



DESIGNS FILING REQUIREMENTS

INDONESIA



JULY 2015



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

FILING REQUIREMENTS

A. The application shall contain the following:

- 1) date of filing;
- (2) name, complete address and nationality of the designer;
- (3) name, complete address and nationality of the applicant;
- (4) name and complete address of the proxy, if the application is filed through a proxy; and
- (5) name of country and the priority date, if there is a priority claim.

B. The application shall be accompanied by the following:

- (1) physical sample, drawing, or photograph and the description of the industrial design subject of the application;
- (2) Special Power of Attorney, if the application is filed by a proxy;
- (3) a statement that the industrial design being applied for is the property of the applicant or the designer.

C. Where more than one applicant files an application jointly, such application shall be signed by one of them with a written agreement from the other applicants.

D. Where an application is not filed by the designer, sufficient evidence that the applicant is entitled to the industrial design subject of the application must be submitted.

E. An application may be filed for one industrial design or several industrial designs constituting unity of a design or belonging to the same class.

FILING DATE

The filing date shall be the date of receipt of an application, provided the following requirements are met:

- A. the application form is complete;
- B. the physical sample, drawing, photograph and a description of the industrial design being applied for registration is submitted; and



C. the application fee is paid.

STATEMENT OF NOVELTY

(1) An industrial design must be new, and it shall be deemed as such if, on the date of filing or on the priority date, if such priority is claimed, the industrial design is not the same as any previous disclosures.

(2) The previous disclosure of an industrial design shall not be deemed to have been announced if within the period of six (6) months prior to the date of filing, the industrial design:

(a) was displayed in a national or international exhibition in Indonesia or overseas that is official or deemed to be official; or

(b) was used in Indonesia by the designer in an experiment for the purposes of education, research or development.

PRIORITY

An application with a claim for priority right shall be filed within a period of six (6) months from the first filing in any country that is a member of the Paris Convention or a member of the World Trade Organization. The claim must be supported by a priority document legalized by the office where the earlier application was filed, accompanied by its translation in Indonesian language, within a period of 3 (three) months from filing the application in Indonesia.

Where the applicant fails to submit the legalized priority document and its translation into Indonesian language, the application will be deemed to have been filed without a priority claim.

In addition to the copy of the application, the Office may ask the submission of the following:

(a) a complete copy of the right to an industrial design that has been granted in connection with the first application filed in other countries; and

(b) other valid documents needed to help make a judgment that the industrial design is new.

EXAMINATION AND REGISTRATION

(1) An application that fulfilled the requirements after examination shall be published or announced by the Office no later than three (3) months from the filing date.

(2) The announcement shall contain:

a. the name and complete address of the applicant;

b. the name and complete address of the proxy, if the application is filed through a proxy;

c. the date and number of receipt of application;

d. the name of country and the priority date, if the application is filed with a priority right;

e. the title of industrial design; and

f. drawing or photograph of industrial design.



(3) Where an application that has been refused or deemed withdrawn, but which is later registered by a decision of the court, the announcement or publication shall be made after the Office has received a copy of the decision.

(4) At the time of filing the application, the applicant may request in writing that the publication of the application be deferred. The request for deferment of publication shall not exceed twelve (12) months from the filing date or from the priority date.

THIRD PARTY OBJECTION

Any party may file a written objection, including substantive matters, with the DGIPR, within three (3) months from the date of the announcement or publication and upon payment of the prescribed fee.

The DGIPR shall notify the applicant of the objection. The applicant has three (3) months from notification to counter the objection in writing.

The examiner shall conduct a substantive examination using the objection and the counter-objection as bases for determining whether or not to register the application. The decision shall be made within six (6) months from the date of termination of the announcement period. The decision shall be notified in writing to the parties within 30 days from the date of issue of the decision.

CANCELLATION

The DGIPR may, upon a written request from the right holder of the industrial design, cancel the registered industrial design. If such registered industrial design is the subject of a license, the licensee shall give consent to the cancellation. The DGIPR may also cancel the registered design on the basis of a decision of the commercial court.

Any interested party may also file a law suit before a commercial court to cancel the registered design on the ground that it is not new or that the design is contrary to prevailing laws and regulations, public order, religion, or morality. The decision of the court shall be notified to the DGIPR within 14 days from the date of the decision.

TERM OF PROTECTION

The protection of an Industrial Design is granted for a period of ten (10) years commencing from the filing date.

CONTACT

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