

INDONESIA

Patent Regulations

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CHAPTER I GENERAL PROVISIONS

Article 1 Definition

Under this Government Regulation:

1. The Patent Law shall mean Law Number 6 of 1989 (amended as Law No. 13 of 1997) concerning Patent.
2. Description or disclosure of invention shall mean a written explanation concerning the method of implementation of an invention so that it may be understood by persons skilled in the art.
3. Claim shall mean a written summary concerning the subject matter of the invention or part thereof for which protection in a form of a patent is requested.
4. Drawings shall mean technical drawings of an invention which contains a sign, symbol, letter, number, flow sheet, or diagram which illustrates the portions of the invention.
5. Abstract shall mean a concise summary of the invention which constitutes a summary of the subject matter of the description, claims or drawings.
6. Minister shall mean the Minister whose scope of duty and responsibility includes the administration of patents.
7. Patent Office shall mean an organizational unit within the sphere of a government department having authority and carrying out duties in the field of patents.

CHAPTER II PATENT APPLICATION

Part One Procedure To File Patent Applications

Article 2 Patent Application Requirements

(1) Patent application shall be filed to the Patent Office in writing in the Indonesian language and a fee therefor must be paid, the amount of which and manner of payment shall be determined by the Minister.

(2) Except as specifically regulated in Article 28 of the Patent Law, a patent application may be filed by the inventor or a person entitled to such invention or by a Patent Consultant as the attorney.

(3) In the event a patent application is filed by a Patent Consultant, such application must be accompanied by a power of attorney.

(4) If a patent application is not filed by a person other than the inventor, such application must be accompanied with a statement containing sufficient evidence that the patent applicant is entitled to the said invention.

(5) The patent application documents may be delivered directly to the Patent Office or by means of the postal services.

Article 3 Requirements for Persons Filing Application

(1) A patent application which is filed by an inventor also acting for and on behalf of another inventor must be accompanied by a written statement which contains the approval of such other inventor for the filing of such patent application.

(2) A patent application which is filed by an attorney for and on behalf of an inventor or inventors must be accompanied by a power of attorney from the relevant inventor or inventors.

(3) A patent application which is filed by a person entitled to the invention and also acting for and on behalf of another person also entitled to such invention must be accompanied by a written evidence that such persons are jointly entitled to the invention as well as a written statement of approval to file the patent application from such other person.

(4) A patent application which is filed by a Patent Consultant for and on behalf of one or more persons entitled to the invention must be accompanied by a power of attorney from such person or persons entitled to the invention and a written evidence that such persons are jointly entitled to such invention.

(5) The provisions concerning data completion as meant in this Article shall also prevail in the event any one or more inventors or those having received a right from such inventor passes away and such right is enforced by his heir.

Part Two Application To Obtain Patent

Article 4 Contents of Patent Application

A patent application shall consist of:

- a. an application letter to obtain patent;
- b. a description of the invention;
- c. one or more claims contained in the invention;
- d. one or more drawings mentioned in the description which are necessary for explanation;
- e. an abstract of the invention.

Article 5 Contents of Application Letter

An application letter to obtain a patent as referred to in Article 4 letter a shall be signed by the patent applicant and shall be filed in the form as determined by the Minister and shall contain:

- a. the date, month and year of the application;
- b. the full name and clear address of the patent applicant;
- c. full name and nationality of the inventor;
- d. full name and address of the Patent Consultant if the patent application filed by a Patent Consultant;
- e. title of invention;
- f. type of patent requested.

Part Three Receipt of Patent Application Documents

Article 6 Procedure and Administration

(1) The Patent Office shall issue a receipt for the patent application documents of which shall contain the number, the date and time of receipt, and shall record the same in a special register book provided therefor.

(2) Further provisions concerning the procedure for receipt of patent application documents shall be regulated by the Minister.

Part Four Division of Patent Application

Article 7 Division

Taking into account the provision that one patent application may be filed for one invention, therefore:

- a. a patent application which has been filed may be divided into two or more applications if such patent application contains two or more inventions;
- b. each patent application resulting from the division referred to in letter a may be filed as a separate application, and with respect to such patent application the same date of filing as the date of filing of the original patent application shall be given.

Article 8 Approval and Rejection

(1) The division of a patent application as referred to in Article 7 shall be requested in writing to the Patent Office.

(2) The application for division of a patent application as referred to in paragraph (1) shall be rejected if substantive examination on such patent application has been completed.

(3) In the event an application for division of a patent application as referred to in paragraph (1) is approved therefor, the filing of the patent application documents resulting from such division must be received by the Patent Office no later than 3 (three) months as of the date of approval of such application division.

(4) The time limit referred to in paragraph (3) shall also apply to the payment of fees related with the division of a patent application.

Article 9

(1) Upon the approval of the Patent Office each patent application as referred to in article 7 letter b may be filed with priority right, if the original application before division has been filed with priority right.

(2) Certain documents of the patent application which had been originally filed with priority right and have been received by the Patent Office

may be deemed as data completion for such patent application resulting from division.

Article 10

(1) The division of a patent application may be carried out upon the written advise of the Patent Office.

(2) If the advice as referred to in paragraph (1) is approved, the delivery of certain documents which are required as a result of the division of the patent application shall be made no later than 3 (three) months as of the date of delivery of the written advise from the Patent Office.

(3) The time limit referred to in paragraph (2) shall also apply to the payment of fees related with the division of a patent application.

Part Five Modification of Patent Application

Article 11 Ordinary Patent to Simple Patent

The modification of a patent application from a patent for invention to a simple patent or vice versa, may be possible on condition that:

- a. a written application is filed to the Patent Office;
- b. a fee is paid, the amount and manner of payment of which shall be determined by the Minister.

Article 12 Rejection of Modification

The request for modification of a patent application as referred to in Article 11 shall be rejected if substantive examination for such patent application has been completed.

Article 13 Requirements for Modification

(1) In the event an application for modification of a patent application as referred to in Article 11 is approved, such patent application must be filed with the necessary documents.

(2) The patent application as referred to in paragraph (1) shall be made with due observance to the requirements stipulated in this Government Regulation.

Article 14 Announcement of Modification

(1) In the event an application for modification of a patent application from a simple patent to a patent for invention is made, the Patent Office

shall be obligated to announce such patent application if the requirements as referred to in Article 13 have been fulfilled.

(2) The announcement of a patent application as referred to in paragraph (1) shall be made in accordance with the provisions stipulated in this Government Regulation.

CHAPTER III DOCUMENTS OF PATENT APPLICATION

Part One Requirements Concerning Delivery and Writing of Documents

Article 15 Copies

Unless determined otherwise, delivery of the description, claims, drawings and abstract and any other Patent application documents shall be filed in triplicate.

Article 16 Writing of Documents

The form and manner of writing the patent application documents shall be further regulated by the Minister.

Article 17 Translation into English

In view of the provision of Article 2 paragraph (1), in the event the original documents of the patent application is written in a foreign language other than English, the Patent Office may require such documents to be translated into English.

Article 18 Microorganism

(1) In the event the description of an invention concerns a specific microorganism, whilst it is not yet possible to disclose or make available such microorganism to the public at the time of filing of the patent application, then such description shall be accepted if it discloses in full and in an explicit manner the method of utilization of the microorganism and insofar as the following conditions are fulfilled:

- a. a sample of the microorganism has been deposited in a depository institution recognized by the Patent Office before the patent application is filed or before the date of receipt of patent application is given;
- b. such patent application filed shall contain sufficient elucidation of the features or characteristics of the relevant microorganism;
- c. the name of the microorganism, the date of deposit, name of the depository institution and deposit number of such microorganism shall be included in the description of the relevant patent application.

(2) If the information concerning matters as referred to in paragraph (1) letter c is not contained in the description, such information must be submitted to the Patent Office no later than 3 (three) months as of the date of receipt of the patent application documents.

(3) The delivery of information concerning microorganism as referred to

in paragraph (2) shall be deemed as an unconditional approval of the patent applicant to any person who at the time or after the announcement of the patent application files a written application to the Patent Office to obtain such deposited microorganism sample.

Article 19 Budapest Treaty

The depository institution or institutions as referred to in Article 18 paragraph (1) letter shall mean institutions which are recognized by the Budapest Treaty on the International Recognition of the Deposit of Microorganisms of 1980.

Article 20 Request for Microorganism

(1) A sample of the microorganism may be given to any person requiring the same upon the written approval of the Patent Office authorizing the release of such sample from the depository institution.

(2) An application to obtain the approval of the Patent Office as referred to in paragraph (1) shall be submitted in writing to the Patent Office along with the following:

- a. a statement to refrain from transferring such microorganism sample to any other person until such patent application has been withdrawn or rejected or until the validity period of a patent expires in the event a patent has been granted;
- b. a statement to use such sample for experiment purposes only until such patent application has been withdrawn, or deemed to be withdrawn or until a patent has been granted for the relevant invention.

(3) Provisions regarding the procedure of request for a microorganism sample shall be further regulated further by the Minister.

Article 21 Notification

In the event an application to obtain a microorganism sample as referred to in Article 20 has been approved by the Patent Office, such approval shall be promptly notified to the relevant patent applicant.

Part Two Description

Article 22 Contents of Description

The description or summary of the invention shall state the title of the invention as contained in the application letter to obtain patent and shall:

- a. emphasize the technical field related with the invention;
- b. elucidate the technical background of the invention, insofar as known by the patent applicant, which is necessary for the comprehension, research and examination of the invention and where possible state the reference documents of such technical background;
- c. elucidate the technical advantages and benefits, if any, in comparison with existing technological invention in the same field;
- d. briefly describe matters pertaining to the attached drawings;
- e. elucidate at least one method of implementation of the invention including one example and where necessary with reference to the attached drawings;
- f. elucidate the method of application of such invention in industry, or the manner of exploitation, if due to its nature it is difficult to describe such invention in a descriptive manner.

Article 23 Sequence of Description

Provisions concerning the sequence of the description referred to in Article 22 must be complied with, unless an arrangement in any other form is more appropriate and more capable of elucidating the invention for which patent has been requested.

Part Three Claim

Article 24 Number, Features

(1) An application to obtain patent may be filed with more than one claim.

(2) If more than one claim is filed, each claim shall be given a sequential number.

(3) Elucidation of the subject matter of an invention in a claim shall be written in a language and with terms commonly used for description in the field of technology.

Article 25 Writing of Claim

(1) A claim shall be written in two parts consisting of:

a. part one, consisting of a statement showing the technical field of the previous invention;

b. part two, consisting of a technical statement concerning the invention for which patent protection has been requested and constituting an improvement over previously existing inventions.

(2) If a claim is not written in two parts such claim shall only consist of a single statement containing the elucidation of the subject matter of the invention.

Article 26 Restriction

(1) Unless deemed necessary, a claim shall not contain any sentence which is referential in nature or constitutes reference of the description or drawings attached thereto.

(2) A claim shall not contain any drawing or graph, however, may contain a table and/or chemical or mathematical formula.

(3) If a patent application contains a drawing, the claim may contain signs which refer to such drawing and shall be written in an orderly manner between parentheses.

Article 27 Unity of Invention

A patent application consisting of two or more claims however are inter-related shall be deemed as one unit of invention:

- a. an independent claim concerning product, an independent claim concerning the process for the manufacture of the product and an independent claim the utilization of such product; or
- b. an independent claim concerning a process and an independent claim concerning an apparatus or machine to carry out such process; or
- c. an independent claim concerning a product, an independent claim concerning the process for the manufacture of the product and an independent claim concerning the apparatus or machine to carry out such process.

Article 28 Additional fees

(1) If a patent application contains more than 10 (ten) claims, additional fees shall be paid for the extra claims the amount of which shall be determined by the Minister.

(2) The payment of additional fees as referred to in paragraph (1) shall be made no later than the time an application for substantive examination is submitted.

(3) If the additional fees are not paid within the time frame referred to in paragraph (2), the extra claims shall be deemed as withdrawn.

Part Four Drawing

Article 29 Necessity For Drawings

(1) A patent application may be completed with drawings if same are necessary to illustrate the description of an invention.

(2) In the event a patent application is not completed with drawings whilst the Patent Office deems that such drawings are necessary to illustrate the description, the Patent Office may request the patent applicant to provide the same.

Article 30 Sign

(1) A drawing shall contain signs in the form letters or numbers, and shall not contain any sign in the form of writing unless such writing is absolutely necessary as a part of the relevant drawing.

(2) Flow sheets and diagrams shall be considered as drawings.

Part Five Abstract

Article 31 Form of abstract

(1) Abstract concerning an invention shall be written in not more than 200 (two hundred) words, beginning from the title of invention as contained in the application letter to obtain patent.

(2) The abstract referred to in paragraph (1) shall contain:

- a. a summary of the claim and description of the invention including drawings, if any;
- b. chemical or mathematical formula which is absolutely necessary to illustrate the invention.

Article 32 Technical field

(1) The abstract referred to in Article 31 shall contain a statement indicating the scope of the technical field of the invention and clearly describes the subject matter of the invention as well as its uses.

(2) The abstract referred to in paragraph (1) shall not contain any statement which is speculative in nature or a statement which shows a better or more valuable evaluation than the previous invention.

Article 33 Inclusion of Drawing

If the abstract of an invention refers to a drawing contained in the patent application documents, then in the letter of application to obtain patent a request may be made to the Patent Office to include such drawing in the announcement of the patent application.

CHAPTER IV ADMINISTRATIVE EXAMINATION

Article 34 Administrative requirements

(1) The Patent Office shall:

- a. examine the completion of administrative requirements which cover patent application documents; and
- b. classification according to the type of patent application and field of invention.

(2) As of the date of receipt of the patent application documents, the Patent Office shall treat such documents as confidential documents.

Article 35 Deficiencies

(1) In the event there are deficiencies which concern the completion of the patent application documents, then within 14 (fourteen) days as of the date of receipt of the patent application documents, the Patent Office shall notify such deficiencies in writing, clearly and in detail to the inventor or the patent applicant to correct such deficiencies.

(2) In the event the notification referred to in paragraph (1) is delivered to the patent applicant as the Patent Consultant, a copy of such notification shall be delivered to the inventor.

(3) The completion of patent application documents referred to in paragraph (1) shall be delivered to the Patent Office no later than 3 (three) months as of the date of notification by the Patent Office.

(4) In the event there are convincing reasons that technically it is difficult to fulfill such completion within the said time frame, the time limit referred to in paragraph (3) may be extended for a maximum period of 3 (three) months upon the approval of the Patent Office.

Article 36 Withdrawal

(1) If deficiencies of completion of requirements as referred to Article 35 paragraph (1) are not fulfilled within the time frame referred to in Article 35 paragraphs (3) and (4), then such patent application shall be deemed as withdrawn.

(2) The Patent Office shall notify in writing of the opinion of withdrawal of the patent application as referred to in paragraph (1) to the patent applicant.

Article 37

(1) In the event there are deficiencies which concern the fulfillment of requirements as referred to in Article 5, the Patent Office shall notify the person filing the patent application that such deficiencies should be completed or corrected within the period prior to the application for substantive examination.

(2) The deficiencies as referred to in paragraph (1) shall not postpone the determination of the date of filing of the patent application.

Article 38

In the event the Patent Office has delivered the notification concerning deficiencies as referred to in Article 35 paragraph (1), the date of filing of the patent application shall be the date of receipt of the final fulfillment of the completion of the patent application by the patent Office.

Article 39 Fulfillment

In the event the Patent Office fails to deliver the notification concerning deficiencies within the time frame referred to in Article 35 paragraph (1) such patent application shall be deemed to have fulfilled the completion requirements of the patent application documents.

Article 40 Evidence of Receipt

If the patent application fulfills the requirements referred to in Article 4 and Article 5 and payment of fees for patent application as referred to in Article 2 paragraph (1) has been made, the Patent Office shall be obligated to provide a written evidence which contains:

- a. the date of filing of the patent application;
- b. type of patent application;
- c. name and address of the patent applicant;
- d. name and nationality of the inventor;
- e. title of invention;
- f. full name and address of the Patent Consultant, if the patent application is filed by a Patent Consultant.

CHAPTER V WITHDRAWAL OF PATENT APPLICATION

Article 41 Requirements

(1) A patent application may be withdrawn by submitting a letter therefor to the Patent Office which should be signed by the patent applicant or the inventor or the person entitled to the invention.

(2) The request for the withdrawal of a patent application filed by a Patent Consultant, must be completed with a power of attorney from the inventor or the person entitled to the invention.

(3) If a patent application for a patent is withdrawn, the fees for the patent application and all other fees which have been paid to the Patent Office shall not be refunded.

CHAPTER VI PATENT APPLICATION WITH PRIORITY RIGHT

Article 42 Certified Copy

(1) In addition to the fulfillment of the provisions referred to in Article 4, a patent application must be completed with a copy of the application letter to obtain patent which has been filed for the first time in another country in the event a patent application is filed with priority rights.

(2) A copy of the patent application letter as referred to in paragraph (1) shall mean a copy which has been certified by the competent authorities in the country receiving the patent application for the first time.

Article 43 Certified Copy Unavailable

(1) If the certified copy as referred to in Article 42 paragraph (2) cannot be submitted within the time frame as stipulated in Article 29 paragraph (2) of the Patent Law, then such patent application may be filed with an evidence of the copy of the patent application for the first time along with an evidence of the request for certification of such copy.

(2) The submission of the data completion as referred to in paragraph (1) shall be deemed as the fulfillment of the provision of Article 29 paragraph (2) of the Patent Law.

Article 44 Requirements

(1) In addition to the fulfillment of the requirements as referred to in Article 5, the application letter to obtain patent shall contain:

- a. a statement that such patent application is filed with priority right;
- b. the date of filing of the patent application for the first time in another country which constitutes the basis of the application with priority rights;
- c. the name of countries other than Indonesia in which such patent application has been filed.

(2) The statement as referred to in paragraph (1) may be submitted separately provided that the submission of the same is made within 4 (four) months as of the date of receipt of the patent application by the Patent Office.

Article 45 Further provisions

Further provisions concerning patent applications with priority rights shall be regulated by the Minister.

CHAPTER VII PUBLICATION OF APPLICATION

Article 46

(1) In view of the provisions in Article 47, Article 48. Article 49 and Article 50 of the Patent Law, the Patent Office shall announce a patent application for 6 (six) months by including the same in the announcement board at the Patent Office and published in the Patent Official Gazette.

(2) During the period of announcement, the public may inspect the patent application documents and may submit a request to the Patent Office to obtain a copy of the relevant patent application documents along with a fee the amount of which shall be regulated by the Minister.

(3) Further provisions concerning the form and contents of the announcement shall be regulated by the Minister.

Article 47

In order to provide an opportunity to the public to inspect the patent documents, the Patent Office shall provide a special space therefor and shall permit the public to inspect:

- a. the application letter to obtain a parent;
- b. claim;
- c. description;
- d. drawings;
- e. abstract.

Article 48 Objection

(1) During the period of announcement, any person may submit his view or objections on the patent application currently announced with the provision that such view or objections are submitted in writing in the Indonesian language along with the reasons, explanation and supporting evidences or facts.

(2) The Patent Office may request that the document written in a foreign language included in such view or objections shall be translated into Indonesian language.

Article 49 Response

The Patent Office shall promptly deliver a copy of the letter containing the view or objections referred to in Article 48 paragraph (1) to the patent applicant or the inventor or the person entitled to the invention

and shall give an opportunity to submit a written denial or explanation against such view or objections to the Patent Office.

Article 50 Unannouncement Applications

(1) Upon the approval of the Minister, the Patent Office may decide not to announce a patent application if in its opinion such invention and its announcement are considered to be potentially disturbing to or contrary with the defence and security interests of the country.

(2) The decision not to announce a patent application as referred to in paragraph (1) shall be notified in writing by the Patent Office to the patent applicant together with its reasons and if deemed necessary along with any prohibition of matters which cannot be carried out with respect to the relevant invention.

(3) A copy of the notification letter referred to in paragraph (2) shall be delivered to the inventor or the person entitled to the invention if the patent application is filed by a Patent Consultant as the attorney.

Article 51

(1) Insofar as the decision not to announce such patent application remains in force, the patent applicant or the inventor or the person entitled to the invention shall be prohibited from announcing matters related with the invention.

(2) Each person is prohibited from making or assisting to make or to carry out similar actions so that such invention may be made overseas.

(3) The provisions of Article 128 of the Patent Law shall be applicable on activities which contravene the provisions of paragraph (1) and paragraph (2).

CHAPTER VIII SUBSTANTIVE EXAMINATION

Article 52 Procedure

(1) After the termination of the announcement period, however, within 36 (thirty six) months as of the date of filing of the patent application, an application for substantive examination may be submitted by the patent applicant to the Patent Office.

(2) The application for substantive examination referred to in paragraph (1) shall be submitted along with a fee the amount of which and manner of payment shall be determined by the Minister.

(3) The application for substantive examination must be submitted in writing in a form which shall be determined by the Minister.

Article 53 Purpose

The purpose of substantive examination shall be to determine whether the invention for which patent has been requested may or may not be granted a patent.

Article 54

In the event substantive examination is requested on an invention for which a patent with priority rights has been requested, the Patent Office may request an explanation and the necessary documents concerning the decision on a patent application which has been filed in another country.

Article 55 Examination

(1) In conducting a substantive examination the Patent Office shall:

- a. examine the invention for which patent has been requested with other existing inventions based on, inter alia, the patent application documents as well as other available documents;
- b. consider any view or objections submitted by the public, if any, and any denial or explanation with respect to such view or objections;
- c. consider the documents which have been filed as the fulfillment of the deficiencies or completion required by the Patent Office and invite the patent applicant to provide any necessary additional explanation.

(2) The performance of the activities referred to in paragraph (1) may be conducted by the Patent Office with due observance to the provisions of Article 58 and Article 59 paragraph (1) of the Patent Law.

(3) The procedure to request completion or additional explanation referred to in paragraph (1) letter c and substantive examination activities referred to in paragraph (2) shall be further regulated by the Minister.

Article 56 Consideration

The decision that an invention for which patent has been requested may or may not be granted a patent shall be made with the following considerations, inter alia:

- a. novelty of the invention;
- b. inventive step contained in the invention;
- c. whether the invention may be applied or used in industry;
- d. whether the relevant invention is included in or excluded from the category of inventions which are not patentable;
- e. whether the inventor or the person further receiving the right of the inventor shall or shall not be entitled to the patent of such invention;
- f. whether such invention contravenes the rules and regulations, public order and morality.

Article 57

(1) Substantive examination shall be conducted by the Patent Office within 24 (twenty four) months as of the date of receipt of the application letter for substantive examination.

(2) Within the time frame referred to in paragraph (1) the Patent Office shall decide whether an invention for which patent has been requested shall or shall not be granted a patent.

CHAPTER IX DECISION TO GRANT OR REFUSE A PATENT

Article 58 Patent Certificate

(1) If based on the result of the substantive examination it is concluded that an invention for which patent has been requested shall be granted a patent, the Patent Office shall issue a Patent Certificate to the patent applicant.

(2) If the patent applicant is a Patent Consultant as the attorney, a copy of the letter of delivery as well as a copy of the Patent Certificate referred to in paragraph (1) shall be given to the inventor or the person entitled to the invention.

Article 59 Date of Grant

(1) A patent shall be deemed to be granted on the date the Patent Certificate recorded in the Patent Rolls and thereafter shall be announced in the Patent Official Gazette.

(2) The Patent Certificate shall contain:

- a. the patent number;
- b. title of the invention;
- c. name and address of the patent holder;
- d. name of the inventor;
- e. date of filing of the patent application and number of the patent application;
- f. name of country or countries in which the Patent Application has been filed, in the event the application is filed with priority rights;
- g. date of grant of the patent.

Article 60 Contents of Patent Certificate

In addition to the information concerning matters referred to in Article 59 paragraph (2), the Patent Certificate shall be accompanied with patent document containing:

- a. the symbol or code in accordance with the classification determined in the International Patent Classification;
- b. date of announcement of the patent application;
- c. full name and address of the Patent Consultant, if any;
- d. abstract;
- e. the claim and the description;
- f. drawings, if any.

Article 61 Recordation and Announcement

(1) The Patent Office shall record in the Patent Rolls each patent which has been granted which shall contain matters as referred to in Article 59 paragraph (2) and Article 60 letters a, b and c.

(2) The Patent Office shall announce each patent which has been granted in the Patent Official Gazette which shall contain matters as referred to in Article 59 paragraph (2) and Article 60 letters a, b, c and d.

Article 62 Public Inspection and Excerpt

(1) Any person may inspect the Patent Rolls and may obtain an excerpt therefrom by paying a fee the amount of which shall be determined by the Minister.

(2) Any person may obtain a copy of the patent documents by paying a fee the amount of which shall be determined by the Minister.

CHAPTER X APPLICATION FOR EXTENSION OF PATENT PERIOD

Article 63 Requirements

(1) The period of a patent may be extended for two years by submitting a written application to the Patent Office within 12 (twelve) months and at least 6 (six) months before the expiry of the patent along with a fee the amount of which and manner of payment therefor shall be determined by the Minister.

(2) The application for extension of the patent period as referred to in paragraph (1) shall include written evidence of matters referred to in Article 43 of the Patent Law (deleted).

Article 64 Approval and Rejection

(1) The Patent Office shall grant the extension of the patent period if the requirements referred to in Article 63 paragraph (1) are fulfilled and verification thereof has been received the Patent Office.

(2) The extension of the patent period referred to in paragraph (1) shall be granted prior to the date of expiry of the relevant patent period.

(3) Further provision concerning the procedure for application of extension of a patent period, form and notification of such extension or the rejection thereof shall be regulated by the Minister.

CHAPTER XI CANCELLATION OF PATENT

Article 65 Exception

Provisions concerning cancellation of patent due to reasons as referred to in Article 94 of the Patent Law shall not apply if the non-performance or non-use of a patent in Indonesia is related with the rejection of a permit to manufacture or market products of the relevant patent in Indonesia.

Article 66

(1) The implementation of a certain patent outside the territory of the Republic of Indonesia shall be deemed as a fulfillment of the obligation to implement a patent in Indonesia as referred to in Article 18 of the Patent Law provided that:

- a. the products of the relevant patent are marketed in the territories of the Republic of Indonesia and neighboring countries; and
- b. in order to determine economic feasibility, a specific region must be used as a market unit.

(2) Any decision regarding matters referred to in paragraph (1) shall be made by the Minister based on a written application by the Patent Holder after considering the data and reasons included in such application and after hearing the considerations of the Minister or any other Government Official whose duty and responsibility include the relevant field of patent.

CHAPTER XII TRANSITIONAL PROVISIONS

Part One Refiling of Patent Application Which has Been Registered Pursuant to Government Announcement of 1953

Article 67 Selection

A patent application has been filed pursuant to Government Announcement of 1953 and which has been received and registered at the Patent Office between August 1, 1981 until November 1, 1989 may be refiled to the Patent Office pursuant to provision of the Patent Law, from August 1, 1991 until July 31, 1992.

Part Two Adjustment of Implementation

Article 68

(1) With due observance to the specific interpretation and patent application process as referred to in this Government Regulation, the application of the provisions concerning restriction or basis of evaluation to determine the novelty of an invention must be adjusted in processing the patent application as referred to in Article 67.

(2) In addition to matters concerning novelty, the provisions regulated in the Patent Law and this Government Regulation shall prevail with respect to Patent applications as referred to in Article 67.

Article 69 Requirements

(1) The filing of a patent application as referred to in Article 67 may be accepted provided:

- a. all provisions regulated under this Government Regulation are fulfilled;
- b. a certified copy of the receipt of patent registration application based on Government Announcement of 1953 is attached thereto;
- c. the description which has been filed at the time of registration of the patent application as referred to in letter b is not modified;
- d. a copy of the Patent Certificate along with the relevant patent documents are enclosed, in the event a patent has been granted by the Patent Office in another country, if any, with respect to such invention.

(2) If the provisions referred to paragraph (1) are fulfilled, then the relevant patent application shall be given a date of filing which shall be the same date as the date of filing of the patent registration

application which has been filed pursuant to Government Announcement of 1953.

Article 70

(1) If the patent application as referred to in Article 67 is not filed until July 31, 1992, such patent application shall be deemed as withdrawn.

(2) If the refiling of a patent application is only received at the Patent Office after July 31, 1992, such patent application shall be rejected.

(3) The Patent Office shall notify the rejection referred to in paragraph (2) in writing to the patent applicant within 30 (thirty) days as of the date of receipt of the patent application which has exceeded the time limit of July 31, 1992.

Article 71

(1) If due to any reason the substantive examination of a patent application as referred to in Article 67 is not completed, whilst the patent period referred to in Article 9 of the Patent Law will or has been exceeded and the result of such examination later concludes that the invention for which patent has been requested be granted a patent, therefore, the relevant invention may be granted a patent for the extension period of 2 (two) years.

(2) The period referred to in paragraph (1) shall not be further extended.

(3) The maintenance fee or annual fee for the patent which has been granted as referred to in paragraph (1) must be paid in one lump sum for the whole period in the manner as regulation by the Minister.

Part Three Opportunity To File Patent Application For An Invention of Which the Novelty Expires between November 1, 1989 until July 31, 1991.

Article 72

(1) An invention which has been produced in Indonesia and announced in an official exhibition nationally or internationally or acknowledged to be official, of which its novelty has expired between November 1, 1989 until July 31, 1991, may be granted a patent if a patent application therefor has been filed between August 1, 1991 until January 31, 1992.

(2) Without prejudice to the requirements in Article 4 and Article 5,

a patent application as referred to in paragraph (1) must be accompanied with a certified statement of participation in an exhibition which should include the time of such exhibition.

(3) If the patent application referred to in paragraph (1) is filed after January, 31, 1992, such patent application shall be rejected by the Patent Office.

(4) The rejection referred to in paragraph (3) shall be notified immediately by the Patent Office to the person filing the patent application.

Part Four Opportunity To File Patent Application For Patent Applications Filed Overseas Which the Priority period Has Expired Between November 1, 1989 until July 31, 1991.

Article 73

(1) A patent application which has been filed for the first time in another country and the priority Period of which has expired between November 1, 1989 until July 31, 1991, may file a patent application in Indonesia as from August 1, 1991 until January 31, 1992.

(2) The filing of the patent application as referred to in paragraph (1) shall be made with due observance to the provisions concerning patent applications with priority right as referred to in Article 42 until Article 45.

(3) The date of filing of a patent application for a patent application as referred to in paragraph (1) shall be the date of completion of documents of the relevant patent application.

Part Five Patent Application Filed Overseas Of Which the Priority Period Expires Between August 1, 1991 until September 30, 1991

Article 74

A patent application which has been filed for the first time in other country and the priority period of which has expired between August 1, 1991 until September 30, 1991, shall be given the opportunity to file a patent application at the latest until October 31, 1991.

CHAPTER XIII CLOSING PROVISIONS

Article 75 Effective Date

This Government Regulation shall be effective as of the date of its enactment.

In order for every person to be knowledgeable of this Government Regulation, it is hereby ordered that the enactment of this Government Regulation shall be set out in the State Gazette of the Republic of Indonesia.