

PATENT AND INDUSTRIAL DESIGN PROTECTION IN INDONESIA: KEY CONSIDERATIONS FOR FOREIGN APPLICANTS

1. Legal and Regulatory Framework

Patent and industrial design rights in Indonesia are governed by:

- Law No.65 of 2024 on Patents
- Law No. 31 of 2000 on Industrial Designs

Indonesia is a member of the Patent Cooperation Treaty (PCT) and the Paris Convention, offering international applicants efficient entry into Southeast Asia's largest market.

All filings are administered by the Directorate General of Intellectual Property (DGIP) under the Ministry of Law and Human Rights

2. Patent Protection in Indonesia

Types of Patents

- **Standard Patents:** Valid for 20 years from the filing date. Applicable to products, processes, and improvements. Requires substantive examination.
- **Simple Patents (Utility Models):** Valid for 10 years. Suitable for incremental innovations. Requires novelty and industrial applicability, but not inventive step.

Filing Routes

- Direct National Filing via local patent agents
- PCT National Phase Entry (must be filed within 31 months of the priority date)

Urgency of Patent Document Translation

Foreign applicants must submit a full Bahasa Indonesia translation of the specification, claims, and abstract when entering the national phase. Delays or inaccuracies may result in rejections or loss of filing date. Translations must be technically accurate and legally sound.

We strongly advise starting the translation process 2-3 months before the 31-month deadline. For urgent matters, we are able to provide fast-track patent translations with technical and legal precision.

Key Requirements

- Application must be in Bahasa Indonesia
- Substantive examination must be requested within 36 months
- Disclosure of foreign counterpart filings is mandatory

Exclusions from Patentability

- Scientific theories, mathematical methods
- Business methods and software per se
- Discoveries of natural substances
- Medical treatment or diagnostic methods

3. Industrial Design Protection

Scope

Protects the visual appearance of a product, including shape, configuration, and ornamentation.

Key Features

- Must be novel and possess individual character
- Protection period: 10 years (non-renewable)
- First-to-file system applies

Filing Requirements

- Six-view drawings or photographs
- Description of the design
- Application must be in Bahasa Indonesia

4. Strategic Considerations for Foreign Entities

- Engage a local IP agent early to avoid procedural errors
- Prepare and translate documents well before filing deadlines
- Monitor IP timelines, especially for PCT entries
- File early to preserve novelty

Consider filing both patents and designs when applicable

IP rights can be enforced via:

- Civil litigation in the Commercial Court
- Criminal prosecution
- Administrative actions (e.g., invalidation)
- Customs recordation to block infringing imports

Effective enforcement requires local representation.

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This publication is intended for informational purposes only and does not constitute legal advice.

Indonesia is a growing IP jurisdiction. Accurate documentation, timely translation, and knowledgeable local counsel are essential.
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