

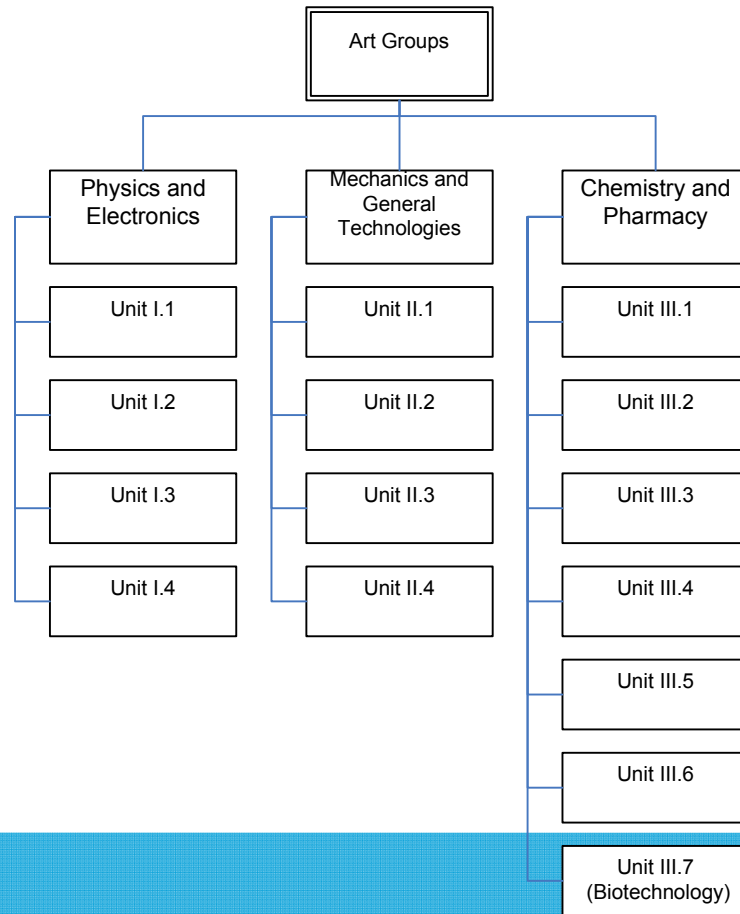


CHALLENGES IN EXAMINATION IN INDONESIA

DIRECTORATE GENERAL OF IPR
MINISTRY OF LAW AND HUMAN RIGHTS
REPUBLIC OF INDONESIA

**WIPO Regional Seminar on Effective Utilization of the Patent
Cooperation Treaty (PCT) and International Work Sharing Initiatives**

ART GROUPS: 80 EXAMINERS



PATENT APPLICATION STATISTIC

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

THE UTILIZATION OF ISR , WO AND IPER IN NATIONAL STAGE

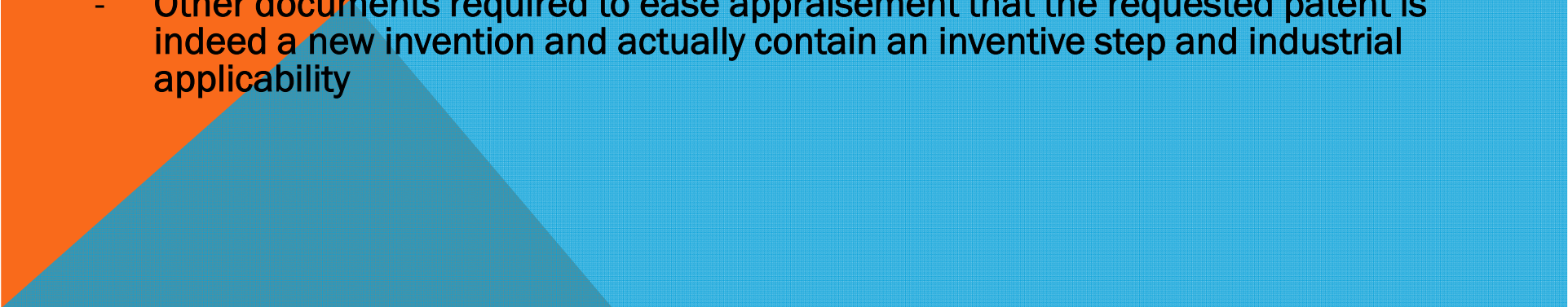
For patent application with a priority right, where generally has done searches or even has done the substantive examination, or has given decision in another country then the patent examiner can refer to the search report or preliminary examination report or can refer to the decision which it can make examination more efficient and avoid duplication of work. (Article 28(2))



THE UTILIZATION OF ISR , WO AND IPER IN NATIONAL STAGE

ARTICLE 28(2):

Directorate General may request the applicant filed with priority rights these include:

- A valid copy of letters that relating to the results
 - The substantive examination of a patent application which is done the first time abroad; a copy of a valid patent document which has been given in respect of the first paten application abroad
 - A copy of a valid decision on the rejection of patent application the first time abroad where the patent application is rejected
 - A valid copy of the relevant decision of cancellation of patent ever issued abroad when the patent is cancelled
 - Other documents required to ease appraisalment that the requested patent is indeed a new invention and actually contain an inventive step and industrial applicability
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THE UTILIZATION OF ISR , WO AND IPER IN NATIONAL STAGE

For PCT Application:

Due to limited time to do the patent examination (36 months), examiners are highly recommended to utilize International search report, Written Opinion or international preliminary examination report and Examination Result from main patent office such as EPO, USPTO, JPO, IP Australia(examination guidelines)

The Result of ISR from ISA usually use for determining classification and prior art search. IPC from ISR usually automatically will be assigned to PCT application, even though reclassification is still open to do.

Written Opinion from ISA or IPER from IPEA usually will be use as main reference for determining patentability, but it is still remain as non binding opinion for the examiner. The patentability of the claims still need to consider Indonesian patent law (article 7)

Notwithstanding with the Indonesian Patent Law, The Examination Result and Decision from main patent office can be used as ground to grant or reject a patent application,

REGULATION

Law No. 14 of 2001 regarding Patent

Government Decree Number 24 of 1991 regarding Patent request Procedure


Guideline for substantive Examination

Minister of Law and Human Rights Decree Number M.07-HC.02.10 of 1991 regarding
Formation and Requirement of Patent Substantive Examination Request



CHALLENGES IN SUBSTANTIVE EXAMINATION

- EXAMINING ADVISABILITY
- CLARITY AND INTERPRETATION FROM CLAIM
- RECENTLY ESTIMATION
- EARLY TECHNOLOGY
- HOW TO DETERMINE NOVELTY, UNITY OF INVENTION, INVENTIF STEP AND REPORT WRITING



**THANK YOU
ARIGATOU
GOZAIMASU**

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