

**NOTIFICATION OF THE AMENDMENT REGULATIONS  
ON PATENT AND TRADEMARK STIPULATED  
IN THE OMNIBUS LAW NUMBER 11 YEAR 2020 IN INDONESIA**

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**A. PATENT LAW**

PATENT LAW NUMBER 13 YEAR 2016	OMNIBUS LAW NUMBER 11 YEAR 2020  CHAPTER VI EASE OF DOING BUSINESS  ARTICLE 107
<b>Article 3</b>	<b>1. The provisions of Article 3 have been amended to read as follows:</b>
<p>(1) A patent as referred to in Article 2 point (a) shall be granted to an invention, which is novel, involves inventive steps, and which can be applied in industry.</p> <p>(2) A simple patent as referred to in Article 2 point (b) shall be granted to an invention, which is novel, improvements of existing products or processes, and which can be applied in industry.</p>	<p>(1) Patent as referred to in Article 2 point (a) shall be granted to an invention, which is novel, involves inventive steps, and which can be applied in industry.</p> <p>(2) A simple patent as referred to in Article 2 point (b) shall be granted to an invention, which is novel, improvements of existing products or processes, having practical uses, and which can be applied in industry.</p> <p>(3) Improvements of existing products or processed as referred to in paragraph (2) comprise:</p> <p style="margin-left: 20px;">a. simple patent; b. simple process; or c. simple method.</p>
<b>Article 20</b>	<b>2. The provisions of Article 20 have been amended to read as follows:</b>
<p>(1) The patent holder is entitled to manufacture its patented product or use such patented process in Indonesia.</p> <p>(2) Manufacturing a patented product or using a patented process as referred to in paragraph must support the technology transfer, absorption of the investment and/or provision of labor.</p>	<p>(1) Patent is mandatory to be implemented in Indonesia.</p> <p>(2) Patent implementation as referred to in paragraph (1), is as follows:</p> <p style="margin-left: 20px;">a. Implementation of the patented product which includes manufacturing, importing, or licensing the patented products; b. Implementation of the patented process which includes manufacturing, licensing, or importing products resulting from a patented process; or</p>

	<p>c. Implementation of the patented methods, systems, and uses which include manufacturing, importing, or licensing products resulting from the patented methods, systems and uses.</p>
<p style="text-align: center;"><b>Article 82</b></p> <p>(1) A compulsory license shall mean a license to implement a patent which has been granted based on decision of the Minister based on an application with the following legal grounds:</p> <ul style="list-style-type: none"> <li>a. Patent Holders do not carry out the obligation to manufacture products or to use processes in Indonesia as referred to in Article 20 paragraph (1) within 36 (thirty-six) months as of the date of grant of a patent;</li> <li>b. The relevant patent has been implemented by the patent holder or the licensee in a form and manner that contravenes the public interest; or</li> <li>c. Patents developed from previously granted patents cannot be implemented without using the patents of other parties which are still under protection.</li> </ul> <p>(2) A request for a compulsory license as referred to in paragraph (1) shall be subject to a fee.</p>	<p><b>3. The provisions of Article 82 have been amended to read as follows:</b></p> <p>(1) A compulsory license shall mean a license to implement a patent which has been granted based on decision of the Minister based on an application with the following legal grounds:</p> <ul style="list-style-type: none"> <li>a. Patents are not implemented in Indonesia as referred to in Article 20 within 36 (thirty-six) months as of the date of grant of a patent;</li> <li>b. The relevant patent has been implemented by the patent holder or the licensee in a form and manner that contravenes the public interest; or</li> <li>c. Patents developed from previously granted patents cannot be implemented without using the patents of other parties which are still under protection</li> </ul> <p>(2) A request for a compulsory license as referred to in paragraph (1) shall be subject to a fee.</p>
<p style="text-align: center;"><b>Article 122</b></p> <p>(1) A simple patent shall only be granted for one invention.</p> <p>(2) A request for the substantive examination on a simple patent may be filed at the same time with the filing of the application or at the latest 6 (six) months as of the filing date, with the payment of a fee.</p> <p>(3) In the event a request for the substantive examination has not been filed within the prescribed period as referred to in paragraph (2) or the fee has not been paid, the application shall be deemed withdrawn.</p>	<p><b>4. The provisions of Article 122 have been amended to read as follows:</b></p> <p>(1) A simple patent shall only be granted for one invention.</p> <p>(2) A request for the substantive examination on a simple patent shall be filed at the same time with the filing, with the payment of a fee.</p> <p>(3) In the event a request for the substantive examination has not been filed within the prescribed period as referred to in paragraph (2) or the fee has not been paid, the application shall be deemed withdrawn.</p>

<p style="text-align: center;"><b>Article 123</b></p> <p>(1) The publication of a simple patent application shall be made no later than 7 (seven) days after 3 (three) months as from the filing date of a simple patent application.</p> <p>(2) The publication as referred to in paragraph (1) shall be conducted for 2 (two) months as from the date of the publication of a simple Patent Application.</p> <p>(3) Substantive examination of a simple patent application shall be conducted after the expiration of publication period as referred to in paragraph (2).</p>	<p><b>5. The provisions of Article 123 have been amended to read as follows:</b></p> <p>(1) The publication of a simple patent application shall be made no later than 14 (fourteen) days as from the filing date of a simple patent application.</p> <p>(2) The publication as referred to in paragraph (1) shall be conducted for 14 (fourteen) days as from the date of the publication of a simple Patent Application.</p> <p>(3) Substantive examination of a simple patent application shall be conducted after the expiration of publication period as referred to in paragraph (2).</p> <p>(4) The provision in Article 49 paragraph (3) and paragraph (4) is exempted, that objections to a simple Patent Application are immediately used as additional material for consideration during the substantive examination stage.</p>
<p style="text-align: center;"><b>Article 124</b></p> <p>(1) The Minister is obliged to make a decision to grant or reject a simple patent application no later than 12 (twelve) months as from the date of receipt of a simple patent application.</p> <p>(2) A simple patent granted by the Minister is recorded and published through electronic media and/or non-electronic media.</p> <p>(3) The Minister provides a simple patent certificate to a simple Patent Holder as proof of rights.</p>	<p><b>6. The provisions of Article 124 have been amended to read as follows:</b></p> <p>(1) The Minister is obliged to make a decision to grant or reject a simple patent application no later than 6 (six) months as from the date of receipt of a simple patent application.</p> <p>(2) A simple patent granted by the Minister is recorded and published through electronic media and/or non-electronic media.</p> <p>(3) The Minister provides a simple patent certificate to a simple Patent Holder as proof of rights.</p>

**B. TRADEMARK LAW**

<p><b>TRADEMARK LAW NUMBER 20 YEAR 2016</b></p>	<p><b>OMNIBUS LAW NUMBER 11 YEAR 2020</b></p> <p><b>CHAPTER VI</b></p> <p><b>EASE OF DOING BUSINESS</b></p> <p><b>ARTICLE 108</b></p>
<p style="text-align: center;"><b>Article 20</b></p> <p>Mark cannot be registered if it:</p> <ul style="list-style-type: none"> <li>a. contradicts to the State ideology, laws and regulations, morality, religion, decency, or public order;</li> <li>b. is similar to, related to, or merely mentioning the goods and/or services being applied for registration;</li> <li>c. contains any element which may mislead the public in respect to its origin, quality, type, size, variety, intended use of goods and/or services being applied for registration or constitute a name of protected plant variety for similar goods and/or services;</li> <li>d. contains description that does not correspond to quality, or efficacy of produced goods and/or services;</li> <li>e. is devoid of any distinctive character; and/or</li> <li>f. constitutes a generic name and/or public sign.</li> </ul>	<p><b>1. The provisions of Article 20 have been amended to read as follows:</b></p> <p>Mark cannot be registered if it:</p> <ul style="list-style-type: none"> <li>a. contradicts to the State ideology, laws and regulations, morality, religion, decency, or public order;</li> <li>b. is similar to, related to, or merely mentioning the goods and/or services being applied for registration;</li> <li>c. contains any element which may mislead the public in respect to its origin, quality, type, size, variety, intended use of goods and/or services being applied for registration or constitute a name of protected plant variety for similar goods and/or services;</li> <li>d. contains description that does not correspond to quality, or efficacy of produced goods and/or services;</li> <li>e. is devoid of any distinctive character;</li> <li>f. constitutes a generic name and/or public sign; and/or</li> <li>g. contains a form that is functional.</li> </ul>
<p style="text-align: center;"><b>Article 23</b></p> <ul style="list-style-type: none"> <li>(1) Substantive examination is an examination carried out by the Examiner to Application for registration of Mark.</li> <li>(2) Any opposition and/or rebuttal as referred to in Article 16 and Article 17 are considered during the substantive examination as referred to in paragraph (1).</li> <li>(3) In the event that there is no opposition within a period of not later than 30 (thirty) days as from the expiration date of publication, substantive examination is carried out to the Application.</li> </ul>	<p><b>2. The provisions of Article 23 have been amended to read as follows:</b></p> <ul style="list-style-type: none"> <li>(1) Substantive examination is an examination carried out by the Examiner to Application for registration of Mark.</li> <li>(2) Any opposition and/or rebuttal as referred to in Article 16 and Article 17 are considered during the substantive examination as referred to in paragraph (1).</li> <li>(3) In the event that there is no opposition as from the expiration date of publication, substantive examination is carried out to the Application.</li> </ul>

<p>(4) In the event that there is opposition within a period of not later than 30 (thirty) days as from the expiration date of time limit of submitting an argument as referred to in Article 17, substantive examination is carried out to the Application.</p> <p>(5) In the event that there is opposition within a period of not later than 30 (thirty) days as from the expiration date of time limit of submitting an argument as referred to in Article 17, substantive examination is carried out to the Application.</p> <p>(6) In the event that it is deemed necessary to carry out substantive examination, experts in Mark examination who are not Examiners may be appointed.</p> <p>(7) Results of the substantive examination carried out by the experts in Mark examination who are not Examiners as referred to in paragraph (6), may be regarded the same as the result of the substantive examination carried out by Examiner, with the approval from the Minister.</p> <p>(8) Further provisions regarding the expert in Mark examiners who are not Examiners as referred to in paragraph (6) are regulated by a Ministerial Regulation.</p>	<p>(4) Substantive examination as referred to in paragraph (3) is carried out within a period of not later than 30 (thirty) days.</p> <p>(5) In the event that there is opposition within a period of not later than 30 (thirty) days as from the expiration date of time limit of submitting an argument as referred to in Article 17, substantive examination is carried out to the Application.</p> <p>(6) Substantive examination as referred to in paragraph (5) is carried out within a period of not later than 90 (ninety) days.</p> <p>(7) In the event that it is deemed necessary to carry out substantive examination, experts in Mark examination who are not Examiners may be appointed.</p> <p>(8) Results of the substantive examination carried out by the experts in Mark examination who are not Examiners as referred to in paragraph (7), may be regarded the same as the result of the substantive examination carried out by Examiner, with the approval from the Minister.</p>
<p style="text-align: center;"><b>Article 25</b></p> <p>(1) Mark Certificate is issued by the Minister as of the time the Mark is registered.</p> <p>(2) The Mark Certificate as referred to in paragraph (1) states:</p> <ol style="list-style-type: none"> <li>a. full name and address of the owner of a registered Mark;</li> <li>b. full name and address of the Proxy, where an Application using Proxy;</li> <li>c. Filing Date;</li> <li>d. name of the country and the Filing Date of the first application where the Application is filed using Priority Rights;</li> <li>e. representation of the registered Mark, including description concerning various colors if the Mark uses color element, and if that Mark uses foreign language, letters</li> </ol>	<p><b>3. The provisions of Article 25 have been amended to read as follows:</b></p> <p>(1) Mark Certificate is issued by the Minister as of the time the Mark is registered.</p> <p>(2) The Mark Certificate as referred to in paragraph (1) states:</p> <ol style="list-style-type: none"> <li>a. full name and address of the owner of a registered Mark;</li> <li>b. full name and address of the Proxy, where an Application using Proxy;</li> <li>c. Filing Date;</li> <li>d. name of the country and the Filing Date of the first application where the Application is filed using Priority Rights;</li> <li>e. representation of the registered Mark, including description concerning various colors if the Mark uses color element, and if that Mark uses foreign language, letters</li> </ol>

<p>others than Latin, and/or uncommon numerical in the Indonesian language with its translation in the Indonesian language, common letters and numerical in Latin and its phonetic transcription in Latin;</p> <ul style="list-style-type: none"><li>f. number and date of registration;</li><li>g. class and types of goods and/or services of registered Mark; and</li><li>h. period of validity of the Mark registration.</li></ul> <p>(3) In the event that an issued Mark certificate is not collected by its owner or Proxy within a period of not later than 18 (eighteen) months as from the date of certificate issuance, that registered Mark will be deemed to be withdrawn and cancelled.</p>	<p>others than Latin, and/or uncommon numerical in the Indonesian language with its translation in the Indonesian language, common letters and numerical in Latin and its phonetic transcription in Latin;</p> <ul style="list-style-type: none"><li>f. number and date of registration;</li><li>g. class and types of goods and/or services of registered Mark; and</li><li>h. period of validity of the Mark registration.</li></ul>
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