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THE NEW PATENT LAW HAS ACCOMMODATED NATIONAL INTERESTS

The new Patent Law receives positive feedback from IP consultants as they consider it has accommodated many interests from the stakeholders. Although admittedly, the new Patent Law has narrowed down the scope of patent protection in Indonesia.


Risti Wulansari, Partner at K&K Advocates believes that the new Patent Law is in line with the latest development on patent laws across the world. One of the examples, she said, is the introduction of online patent registration. Although the Directorate General of Intellectual Property Ministry of Law and Human Rights of the Republic of Indonesia has prepared an online IP registration system, however, at this moment, the system covers only registration of copyright and renewal of trademark registration.

The new Patent Law is also believed to have ensured protection on Indonesia genetic resources. "Indonesia has a lot of genetic resources that were not protected by the previous Patent Law. A major step in the patent protection field," said Risti, a senior IP consultant.

She is of the view that the new Patent Law provides an ample opportunity for industrial businesses to utilize the patent, of which the protection term has been ended.

Another issue that is equally important, she added, is the recognition of the patent right as an object for fiduciary security, although, she predicts it will need some time for this provision to be implemented. "It is not easy to determine an IP value, who or which institution that has the authority to determine the value of an IP? It needs some time to implement this provision. However, generally this new Patent law is pretty good for Indonesia," she said.

The amendment of the Law No. 14 of 2001 on Patent is one of government's efforts to stimulates the improvement of national innovation, improvement of national economic through utilization of technology, protection of public welfare and appreciation to domestic inventors. To stimulate the improvement of national innovation, the Government has committed to release the institutions such as university, governmental and private research institution from the obligation to pay annual fees for the first five years (of the patent registration).



Moreover, inventors from governmental institution will be considered as patent holder and can receive royalty.

To encourage the inventors to find a new technologies and innovations through researches, the government will manage the distribution of royalty in the way the researchers could receive a decent amount of royalties from their inventions. The government, through the Ministry of Research, Technology and Higher Education of the Republic of Indonesia has submitted the procedure for royalty distribution with the Ministry of Finance, wherein 40% of royalty will be received by the inventors and 60% will go to the institutions (both governmental institutions and private institutions). The government expects this policy would encourage the researchers to be more passionate and eager to develop new inventions. (su)