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REPUBLIC OF INDONESIA

No. 883, 2018 Ministry of Law and Human Rights. Implementation of Patent by Patent Holder

REGULATION OF THE MINISTER OF LAW AND HUMAN RIGHTS OF

THE REPUBLIC OF INDONESIA

NUMBER 15 YEAR 2018

ON

IMPLEMENTATION OF PATENT BY PATENT HOLDER

BY THE BLESSINGS OF ALMIGHTY GOD

THE MINISTER OF LAW AND HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA,

Considering: that in order to implement the provision of Article 20 of Law Number 13 Year 2016 on Patent, it is necessary to stipulate a Regulation of the Minister of Law and Human Rights concerning the Implementation of Patent by Patent Holder;

Observing:

1. Law Number 39 Year 2008 on State Ministries (State Gazette of the Republic of Indonesia Year 2008 Number 166);
2. Law Number 13 Year 2016 on Patent (State Gazette of the Republic of Indonesia Number 173, Supplement to the State Gazette of the Republic of Indonesia 5922);
3. Presidential Regulation Number 44 Year 2015 on the Ministry of Law and Human Rights (State Gazette of the Republic of Indonesia Year 2015 Number 84);

4. Ministerial Regulation Number 29 Year 2015 on the Organization and Work Procedure of the Ministry of Law and Human Rights (State Gazette of the Republic of Indonesia Year 2015 Number 1473);

HAS DECIDED:

To issue: REGULATION OF THE MINISTER OF LAW AND HUMAN RIGHTS
ON THE IMPLEMENTATION OF PATENT BY PATENT HOLDER.

Article 1

In this Ministerial Regulation What is Meant by:

1. Patent is an exclusive right granted by the state to an inventor for the results of his invention in the field of technology for a certain period of time to implement the invention himself or give license to another party to implement it.
2. Patent holder is an Inventor as the owner of a Patent, the party who receives the right to the Patent from the Patent owner, or another party who receives further rights to the Patent that is registered in the general list of Patent.
3. Patent implementation is the obligation of the patent holder to make the product or use the process in Indonesia.
4. Minister is the minister who organizes government affairs in the field of law.

Article 2

- (1) Patent holder must make the product or use the process in Indonesia.
- (2) Making the product or using the process referred to in paragraph (1) must support a transfer of technology, absorption of investment, and/or provision of employment.

Article 3

In the event that a Patent Holder has not been able to implement his Patent in Indonesia as referred to in Article 2, the Patent Holder may postpone the implementation of product

manufacture or use of the Patent process in Indonesia for a maximum of 5 (five) years by submitting a request to the Minister with reasons.

Article 4

The request for postponement of Patent Implementation as referred to in Article 3 shall be submitted no later than 3 (three) years as of the date of Patent granted.

Article 5

In the event the Minister approves the request for postponement of implementation of the products manufacture or the use of the Patent process in Indonesia as referred to in Article 4, the Minister notifies the Patent Holder.

Article 6

The postponement of implementation of the product manufacture or the use of the Patent process in Indonesia as referred to in Article 3 is given from the date of Decision and can be extended with reasons.

Article 7

This Ministerial Decree comes into force on the date of its promulgation.

For public cognizance, it is ordered to promulgate this Ministerial Regulation by its placement in the Official State Bulletin of the Republic of Indonesia.

Issued in Jakarta

on May 22, 2018

MINISTER OF LAW AND HUMAN RIGHTS OF

THE REPUBLIC OF INDONESIA

signed

YASONNA H. LAOLY

Promulgated in Jakarta

on July 11, 2018

DIRECTOR GENERAL OF

LEGISLATION OF

MINISTRY OF LAW AND HUMAN RIGHTS OF

THE REPUBLIC OF INDONESIA

signed

WIDODO EKATJAHJANA