



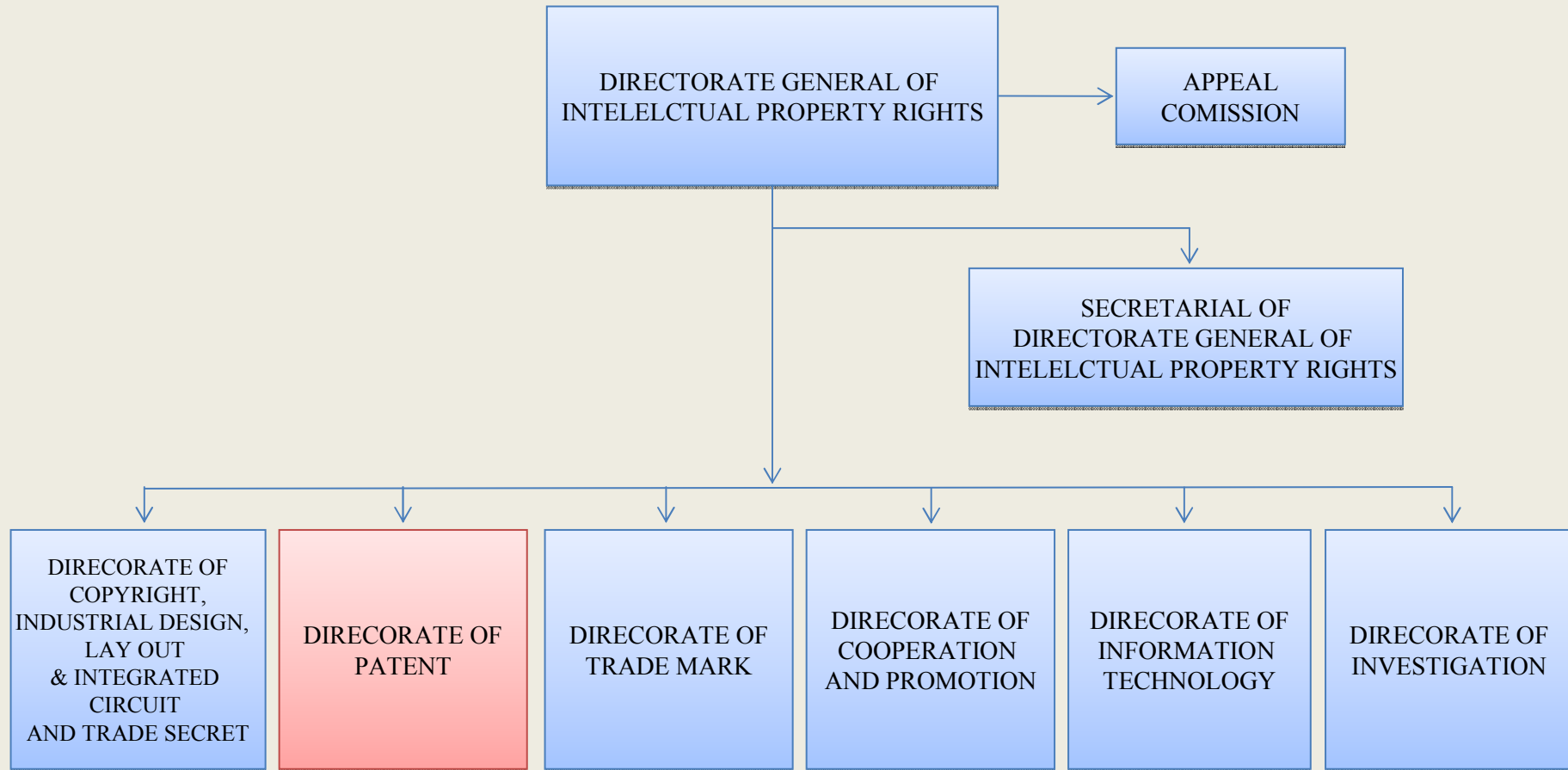
National Experiences and Future Plans for the Use of the PCT System

WIPO REGIONAL WORKSHOP ON EFFECTIVE USE
OF THE PCT SYSTEM: THE EXPERIENCE OF
ASIAN COUNTRIES

INDONESIA EXPERIENCE

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ORGANIZATIONAL CHART



INDONESIA and PCT

Indonesia Ratified PCT and Regulations
under the PCT by Virtue of Presidential
Decree No. 16 of 1997

MAJOR FEATURES of INDONESIA AS DO/EO

- TIME LIMIT FOR ENTERING NATIONAL PHASE
 - Chapter I: 30 Months and 1 month of delay with free of charge
 - Chapter II: 31 Months with Rp 5 Million (US\$ 500) penalty fee for any unintentional delay (maximum is 12 Months delay)
- TYPE(S) OF PROTECTION : Patent
- NATIONAL REQUIREMENT
 - Power of Attorney
 - Assignment of Right
 - Original Specification and its translation
 - Application Fee

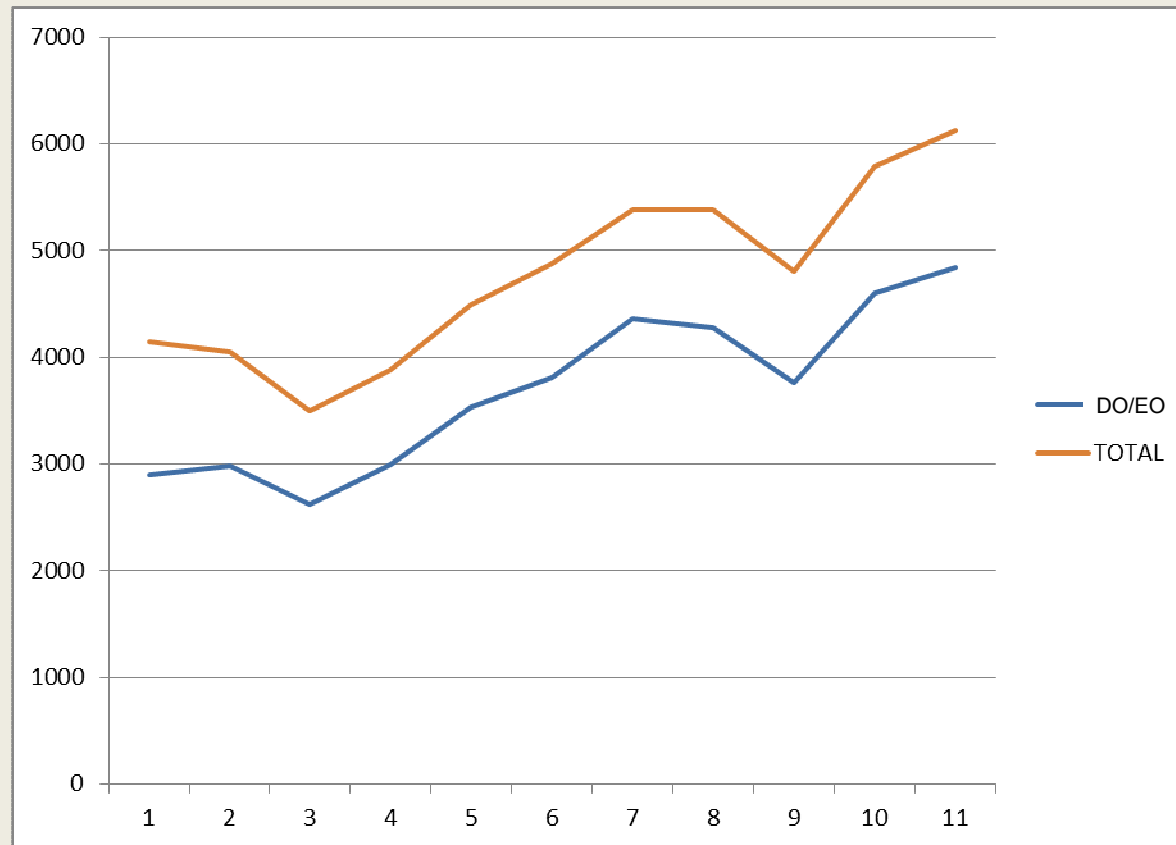
MAJOR FEATURES of INDONESIA AS RO

- COMPETENT ISA's : AU, EP, KR, RU
- REQUIREMENT
 - PCT Application Form (RO/101).
 - Patent Specification in English.
 - Power of Attorney (if Use Proxy).
 - Priority Right Document (if use priority right).
 - Fees (Indonesia is included into Developing Country such that receive 90% of Int'l Filing Fee Discount and 75% of Int'l Search fee Discount from EP).

PATENT APPLICATION NUMBER

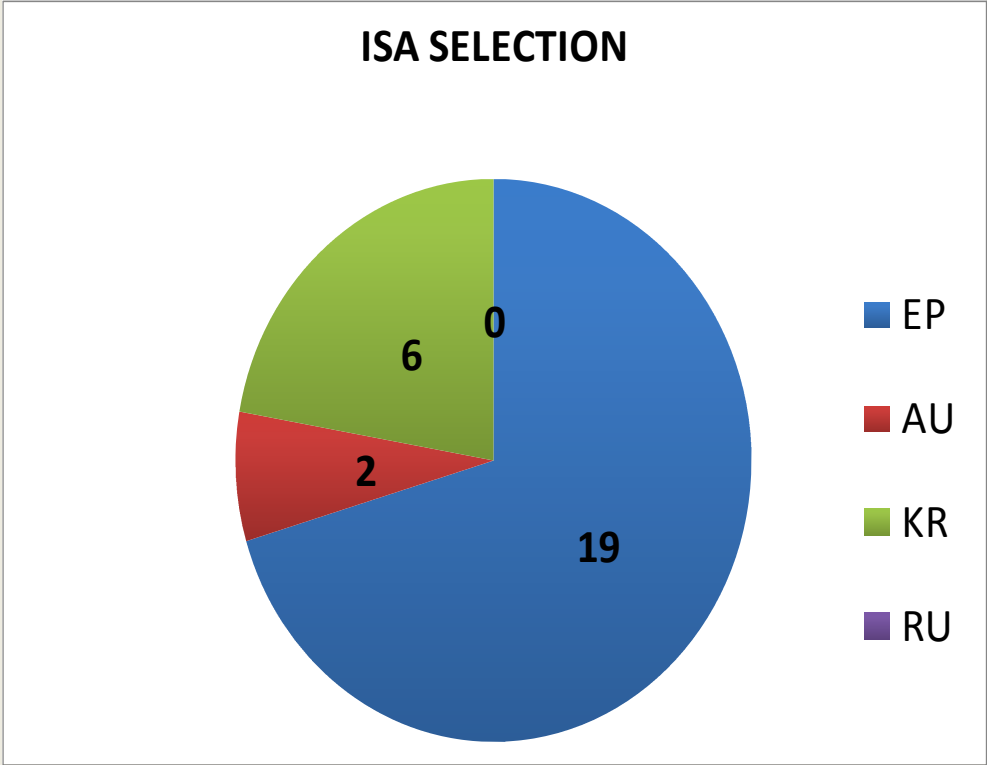
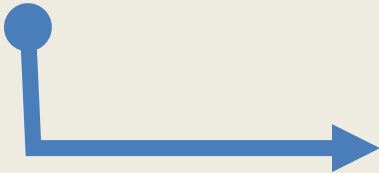
YEAR	PATENT				SIMPLE PATENT		TOTAL
	PCT		NON PCT		Domestic	Foreign	
	RO	DO/EO	Domestic	Foreign			
2001	4	2901	208	813	197	24	4147
2002	6	2976	228	633	157	48	4048
2003	0	2620	201	479	163	29	3492
2004	1	2989	226	452	177	32	3877
2005	1	3536	234	533	163	32	4499
2006	6	3805	282	519	242	26	4880
2007	5	4357	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	38	5794
2011	8	4839	533	458	236	56	6130
TOTAL	55	40658	3476	5592	2256	391	52428

PATENT APPLICATION NUMBER



ISA SELECTION STATISTIC

YEAR\ISA	EP	AU	KR	RU	TOTAL
2008	6	0	3	0	9
2009	0	0	2	0	2
2010	11	0	0	0	11
2011	2	0	1	0	3
2012	0	2	0	0	2
TOTAL	19	2	6	0	27



MAJOR INCOMPATIBILITY BETWEEN PCT & INDONESIA PATENT LAW

- Restoration of the right of priority (come into force on 1 April 2007)

BASIC
REGULATION
12 Months

VS.

AMENDED
REGULATION
12 Months + 2
Months delayed

OBSTACLES RELATED TO PCT

- High fees

Applicants found difficulties to fulfill fee requirement, due to high fees, either natural person or legal entities.

- Poor understanding leads misperception, ie. difficult and complicated.

- Insufficient of knowledge and understanding of IPR by applicants/stakeholders.

CONDITIONS/PROBLEMS IN INDONESIA

- PCT application (RO) number is less than significant , although domestic patent applications are increased.
- Dissemination of understanding of PCT to Indonesian inventors have been done many times
 - PCT means: costly and complex systems.
 - The institution which owned IP assets, don't have enough information and awareness regarding value of their IP asset. The mind set of “cost center” instead “investment “ is still mainstream among the institutions.
- Amendment/changes in PCT are relatively rapid, while amendment of law in Indonesia is long time process.

PROPOSED AMANDMENT OF PCT

- Fee reduction scheme for PCT applicants from developing countries originating from legal entities.

Possible measures to overcome the problems:

- Improving cooperation with other agencies in improving quality and quantities of IP socialization and dissemination program.
- Improving knowledge and quality of DGIPR human resources by internal system or in frame of cooperation with other IP Offices/agencies.
- Promoting fee reduction scheme that applied for natural person in order to increase PCT application number.

CONCLUSIONS

- PCT is likely the most preferred route to apply Patent in a country
- Implementation of PCT in Indonesia does not give significant impact yet for encouraging of domestic application and total number application.
- Implementation of PCT has to be supported with the readiness of a country for law and administration system.
- Dissemination of information on PCT for stakeholder must be held more intensively in order to increase the number of PCT application