



TRADEMARK FILING REQUIREMENTS

INDONESIA



OCTOBER 2014



RECEIPT OF THE APPLICATION

The application for the registration of a trademark must be filed using the prescribed application form (available from the website of the Directorate General of Intellectual Property Rights or DGIPR). The filing language is Bahasa Indonesia.

The Office does not accept online applications.

REPRESENTATION

Representation is not required for resident applications. An application filed by a non-resident or someone permanently domiciled in the Republic of Indonesia must be filed through a proxy with a local address for service in Indonesia.

SEARCH, FORMALITY AND SUBSTANTIVE EXAMINATION

Upon completion of the requirements for a filing date (A) and formality examination (B), a search for possible conflicting marks will be conducted and the mark will undergo substantive examination (C).

A. Minimum Filing Requirements.

The following requirements must be met before the application can be accorded a filing date:

- (a) Name, nationality, and address of the applicant;
- (b) If filing is made through a proxy, the name and address of the applicant;
- (c) If priority is claimed, the country and priority date of the earlier filing;
- (d) Reproduction of the mark;
- (e) Signature of the applicant or proxy;
- (f) Power of attorney signed by the applicant;
- (g) List of goods or services;
- (h) Filing fee.

B. Other Formality Requirements.

The Office shall conduct an examination to determine the completeness of the requirements for registration of the mark. If the deficiencies relate to the minimum requirements for a filing date, the applicant will be given a period of two months within which to complete the deficiencies. However, if the deficiency pertains to the submission of the evidence of the priority and its translation into the Indonesian Language, the applicant shall be given a period of three months.

Deficiencies not corrected will result in the withdrawal of the application. If the applicant complies with all the requirements, the substantive examination will commence within 30 days from the filing date. The Office has 9 months within which to complete the substantive examination of the mark.



C. Substantive Examination.

The application for the registration of a mark shall be refused if:

- (a) the applicant filed the application in bad faith.
- (b) the mark—
 - (i) contradicts the prevailing rules and regulations, religious morals, or public order;
 - (ii) does not have distinguishing features;
 - (iii) has become part of the public domain; or
 - (iv) constitutes information or related to the goods or services for which registration is requested, i.e., it consists solely of a mark indicating the goods or services, origin, quality, raw material, quantity, or use of the mark for which registration is sought.
- (c) if the relevant mark is—
 - (i) similar in its essential part or in its entirety with a mark owned by another party which has previously been registered for the same kind of goods and/or services.
 - (ii) similar in its essential part or in its entirety with a well-known mark owned by another party for the same kind of goods and/or services.
 - (iii) similar in its essential part or in its entirety with a known geographical indication.
- (d) if the mark pertains to goods and/or services which are not of the same kind as those of the earlier well-known mark, provided that it fulfils certain conditions that will be further regulated by Government Regulation.
- (e) if the mark—
 - (i) constitutes or resembles the name of a famous person, photograph, or the name of a legal entity belonging to another party, except with the written consent of the entitled party;
 - (ii) constitutes an imitation or resembles a name or abbreviation of a name, flag or coat of arms or a symbol, or an emblem of a state, or of a national or international institution, except with the written consent of the competent authority;
 - (iii) constitutes an imitation or resembles an official sign or seal or stamp used by a state or a government institution, except with the written consent of the competent authority.

PUBLICATION, OPPOSITION AND REGISTRATION

Once the substantive examination has been completed and the application is accepted, the application shall be advertised in the Official Gazette within a period of no more than 10 days from the date of approval for registration of the mark by the Director General.

An objection to the registration of the mark may be filed within a period of 3 months from the announcement of the mark in the Gazette.



Where there are no objections, the Directorate General shall grant the registration and issue the certificate within a period of no more than 30 days from the date of expiry of the announcement period.

CONTACT

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ECAP III

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