

PATENT PROSECUTION IN INDONESIA



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OUTLINE

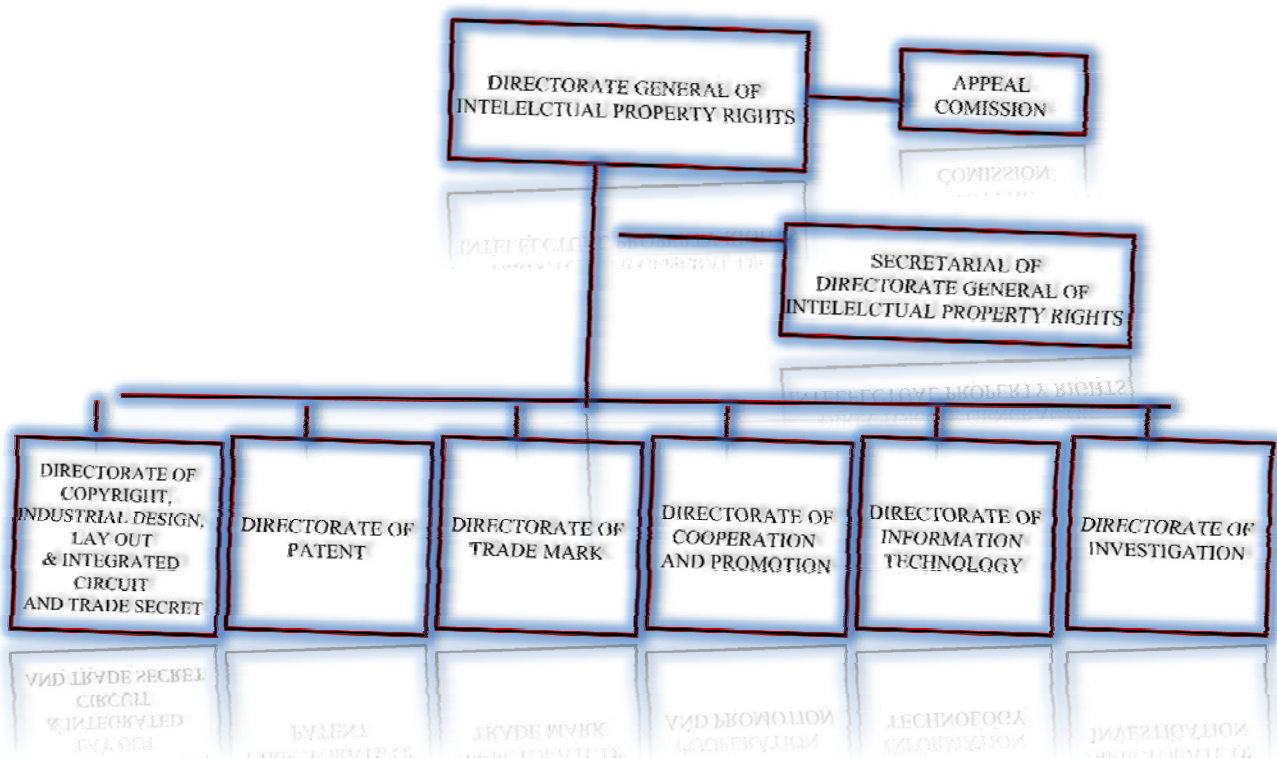
- **PATENT RELATED LAW AND REGULATION**
- **ORGANIZATIONAL CHART**
- **Some aspects on substantive examination of patent application**
- **NUMBER OF PATENT EXAMINERS AND THEIR BACKGROUND**
- **STATISTIC OF PATENT APPLICATION**
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PATENT RELATED LAW AND REGULATIONS

- Law Number 14 of 2001 regarding Patent
- Government Decree Number 38 of 2009 regarding Non-Tax Government Income
- Government Decree Number 16 of 1997 regarding Rectifying *Patent Cooperation Treaty (PCT) And Regulations Under The PCT*
- Government Decree Number 34 of 1991 regarding Patent Request Procedure
- Guide Line for Substantive Examination (Under Revision)
- Minister of Law and Human Rights Decree Number M.09-PR.07.10 of 2007 regarding Minister of Law and Human Rights Structural Organization
- Minister of Law and Human Rights Decree Number M.07-HC.02.10 of 1991 regarding Formation and Requirement of Patent Substantive Examination Request
- Director of Patent Circular Number HKI.3-HI.05.06.404 regarding Requirement of Patent Application

ORGANIZATIONAL CHART



Some aspects on substantive examination of patent application

1. An applicant should request for substantive examination with the payment fee before the examination be conducted. (It means that the substantive examination system have deferred examination).
2. If the request for substantive examination has not been filed within 36 months from filing date, or the pertinent fee not been paid, the application should be deemed withdrawn.
3. For the simple patent application, the request of substantive examination filled at the same time with the filling of application or at least 6 months from filing date.

4a. To make the process of substantive examination efficiently, the DGIPR may request that an application filed with a priority rights also be furnished by the applicant with:

- (i) a valid copy of the documents connected with results of examination, and/or
the patent document granted, and/or
the decision of the rejection, and/or
the decision of cancellation of the foreign application with respect to the first application;
- (ii) other documents required to facilitate an evaluation that the invention for which a patent is requested is indeed a new invention and truly involves inventive steps and industrially applicable;
- (iii) the said copies of documents may be furnished with separate additional explanations by the application.

4b. (i) for purpose of the substantive examination, the DGIPR may request expert(s) assistance and/or utilize appropriate facilities from other government agencies or may request the assistance from examiners of other patent offices; and

(ii) the use of expert assistance, facilities, examiners of the paten offices shall be performed by observing the provisions concerning the obligation to preserve it confidentiality.

4c. The applicant has to reply the examiner report normally within 3 months and it can be extended by request from applicant for the next 3 months.

If an applicant does not reply, an examiner send the warning letter in the next step to applicant that he/she has to response.

If the applicant does not response, the application of patent shall be deemed withdrawn.

The decision of withdrawn could not be requested an appeal petitions.

6. The examiner can conduct hearing by applicant request in the time period of substantive examination before the final decision from examiner.

7. The application of patent can be claimed for product/an apparatus and/or process/method.

The number of independent/dependent claims are not limited. If an applicant request a simple patent, the type of claim only limited for one independent claim regarding a product or/an apparatus and not limited for the number of dependent claim.

8. For the purpose of advisory service for applicants, especially to support for drafting of patent application, the DG IPR have periodically program together with the certain universities to conduct the certified training for IP consultant. The training basically comprise the patent drafting.

9. For the prior art of search, we use espacenet, patentscope, and othe on-line patent searching database via internet e.q. US Patents, EP documents, JPO, PCT(WIPO), etc.

10. We don't use the WIPO's ARDI or ASPI program yet.

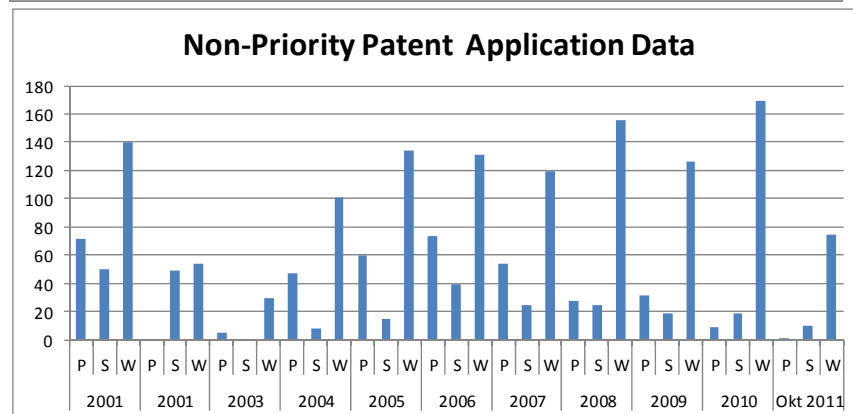
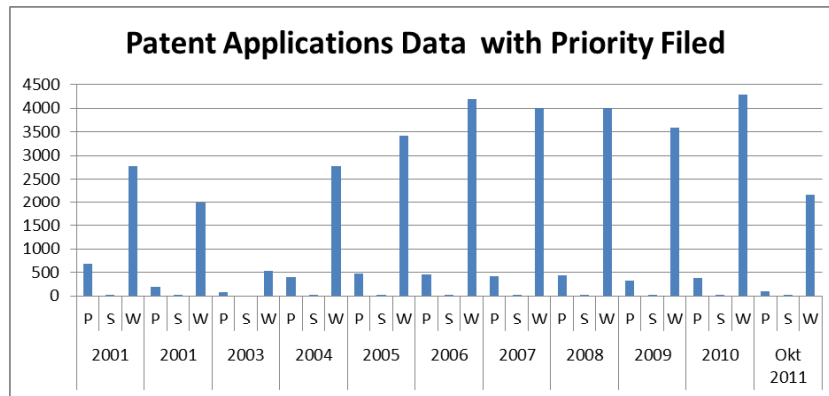
NUMBER OF PATENT EXAMINERS AND THEIR BACKGROUND

Chemical	Elektro	Mechanical
32	19	20

The near future (2012), DGIPR has 10 persons as candidat of examiners for 5 chemicals, 3 electros, and 2 mechanicals background

NUMBER OF PATENT APPLICATION

YEAR	PATENT				SIMPLE PATENT		TOTAL
	PCT		NON PCT		DOMESTIC	FOREIGN	
	DOMESTIC	FOREIGN	DOMESTIC	FOREIGN			
1991- 2000	1	4628	749	23872	782	465	30497
2001	4	2901	208	813	197	24	4147
2002	6	2976	228	633	157	48	4048
2003	0	2620	201	479	163	29	3492
2004	1	2989	226	452	177	32	3877
2005	1	3536	234	533	163	32	4499
2006	6	3805	282	519	242	26	4880
2007	5	4357	279	493	209	34	5377
2008	11	4278	375	469	214	34	5381
2009	2	3761	413	342	247	38	4803
2010	11	4596	497	401	251	32	5794
Oct 2011	4	400	285	362	170	43	4865
Total:	52	40887	3977	29368	2972	843	81.660



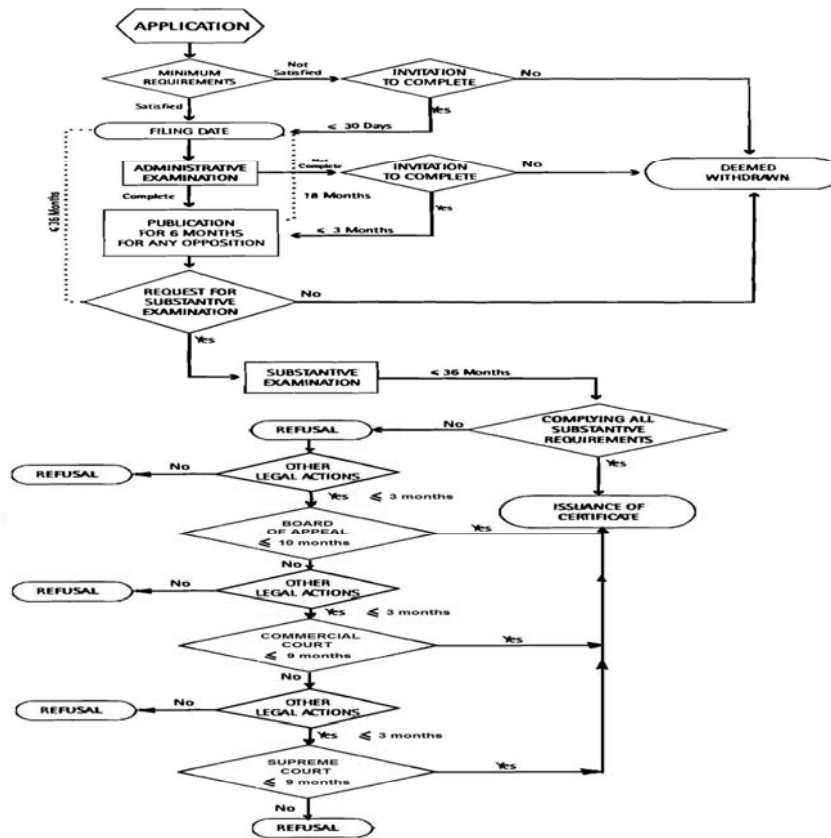
Note: W: PCT App; S: Simple Patent; P: Patent

Fraction data of Patent Applications (1991 – Oct 2011):

Number of Application of Patent Rejection	=	1.333
Number of Application of Patent Granted	=	31.000
Number of Application of Patent withdrawn in substantive examination term	=	9.569
Number of Pending of Substantive Patent applications	=	15.254
Number of Patent in Formality Check, including formilty examination, publication of application, prepare to substantive examination, and also in case of withdrawn, no request for substantive examination, ignore, etc in Formality Section	=	24.504

TOTAL	=	81.660

PROCEDURE OF APPLICATION FOR PATENT
(Based on Law No. 14 of 2001 on Patents)



Thank You