

**INDONESIA**

**Regulation of Industrial Design**

GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA NUMBER 1 OF 2005  
IMPLEMENTATION OF LAW NUMBER 31 OF 2000 CONCERNING INDUSTRIAL DESIGN

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## **CHAPTER I GENERAL PROVISIONS**

### **Article 1**

In this Government Regulation, the terms below are defined as follows:

1. Industrial Design pertains to a creation that encompasses the shape, configuration, or composition of lines or colors, or a combination thereof, in a three-dimensional or two-dimensional form. This creation produces an aesthetic impression and can be materialized in a three-dimensional or two-dimensional pattern. It is capable of being employed to manufacture a product, goods, industrial commodities, or handicrafts.
2. Description of the Industrial Design refers to an explanatory document providing information about the Industrial Design itself. This description includes statements about the goods or products associated with the Industrial Design, as well as a description of the aspects for which protection is sought, which may be presented as a statement of novelty.
3. Drawing refers to a visual representation of the Industrial Design presented as either two-dimensional or three-dimensional images. These drawings comprehensively depict the appearance of all the parts intended for protection within the Industrial Design.
4. Application refers to the request for the registration of an Industrial Design filed with the Directorate General.
5. Applicant refers to the party who files the Application.
6. Proxy refers to the Intellectual Property Consultant as referred to in Law Number 31 of 2000 concerning Industrial Design.
7. Examiner refers to an individual appointed by the Director General based on their expertise, tasked with conducting an examination of the Application.
8. Designer refers to an individual or group of individuals who create the Industrial Design.
9. Industrial Design Rights Holders include the Designer, who is the original Industrial Design Rights Owner, as well as any party who acquires this right directly from the Designer or subsequently from another party who has previously obtained the right.
10. Industrial Design Right refers to the exclusive right bestowed by the Republic of Indonesia upon the Designer for their creative work, enabling them to independently exercise or authorize others to exercise this right for a specified duration.
11. Priority Date denotes the specific date on which the application

for registration initially seeks its priority right in its country of origin.

12. Day refers to a working day(s).

13. Law refers to Law Number 31 of 2000 concerning Industrial Design.

14. Minister refers to the Minister of Justice and Human Rights.

15. Directorate General refers to the Directorate General of Intellectual Property Rights.

## **Article 2**

(1) An Industrial Design Right shall be granted for a Design that is considered novel/new.

(2) An Industrial Design shall be considered novel/new if, on the Application Receipt Date of the said Industrial Design, it is distinct from and not identical to any previously disclosed or existing Industrial Design.

(3) A previously disclosed Industrial Design, as mentioned in paragraph (2), refers to a Design that has already been announced or used in Indonesia or outside Indonesia on or before:

(a) the Application Receipt Date; or

(b) the Priority Date if the Application is filed with a Priority Right.

## **Article 3**

(1) An Application can only be filed for:

a. 1 (one) Industrial Design; or

b. Multiple Industrial Designs that are combined as a single entity or belong to the same class.

(2) An Industrial Design as referred to in paragraph (1) above is one that meets the criteria as referred to in Article 1 point 1.

## **CHAPTER II APPLICATION FOR INDUSTRIAL DESIGN**

### **Part One: Filing of Applications**

#### **Article 4**

(1) The Application shall be filed in writing in Indonesian to the Directorate General. This should be done by completing four duplicate copies of the required forms.

(2) The form and contents of the Application form, as mentioned in paragraph (1), shall adhere to the exact specifications outlined in the sample form attached to this Government Regulation.

(3) Completion of the Application form as referred to in paragraph (2) shall be carried out in accordance with the provisions in Article 11 paragraph (1), paragraph (2), and paragraph (3) of the Law.

#### **Article 5**

(1) Each application as referred to in Article 4 shall be accompanied by the following:

- a. A physical sample, drawing, photograph, or explanatory description of the Industrial Design under application for registration, submitted in three (3) copies;
- b. A letter of statement with sufficient stamp duty or legalized by a Notary stating that the Industrial Design under application is the property of the Applicant or Designer; and
- c. Proof of payment for the Application.

(2) In instances where the Application is filed by somebody other than the Designer, the said Application, as mentioned in paragraph (1), shall be accompanied by the following documentation:

- a. A statement containing sufficient evidence that the Applicant is entitled to the Industrial Design concerned; and
- b. A special power of attorney if the Application is filed by a Proxy.

#### **Article 6**

(1) Drawings or photos as referred to in Article 5 paragraph (1) point a shall be as follows:

- a. Created on white paper of A4 size, utilizing paper with the

weight ranging between 100 gsm (one hundred grams/m<sup>2</sup>) to 200 gsm (two hundred grams/m<sup>2</sup>);

- b. Each drawing or photograph presented on A4 paper should be reproducible using photocopying equipment or a scanner without compromising its quality or resolution;
- c. Each drawing must be accompanied by an adequate description that includes its serial number. The description should comprehensively explain the appearance of the Industrial Design being depicted, taking into account the position and viewpoint depicted in the drawing. This description serves to elucidate the disclosure of the Industrial Design for which protection is being sought;
- d. The placement of drawings or scanned photo images should have a bottom, right, and left border of 2 cm (two centimeters), while the top border should be 2.5 cm (two and a half centimeters);
- e. Each drawing shall be assigned a serial number;
- f. The drawing or photo shall be in accordance with the original sample;
- g. Industrial Design drawings may incorporate dotted lines if protection is not being sought for the areas represented by those dotted lines. However, if protection is being requested for specific parts of the drawing, those parts should be depicted using solid lines; and
- h. The Application may include accompanying drawings of the Industrial Design that can be submitted in the form of image data stored on a diskette (floppy disk). This facilitates the announcement process and aids in the review and evaluation of the Industrial Design.

(2) An Industrial Design Description that uses a foreign language shall be translated into Indonesian.

(3) The Industrial Design Description should encompass essential information regarding the Industrial Design for which protection is being sought. It should provide a clear and comprehensive description of the goods or products associated with the Industrial Design for which protection is requested.

(4) The special power of attorney, as mentioned in Article 5, paragraph (2), point b, is a specific power of attorney to file an Application, subject to the following conditions:

- a. Signed by the Grantor and the Recipient of the power of attorney;

- b. Sufficiently stamped or legalized by a Notary;
- c. Accompanied by a translation in Indonesian, if written in a foreign language.

#### **Article 7**

(1) In cases where multiple Applicants jointly file an Application, said Application shall be duly signed by one of the Applicants, accompanied by a written agreement from the remaining Applicants.

(2) The Application, as mentioned in paragraph (1), shall be accompanied by the names of all the Applicants involved and designate one of the addresses of the Applicants who have signed the Application.

#### **Article 8**

(1) An Applicant residing outside the territory of the Republic of Indonesia is required to submit the Application through a Proxy.

(2) The Applicant, as referred to in paragraph (1), must declare and select their legal domicile in Indonesia.

#### **Article 9**

In the event that an Application is filed using a Priority Right, the filing of the Application shall adhere to the provisions stipulated in Article 16 and Article 17 of the Law.

### **Part Two: Receipt of Applications**

#### **Article 10**

The Application Receipt Date refers to the specific date upon which the Application is received and deemed to have met all the necessary requirements, as prescribed below:

- a. The Application form shall be completed in four copies;
- b. Physical samples, drawings, or photographs of the Industrial Design under application for registration shall be attached, as well as descriptions or information pertaining to it, in 3 (three) copies; and
- c. Necessary payment of the Application fee, as specified in Article 11, paragraph (1) of the Law, shall have been made.



### **Part Three: Administrative Examination**

#### **Article 11**

(1) The Directorate General shall carry out a series of administrative examinations, as outlined in Article 4 to Article 9, on Applications. These examinations involve physical inspection, verification of formality requirements, and assessment of the clarity of the Industrial Design disclosure. The examinations shall be conducted within a maximum period of 30 (thirty) days from the Application Receipt Date.

(2) The Directorate General shall notify the Applicant or their Proxy within a maximum period of 30 (thirty) days from the Application Receipt Date if there are any deficiencies identified in the requirements and completeness of the Application, as stated in Article 4 to Article 9. This notification serves to inform the Applicant or their Proxy about the identified shortcomings.

(3) The Applicant or their Proxy is required to address the identified deficiencies mentioned in paragraph (2) within a period of 3 (three) months from the date of receiving the notification regarding the deficiencies.

(4) The deadline for fulfilling the requirements mentioned in paragraph (3) can be extended for a maximum period of 1 (one) month upon request of the Applicant or their Proxy.

(5) If the requirements mentioned in paragraph (3) and paragraph (2) are not fulfilled, the Directorate General shall send a written notification to the Applicant or their Proxy stating that the Application is considered withdrawn. This notification shall be sent within a maximum period of 14 (fourteen) days after the expiration of the stipulated time in paragraph (3) and paragraph (4).

(6) In the event of the Application being considered withdrawn as stipulated in paragraph (5), any fees paid to the Directorate General shall not be refundable or withdrawable.

#### **Article 12**

(1) During the administrative examinations, as specified in Article 11, paragraph (1), the Directorate General shall notify the

Applicant or their Proxy if any discrepancies are found in the disclosure of the Industrial Design, including descriptions, drawings, or descriptions of drawings, including those related to the Application unit. This notification shall be sent within a maximum period of 30 (thirty) days from the Application Receipt Date.

(2) The Applicant or their Proxy is required to correct/amend the disclosure of the Industrial Design to ensure clarity and appropriateness for announcement purposes. This must be done within a period not exceeding 3 (three) months from the date on which the notification mentioned in paragraph (1) is sent.

(3) The deadline for correcting/amending an Application, as mentioned in paragraph (2), can be extended for a maximum period of 1 (one) month upon the request of the Applicant or their Proxy.

(4) If the requirements stated in paragraph (2) and paragraph (3) are not fulfilled, the provisions outlined in Article 11, paragraphs (5) and (6), shall be applicable.

(5) During the examination on the clarity of the Industrial Design disclosure, the Examiner shall also classify each Application in accordance with the relevant provisions.

### **Article 13**

(1) If multiple Applications are identified during the administrative examinations, as described in Article 11, paragraph (1), the Directorate General shall, within a maximum period of 30 (thirty) days from the Application Receipt Date, notify the Applicant or their Proxy in writing to separate the applications.

(2) The Applicant or their Proxy is required to separate the Applications within a maximum period of 3 (three) months from the date of receiving the notification mentioned in paragraph (1).

(3) The deadline for separating the Applications, as mentioned in paragraph (2), can be extended for a maximum period of 1 (one) month upon the request of the Applicant or their Proxy.

(4) In the event that the Applicant fails to separate the

Applications within the stipulated deadlines in paragraphs (2) and (3), the Examiner shall only conduct examinations of the Application that is most relevant to the respective class.

(5) Each separate portion of the Application, as referred to in paragraph (2), shall be subject to a fee as specified by the provisions of the Law.

#### **Article 14**

(1) The Applicant or their Proxy shall be given the opportunity to object to the decision regarding the assumption of withdrawal, as referred to in Article 11, paragraph (5), and Article 12, paragraph (4), within a maximum period of thirty (30) days from the date of receipt of the withdrawal notice.

(2) In the event that the Applicant or their Proxy does not file an objection(s) as mentioned in paragraph (1), the decision of withdrawal by the Directorate General, as referred to in paragraph (1), shall be permanent.

(3) The Directorate General is obliged to decide either to accept or reject the objection(s), as mentioned in paragraph (1), no later than 30 (thirty) days from the date of receipt of the letter of objection as specified in paragraph (1).

(4) If the objection(s) is accepted, the Directorate General shall proceed with the subsequent steps of the Application process.

#### **Article 15**

(1) With respect to the decision to withdraw as mentioned in Article 11, paragraph (5), and Article 12, paragraph (4), the Applicant or their Proxy may initiate legal proceedings by filing a lawsuit with the Commercial Court in accordance with the provisions outlined in the applicable Law.

(2) Upon receiving a copy of the legally binding decision confirming the acceptance of the lawsuit as mentioned in paragraph (1), the Directorate General shall proceed with the subsequent steps of the Application process.

## **Part Four: Announcements**

### **Article 16**

(1) The Director General shall publicly disclose an Application that has fulfilled the criteria stated in Article 4 through Article 9 of this Government Regulation and Article 4 of the Law. This disclosure shall be made by publishing the Application concerned in the Official Gazette of Industrial Designs or Special Facilities, ensuring that it is easily and comprehensively accessible to the public.

(2) Upon the announcement of an Application as mentioned in paragraph (1), any concerned party may submit a written letter of objection to the Directorate General. This letter of objection should be accompanied by comprehensive reasons supporting the objection(s) therein.

### **Article 17**

(1) The announcement of an Application as stated in Article 16, paragraph (1), shall be completed within a maximum period of 3 (three) months from the Application Receipt Date.

(2) In cases where there is a deficiency in meeting the Application requirements within the time frames specified in Article 11, paragraph (3) and (4), Article 12, paragraph (2) and (3), and Article 13, paragraph (2) and (3), the announcement of the Application, as mentioned in Article 16, paragraph (1), shall take place once the requirements in question have been fulfilled.

(3) If the Applicant or their Proxy initiates a lawsuit against a decision to reject or withdraw an Application, as referred to in Article 15, paragraph (1), and Article 28, paragraph (1), the announcement of the Application, as mentioned in Article 16, paragraph (1), shall be made upon receipt of a copy of the legally binding court decision, confirming the acceptance of the lawsuit.

### **Article 18**

The announcement of an Application, as elaborated in Article 16, paragraph (1), shall include the following information:

- a. Full name and address of the Applicant;
- b. Full name and address of the Proxy if the Application is filed

through a Proxy;

c. Date and number of the receipt of the Application;

d. Name of the country and initial Application Receipt Date, if the Application was filed based on a Priority Right;

e. Industrial Design title and class; and

f. Drawing or photograph of the Industrial Design.

#### **Article 19**

(1) Upon filing an Application, the Applicant or their Proxy may make a written request for the deferral of the announcement of the Application.

(2) The deferral of an announcement, as mentioned in paragraph (1), shall not exceed a duration of 12 (twelve) months from the Application Receipt Date or from the Priority Date.

#### **Part Five: Amendments to Applications**

#### **Article 20**

(1) The Applicant or their Proxy may make corrections or amendments to the filed Application, provided that such amendments do not expand the scope of the originally submitted Industrial Design.

(2) If an amendment to an Application results in the creation of multiple Applications, each of these new Applications shall be assigned the same Application Receipt Date as that of the original Application.

(3) The Directorate General shall reject any corrections or amendments to an Application if they cause the Industrial Design associated with the Application to become more expansive in scope.

(4) Corrections or amendments as referred to in paragraph (1) may be made by the Applicant or their Proxy prior to the granting of the Application by the Directorate General.

#### **Part Six: Withdrawal of Applications**

#### **Article 21**

An Applicant or their Proxy may file a withdrawal of an Application in writing at the Directorate General, provided that a decision has

not been made upon said Application.

**Article 22**

In the event that an Application is withdrawn, as described in Article 21, all fees paid to the Directorate General cannot be refunded.

### **CHAPTER III SUBSTANTIVE EXAMINATION, REJECTIONS AND GRANTING OF AN INDUSTRIAL DESIGN CERTIFICATE**

#### **Part One: Substantive Examination**

##### **Article 23**

(1) Within the specified announcement period as referred to in Article 17, paragraph (1), any party has the right to file a written letter of objection covering substantive matters. To do so, a fee must be paid in accordance with the provisions outlined in the Law.

(2) The filing of the letter of objection, as referred to in paragraph (1), shall be carried out in accordance with the provisions of Article 26 and Article 28 paragraph (1) outlined in the Law.

##### **Article 24**

(1) In the event that an objection(s) is raised regarding the Application as mentioned in Article 23, the Examiner shall perform a comprehensive examination encompassing the following aspects:

- a. Assessment of the novelty of the Industrial Design;
- b. Evaluation of any elements conflicting with prevailing laws and regulations, public order, religion, or morality;
- c. Scrutiny of the Application unit; and
- d. Consideration of matters pertaining to the clarity of the disclosure of the Industrial Design.

(2) The examination mentioned in paragraph (1) shall be conducted with respect to the following:

- a. The objection(s) presented by the opposing party.
- b. Assessment of the disputed Application and the objection(s) raised against it.
- c. Relevance of any comparator(s) deemed pertinent to the examination.

(3) The examination referred to in paragraph (2) shall be conducted by the Examiner through the following actions:

- a. Conducting a thorough search of preexisting disclosures of Industrial Designs in the relevant classes to assess and compare them with the Application.
- b. Assessing and comparing the Application against the objection(s)

raised by the opposing party.

c. Providing a comprehensive report on the examination results to the Directorate General.

(4) The examination report as referred to in paragraph(3) letter c shall include:

- a. Assessment of the novelty of the Industrial Design;
- b. Evaluation of any elements conflicting with prevailing laws and regulations, public order, religion, or morality;
- c. Scrutiny of the Application unit; and
- d. Consideration of matters pertaining to the clarity of the disclosure of the Industrial Design.

## **Part Two: Rejections**

### **Article 25**

(1) During the Application process, the Directorate General retains the authority to reject an Application upon discovering elements that are in conflict with the prevailing laws and regulations, public order, religion, or morality. The Applicant or their Proxy shall be duly notified thereof in writing.

(2) In the event of an Application rejection as mentioned in paragraph (1), the Applicant is permitted to correct or amend the Application, provided that such corrections or amendments do not expand the scope of the originally submitted Industrial Design. The Applicant shall complete the necessary corrections or amendments within a maximum period of 30 (thirty) days from the date on which the notification letter specified in paragraph (1) is sent.

(3) The Directorate General shall render a decision to accept or reject the aforementioned corrections or amendments, as outlined in paragraph (2), within a maximum period of 30 (thirty) days from the date of receipt of such corrections or amendments.

(4) In the event that the corrections or amendments specified in paragraph (2) are accepted, the Directorate General shall proceed with the continuation of the Application process.

### **Article 26**

(1) The Directorate General retains the authority to reject an



Application that contravenes the provisions stated in Article 2 of the Law and shall duly notify the Applicant and their Proxy thereof in writing.

(2) In the event of an Application rejection as mentioned in paragraph (1), the Applicant is permitted to correct or amend the Application, provided that such corrections or amendments do not expand the scope of the originally submitted Industrial Design. The Applicant shall complete the necessary corrections or amendments within a maximum period of 30 (thirty) days from the date on which the notification letter specified in paragraph (1) is sent.

(3) The Directorate General shall render a decision to accept or reject the aforementioned corrections or amendments, as outlined in paragraph (2), within a maximum period of 30 (thirty) days from the date of receipt of such corrections or amendments.

(4) In the event that the corrections or amendments specified in paragraph (2) are accepted, the Directorate General shall proceed with the subsequent steps of the Application process.

## **Article 27**

(1) The Applicant or their Proxy shall be granted the opportunity to submit an objection(s) to the rejection decision, as stipulated in Article 25, paragraph (1), and Article 26, paragraph (1), within a maximum period of 30 (thirty) days from the date of receiving the rejection letter.

(2) Failure by the Applicant or their Proxy to submit an objection(s), as specified in paragraph (1), shall render the rejection decision issued by the Directorate General, as mentioned in paragraph (1), permanent.

(3) The Directorate General is required to render a decision to accept or reject the objection(s) stated in paragraph (1) within a maximum period of 30 (thirty) days from the date of receiving the letter of objection.

(4) In the event that the objection(s) is accepted, the Directorate General shall proceed with the subsequent steps of the Application process.

**Article 28**

(1) With respect to a decision of rejection as referred to in Article 25 paragraph (1) and Article 26 paragraph (1), the Applicant or their Proxy may initiate legal proceedings by filing a lawsuit with the Commercial Court in accordance with the provisions outlined in this Law.

(2) Upon receiving a copy of the legally binding decision confirming the acceptance of the lawsuit as mentioned in paragraph (1), the Directorate General shall proceed with the subsequent steps of the Application process.

**Part Three: Granting of Industrial Design Certificates****Article 29**

(1) In the event that no objection(s) is raised against an Application by the end of the objection filing period, as specified in Article 23, paragraph (1), the Directorate General shall issue and grant an Industrial Design Certificate within a maximum period of 30 (thirty) days from the end date of said period.

(2) The Industrial Design Certificate shall become effective from the Application Receipt Date.

(3) The Industrial Design Certificate as referred to in paragraph (2) shall include the following information:

- a. Application Number;
- b. Industrial Design Title;
- c. Industrial Design Class;
- d. Name, nationality and address of the Industrial Design Rights Holder;
- e. Application Receipt Date;
- f. Registration number; and
- g. Signature of the authorized official.

**Article 30**

Any party that requires a copy of the Industrial Design Certificate can obtain one from the Directorate General. This request requires payment of a fee, as specified by the applicable law.

**Article 31**

The Director General is responsible for recording Industrial Designs that have been granted an Industrial Design Certificate in the General Register of Industrial Designs. This shall be also announced and made public in the Official Gazette of Industrial Designs.

## **CHAPTER IV REGISTRATION OF CHANGES IN NAME AND/OR ADDRESS OF INDUSTRIAL DESIGN RIGHTS HOLDERS AND TRANSFERS OF INDUSTRIAL DESIGN RIGHTS**

### **Part One: Applications to Register Changes in Name and/or Address of Industrial Design Rights Holders.**

#### **Article 32**

(1) An application to register a change in name and/or address of the Industrial Design Rights Holder must be submitted in writing in Indonesian, in duplicate, to the Directorate General.

(2) The application to register a change in name and/or address of the Industrial Design Rights Holder, as referred to in paragraph (1), shall include the following information:

- a. The registration number of the registered Industrial Design for which the change in name and/or address of the Rights Holder is being requested;
- b. The name, nationality, and address of the previous and new Industrial Design Rights Holder;
- c. In the context of the requested change in name and/or address, if the Rights Holder of the Industrial Design in question is a legal entity, the application should specify the name of the legal entity and the country where it was established.
- d. If the Industrial Design Rights Holder, for whom the change in name and/or address is being requested, resides or is based outside the territory of the Republic of Indonesia, the application should specify the address of their appointed Proxy in Indonesia.

#### **Article 33**

For each application to register a change in the name and/or address of the Industrial Design Rights Holder, the following must be provided:

- a. Documentary evidence demonstrating the change in name and/or address of the Industrial Design Rights Holder.
- b. A special power of attorney specifically authorizing a Proxy to make the application to register a change in name and/or address of the Industrial Design Rights Holder if the application is being submitted through a Proxy.
- c. Attachment of proof of payment of the required fee for the application to register a change in name and/or address of the

Industrial Design Rights Holder.

#### **Article 34**

If the documentary evidence demonstrating the change in name and/or address of the Industrial Design Rights Holder, as mentioned in Article 33, point a, is in a foreign language, it must be accompanied by a translation in Indonesian.

#### **Article 35**

The special power of attorney mentioned in Article 33, point b, constitutes a legal authorization to apply for a change in name and/or address of the Industrial Design Rights Holder. It should adhere to the following provisions:

- a. Clearly state the registration number of the Industrial Design for which the change in name and/or address of the Industrial Design Rights Holder is being requested;
- b. Signed by both the Grantor and the Recipient of the power of attorney;
- c. Sufficiently stamped or legalized by a Notary; and
- d. Accompanied by a translation in Indonesian, if written in a foreign language.

#### **Article 36**

(1) The Directorate General is responsible for registering a change in name and/or address of an Industrial Design Rights Holder in the General Register of Industrial Designs. This change will be announced in the Official Gazette of Industrial Designs within a maximum period of 30 (thirty) days from the date of receiving the complete application, as prescribed in Article 32, paragraph (1).

(2) The Directorate General shall provide written notification of the registration to the Applicant or their Proxy within a maximum period of 14 (fourteen) days from the date of registration, as referred to in paragraph (1) above.

### **Part Two: Applications to Register Transfers of Industrial Design Rights.**

#### **Article 37**

(1) To register the transfer of Industrial Design rights, an Application must be submitted in writing in Indonesian, in

duplicate, to the Directorate General.

(2) The Application to register the transfer of Industrial Design rights, as mentioned in paragraph (1), shall include the following information:

- a. The registration number of the Industrial Design for which the rights are to be transferred;
- b. The name, nationality, and complete address of both the current Industrial Design Rights Holder and the Beneficiary of the rights for whom the Application has been submitted;
- c. If either the Industrial Design Rights Holder or the Beneficiary of the rights is a legal entity, the application should provide the name of the legal entity and the country where it was established; and
- d. The full name and address of the appointed Proxy in Indonesia should be provided if the Industrial Design Rights Holder or Beneficiary of the rights submitting the Application for registering the transfer of rights resides or is based outside the territory of the Republic of Indonesia.

#### **Article 38**

Each application to register the transfer of Industrial Design rights shall include the following accompanying documents:

- a. Documentary evidence substantiating the transfer of rights, which may cover partial or complete transfer of rights;
- b. Proof of ownership of the Industrial Design for which the rights are to be transferred;
- c. A special power of attorney if the Application to register the transfer of rights is being submitted through a Proxy; and
- d. Attachment of proof of payment of the required fee for the Application to register the transfer of rights.

#### **Article 39**

If the documentary evidence substantiating the transfer of rights, as prescribed in Article 38, point a, is in a foreign language, it must be accompanied by a translation in Indonesian.

#### **Article 40**

The special power of attorney stated in Article 38, point c, constitutes a legal authorization to apply to register a transfer of Industrial Design Rights. It should adhere to the following

provisions:

- a. Clearly state the registration number of the Industrial Design for which registration of the transfer of its rights is being requested;
- b. Signed by both the Grantor and the Recipient of the power of attorney;
- c. Sufficiently stamped or legalized by a Notary; and
- d. Accompanied by a translation in Indonesian, if written in a foreign language.

#### **Article 41**

(1) The Directorate General is responsible for registering a transfer of Industrial Design Rights in the General Register of Industrial Designs and announcing it in the Official Gazette of Industrial Designs within a maximum period of 30 (thirty) days from the date of receiving the complete application, as prescribed in Article 37, paragraph (1).

(2) The Directorate General shall provide written notification of the registration to the Applicant or their Proxy within a maximum period of 14 (fourteen) days from the date of registration, as referred to in paragraph (1) above.

#### **Article 42**

A transfer of Industrial Design Rights that is not registered in the General Register of Industrial Designs does not carry legal consequences for third parties.

## **CHAPTER V CANCELLATION OF REGISTRATION OF INDUSTRIAL DESIGNS**

### **Article 43**

An Industrial Design that has been duly registered with the Directorate General may be subject to cancellation under the following circumstances:

- a. Upon submission of an Application for cancellation by the Industrial Design Rights Holder to the Directorate General; or
- b. Pursuant to a lawsuit filed by an interested party or parties seeking the cancellation of the Industrial Design's registration, whereby a legally binding Court decision is obtained, affirming the acceptance of the claim for cancellation.

### **Article 44**

(1) An Application for cancellation of an Industrial Design's registration by the Industrial Design Rights Holder shall be submitted in writing in Indonesian, in duplicate, to the Directorate General.

(2) The Application for cancellation of an Industrial Design's registration shall include the following information:

- a. The registration number of the Industrial Design for which cancellation is being sought; and
- b. The grounds or reasons for seeking the cancellation.

### **Article 45**

An application for the cancellation of an Industrial Design's registration, as stipulated in Article 44, shall include the following documents:

- a. The Industrial Design Certificate;
- b. A written letter of consent, obtained from the Industrial Design Rights Licensee registered in the General Register of Industrial Designs, stating no objection to the cancellation;
- c. If the Application is made through a Proxy, a special power of attorney specifically authorizing the cancellation of the Industrial Design's registration; and
- d. Proof of payment for the Application fee related to the cancellation of the Industrial Design's registration.

### **Article 46**

The special power of attorney, as mentioned in Article 45, point c,



is a specific power of attorney to file an Application for cancellation, subject to the following conditions:

- a. State the registration number of the Industrial Design for which cancellation is being sought;
- b. Signed by the Grantor and the Recipient of the power of attorney;
- c. Sufficiently stamped or legalized by a Notary; and
- d. Accompanied by a translation in Indonesian, if written in a foreign language.

#### **Article 47**

(1) The Directorate General shall issue a decision regarding the cancellation of the Industrial Design Rights within a maximum of 30 (thirty) days from the date when the complete Application for cancellation of the Industrial Design, as described in Article 44 paragraph (1), is received.

(2) The cancellation of the Industrial Design shall be officially recorded by the Directorate General in the General Register of Industrial Designs and announced in the Official Gazette of Industrial Designs within a maximum of 30 (thirty) days from the date of the decision made by the Directorate General, as referred to in paragraph (1).

(3) The Directorate General shall provide written notification of the decision referred to in paragraph (1) within a maximum period of 14 (fourteen) days after the decision is rendered, to the following recipients:

- a. The Industrial Design Rights Holder; and
- b. The Licensee, if duly licensed as per the records in the General Register of Industrial Designs.

#### **Article 48**

(1) Regarding the claim for cancellation of the registration of an Industrial Design by an interested party or parties, as referred to in Article 43, point b, the Directorate General shall record the cancellation of the Industrial Design's registration in the General Register of Industrial Designs and announce it in the Official Gazette of Industrial Designs, within a maximum period of 30 (thirty ) days from the receipt of a copy of the Court's legally binding decision.

(2) The Directorate General shall provide written notification of such recording to the Industrial Design Rights Holder and any other interested party or parties, as stated in paragraph (1), within a maximum period of 14 (fourteen) days from the date of recording mentioned in paragraph (1).

#### **Article 49**

The cancellation of the registration of an Industrial Design removes all legal consequences associated with the Industrial Design Rights and any other rights stemming from the Industrial Design in question.

## **CHAPTER VI GENERAL REGISTER AND OFFICIAL GAZETTE OF INDUSTRIAL DESIGNS.**

### **Article 50**

The General Register of Industrial Designs is a compilation of registrations in the field of Industrial Design, containing the following information:

- a. Name, nationality, and address of the Industrial Design Rights Holder;
- b. Name, nationality, and address of the Designer;
- c. Name, nationality, and address of the Proxy (if applicable);
- d. Title;
- e. Class;
- f. Drawings or photographs of the Industrial Design;
- g. Descriptions or relevant information pertaining to the Industrial Design under application;
- h. Application Receipt Date;
- i. Country name and Priority Date;
- j. Registration number; and
- k. Columns for recording changes of name and/or address, transfers of rights, cancellations, license agreements, and other relevant information if necessary.

### **Article 51**

(1) The Official Gazette of Industrial Designs serves as a medium for public notification in the form of an official publication periodically released by the Directorate General that includes matters mandated by Law.

(2) The Official Gazette of Industrial Designs includes the following:

- a. Name, nationality, and address of the Industrial Design Rights Holder or Applicant;
- b. Name, nationality, and address of the Designer;
- c. Name, nationality, and address of the Proxy (if applicable);
- d. Title;
- e. Class;
- f. Drawings or photographs of the Industrial Design;
- g. Descriptions of or relevant information pertaining to the Industrial Design;
- h. Application Receipt Date;

- i. Country name and Priority Date;
- j. Registration number (if the Industrial Design is already registered); and
- k. Information regarding recording changes of name and/or address, transfers of rights, cancellations, license agreements, and other relevant information if necessary.

#### **Article 52**

The Directorate General shall record each of its Decisions as well as legally binding Court Decisions in the General Register of Industrial Designs and announce them in the Official Gazette of Industrial Designs.

## **CHAPTER VII TRANSITIONAL PROVISIONS**

### **Article 53**

(1) An Industrial Design that was granted an Industrial Design Certificate prior to the enactment of this Government Regulation is considered to remain valid unless it contradicts the provisions stipulated in this Government Regulation.

(2) An Application filed prior to the enactment of this Government Regulation shall be processed in accordance with the provisions stipulated in this Government Regulation.

## **CHAPTER VIII CLOSING PROVISIONS**

### **Article 54**

This Government Regulation shall take effect upon the date of its enactment. In order to ensure widespread awareness, the promulgation of this Government Regulation shall be carried out by publishing it in the State Gazette of the Republic of Indonesia.