



Australian Government

IP Australia



IP PASSPORT - INDONESIA

Profile

Indonesia has an estimated population approaching 260 million, is the 16th largest economy in the world and the largest economy in South-East Asia. In 2015, two-way trade in goods and services between Australia and Indonesia totalled A\$15 billion, making Indonesia Australia's 12th largest trading partner. Indonesian is the official language of Indonesia.

IP protection in Indonesia

You can register IP rights in Indonesia for trade marks, patents, designs, copyright, plant varieties and geographical indications.

The office of the Directorate General of Intellectual Property (DGIP) is the government agency overseeing Indonesia's IP System. IP rights are handled separately by different offices within the DGIP.

An address for service in Indonesia and a local agent or attorney is generally required when seeking IP registration.

Trade marks

- Trade mark applications must be made directly to the relevant office of the DGIP or through the Madrid System for the international registration of trade marks.
- The official language of Indonesia is Bahasa Indonesia and a number of other languages and dialects (e.g. Javanese) are used. Applicants using word elements in their trade marks may need to consider protecting translations and transliterations.
- Unlike Australia, Indonesia has a "first to file" rule for obtaining trade mark rights, meaning that if there is a dispute between you and another party over a trade mark, whoever filed for registration first will generally have superior rights, regardless of who developed or first used the mark.

- Note that trade marks which are contrary to morality or religion or public order are not registrable.
- Trade mark registrations may be removed from the register if they are not used within three years of the date of registration.
- A trade mark's validity can generally no longer be challenged after five years from the initial registration date.
- There are other circumstances under which a trade mark may be challenged, cancelled or removed. Please check the relevant requirements prior to application.
- A trade mark registration is valid for 10 years and may be renewed indefinitely for successive 10 year periods upon payment of fees and declaration of use.

Patents

- Applications may be made directly to the relevant office of the DGIP or can enter through national phase entry via the Patent Cooperation Treaty (PCT). Patents can be filed in English and they will be translated into Indonesian locally.
- Indonesia has a Simple Patent system which has similar provisions to a regular patent, but only lasts for 10 years from the date of filing.
- Indonesia has a six month grace period for public disclosures made by inventors under specific conditions. There is a 12 month grace period for unauthorised disclosure by a third party bound by a non-disclosure agreement to filing of the patent.
- If a patent is not used after three years any interested party can file an application for a compulsory license to use the patent.
- Patent protection is for up to 20 years from the date of filing.

Designs

- Applications may be made directly to the relevant office of the DGIP.
- Registration of a design must be applied for in Indonesia within six months of the disclosure of the design.
- Examination of the design application is limited to formalities. No substantive examination is done to ensure novelty or to avoid confusion with an already registered design.
- Protection is available for a 10 year period with no extension.

Copyright

- Like Australia, copyright arises automatically at the time of creation of an eligible work.
- However, DGIP operates a voluntary registration system which may provide additional protection as registered copyright is often difficult to revoke, even in the light of a claim of a prior right. Additionally, registration may assist third parties seeking permission to use the work and may be used as evidence of ownership.
- The term of protection varies depending on the type of work. In general, most published works are protected for the life of the author plus 70 years.

Plant varieties

- Applications may be made to the relevant office of the DGIP.
- Plant varieties can be protected for a period up to 20 years for seasonal plants and 25 years for annual plants.

Geographical indications

- Applications may be made directly to the DGIP.
- While both local and foreign applicants can file for GI protection in Indonesia, foreigners must demonstrate GI registration in the country of origin.
- The term of the protection is unlimited provided that specific terms and qualities are met.

Enforcing your IP rights in Indonesia

It is your responsibility to protect your IP. You should actively monitor the marketplace for any unauthorised use of your IP.

IP law is complex. If legal action is necessary, then you should consult a legal professional who specialises in IP law.

Doing business in Indonesia

Before entering the business market in Indonesia, there are a number of factors to take into account including culture, politics and business etiquette.

You can start by taking a look at the extensive information about doing business in Indonesia on the Austrade website.

More information

- Directorate General of Intellectual Property (DGIP)
- Madrid System
- Patent Cooperation Treaty
- Austrade
- DFAT
- Export Council of Australia
- Professional advice - If you are considering exporting to Indonesia, it is recommended that you contact an IP professional experienced in Indonesian IP law and trade to advise on local IP, customs and other laws regulating imports and trade in Indonesia. Australian IP professionals can facilitate this contact.

IP registration and protection can be a complex process, especially in an international context. It is recommended that you seek advice from an IP professional. Every effort has been made to ensure that the information provided is accurate at the time of drafting; however, we accept no responsibility for any errors, omissions or misleading statements in this factsheet. This information is written in general terms and should be used as a guide only. It should not be used as a substitute for professional advice.