sized paper with minimum weight of 100 grams with the following margins :
  - a. Top margin : 2.5 cm;
  - b. Bottom margin : 1 cm;
  - c. Left margin : 2.5 cm;
  - d. Right margin : 1.5 cm;
9. All patent application documents shall not be torn, folded, or damaged.
10. All terminology used in the description, claim(s), abstract, and drawing(s) must be consistent.

### CHAPTER III

#### MICRO-ORGANISM

##### Article 5

- (1) For a patent application related with a micro-organism, the requirements referred to in Article 2 must be fulfilled and a certificate of deposit of micro-organism, which has been issued by a recognized depository institution as referred to in the Budapest Treaty along with 2 (two) copies of same must be enclosed in such patent application.

- (2) The certificate as referred to in paragraph (1) shall be translated into the Indonesian language and submitted in duplicate to the Patent Office not later than 3 (three) months from the filing date, or with respect to patent applications claiming priority rights, not later than the period of its priority.
- (3) The filing of a patent application related with a micro-organism must cover all specific characteristics contained therein.

#### Article 6

- (1) Any person may request a sample of the deposited micro-organism to the recognized depository institution after the patent application related with the relevant micro-organism has been published.
- (2) The request for a sample of the micro-organism as referred to in paragraph (1) shall include a statement from the Patent Office.
- (3) In order to obtain an official statement from the Patent Office as referred to in paragraph (2), the person submitting a request to obtain such sample of the micro-organism shall be required to fill out a form provided by the Patent Office and to pay a fee which amount has been determined in the Decision of the Minister of Justice number M.04-HC.02-10 Year 1991 concerning the Requirements, Time Frame, and Procedure to Pay Patent Fees.

- (4) The Patent Office shall be obligated to send a copy of the request to obtain a sample of the micro-organism and the official statement from the Patent Office to the person filing the relevant patent application or its Patent Consultant, or the patent holder.

#### Article 7

- (1) If a micro-organism which has been deposited in a depository institution ceases to be viable or if for any reason the depository institution is temporarily non-operational or dissolved, the relevant party shall be required to submit a new deposit of the same micro-organism.
- (2) The obligation to submit a new deposit of the same micro-organism as referred to in paragraph (1) shall be made to the Patent Office within 3 (three) months from the announcement concerning the cessation of such micro-organism because it is no longer viable or any other reason that the depository institution is unable to supply samples either temporarily or permanently.
- (3) If the depository institute which is temporarily non-operational or dissolved does not transfer the relevant micro-organism to another depository institute, then the person filing the patent application or owner of the relevant patent shall be required to deposit such micro-organism in another depository institute.

- (4) The person depositing the micro-organism in another depository institute as referred to in paragraph (3) shall be required to submit a new deposit certificate.
- (5) The obligation to submit certificate as referred to in paragraph (4) must be received at the Patent Office no later than 6 (six) months as of the notification concerning the temporary non-operation or dissolution of a micro-organism depository institute.

CHAPTER IV  
PROCEDURE TO FILE A PATENT APPLICATION

Article 8

- (1) The filing of a patent application may be made directly at the Patent Office or delivered to the Patent Office through the postal service.
- (2) If a patent application is submitted through the postal service, therefore the date of receipt of such documents at the Patent Office shall be deemed as the receiving date of such application.

Article 9

If a patent application has fulfilled the requirements as referred to in Article 2 and the patent application fee has been paid, the Patent Office shall determine its filing date.

**CHAPTER V**  
**ALTERATION OF THE TYPE OF PATENT APPLICATION**

**Article 10**

Any change in a patent application must be submitted in writing to the Patent Office before a decision concerning the granting or rejection of a patent application is made by the Patent Office.

**Article 11**

- (1) A change in the type of patent application must be stated in the form as contained in the enclosure of this Decision together with the requirements for each type of patent, along with the payment of a fee which has been stipulated in the Decision of the Minister of Justice Number M.04-HC.02.10 Year 1991 concerning the Requirements, Time Frame, and Procedure to Pay Patent Fees.
- (2) A change from a simple patent application to a patent application must be made before a decision concerning the granting or rejection of the simple patent application is made.
- (3) A change from a patent application to a simple patent application must be filed before the relevant patent application is published by the Patent Office.

## Article 12

- (1) The number of inventions in a patent application shall be declared as more than 1 (one) by the Patent Office if the claims of invention in the relevant patent application consists of more than one of the following groups of claim :
  - a. an independent claim concerning a specific product, an independent claim concerning a process to manufacture such product, and an independent claim concerning the use of such product; or
  - b. an independent claim concerning a specific process, an independent claim concerning an apparatus or machine which is necessary to carry out such process; or
  - c. an independent claim concerning a specific product, an independent claim concerning the process to manufacture such product, and an independent claim concerning an apparatus or machine which is necessary to carry out such process.
- (2) The invention as referred to in paragraph (1) may be filed separately in 2 (two) or more patent applications, each of which shall be completed with a description, claim(s), abstract, and drawing(s) in accordance with the results of such division along with the payment of the patent application fee for the subsequent patent application.
- (3) The invention as referred to in paragraph (1) shall be determined in order, based on the sequence of the claims contained in the relevant patent application.
- (4) If the patent application as referred to in paragraph (1) is not refiled separately within the time frame specified by the Patent Office, then only the first invention shall be examined by the patent examiner.

**CHAPTER IV  
CLOSING**

**Article 13**

**This Decision shall be effective as of the date of its enactment.**

**Enacted in Jakarta  
on October 22, 1991**

**(official stamp  
of the Minister  
of Justice of  
Republic of  
Indonesia)**

**MINISTER OF JUSTICE  
OF THE REPUBLIC OF INDONESIA**

**(signed)**

**ISMAIL SALEH SH**