

**COPY**

**PRESIDENT  
REPUBLIC OF INDONESIA**

PRESIDENTIAL REGULATION OF THE REPUBLIC OF  
INDONESIA

NUMBER 77 OF 2020

ABOUT

PROCEDURES FOR THE IMPLEMENTATION OF PATENTS BY THE GOVERNMENT

WITH THE GRACE OF THE ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

SK No 038121 A

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Article 4 paragraph (1) of  
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Republic of Indonesia in  
1945;

Law No. 13 of 2016 on  
ents

(StateGazette of  
the Republic of  
Indonesia year  
2016  
Number 176,  
Supplementary

DECIDE:

PRESIDENTIAL REGULATIONS ON  
THE PROCEDURE FOR THE IMPLEMENTATION OF PATENTS BY THE  
GOVERNMENT.

CHAPTER I

General Provisions

of Article 1

In this Presidential Regulation, which is referred to as:

1. A patent is an exclusive right granted by the state.  
to the inventor for the results of his invention in the field  
of  
technology for a certain period of time to carry out  
the invention itself or give approval  
to other parties to implement it.

2. Invention.. .

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2. Invention is an inventor's idea that is poured into  
A specific problem-solving activity in the field of  
technology in the form of a product or process, or the  
refinement and development of a product or process.
3. The Patent Holder is the inventor as the owner of the Patent,  
the party who receives the right to the Patent from the  
patent owner, or another party who further rhymes the  
right to the Patent is listed in the general list of  
patents.
4. Reward is compensation received by the parties  
who are entitled to obtain a Patent for an invention  
produced, in an employment relationship or  
invention produced by either employees and workers  
who use data and /or means that are available in his  
work even if the agreement does not require him to  
produce Invensi or Patent Holder on Inventions  
generated by inventors in service relationships or  
Holders Patents of licensee-compulsory holders or  
Patent Holders on Patents exercised by the  
Government.
5. The minister is the minister who organizes  
government affairs in the field of law.
6. Day is a working day.

CHAPTER II  
IMPLEMENTATION OF PATENTS BY THE GOVERNMENT

First Part  
Common

Article 2

The government can carry out its own patents in  
Indonesia based on considerations:

- a. with regard to the defense and security of the country;  
or

b. needs . . .

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- b. The need is urgent for the benefit of the community.

**Article 3**

Patents that interfere with or conflict with the interests of defense and security of the country can only be implemented by the Government.

**Part Two  
Implementation of Patents relating to  
Defense and State Security**

**Article 4**

The implementation of patents that can be done alone by the Government relating to the defense and security of the country includes:

- a. firearm;
- b. ammunition;
- c. military explosives;
- d. interception;
- e. wiretapping;
- f. reconnaissance;
- g. encoding devices and analysis devices <sup>andi</sup> and/or
- h. processes and/or other state defense and security equipment.

**Article 5**

- (1) In the event that the Government cannot carry out the Patent itself as referred to in Article 4, the Government may appoint a third party to implement the Patent.

(2) Parties . . .

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(2) Third parties as referred to in paragraph (1) shall meet the requirements:

- a. have facilities and are able to carry out patents;
- b. not transferring the implementation of the Patent to another party; and
- c. have a good way of production, circulation, and supervision in accordance with the provisions of the regulations legislation.

(1) Article 6

Patent holders are exempt from liability payment of annual fees on Patents

(2) carried out by the Government as referred to in Articles 4 and Article 5.

The Patent Holder as referred to in paragraph (1) cannot exercise the exclusive right to the Patent exercised by the Government as referred to in Article 4 and Article 5.

(1)

Article 7

The implementation of patents by the government as referred to in Article 4 is

(2) carried out by submit an application in writing to the Minister by the minister/head of a non-ministerial government agency.

The request as referred to in paragraph (1) contains at least:

a. object requested for the implementation of the Patent by the Government;

(1) b. the title and core of the Invention in the Patent claim; and  
c. the reason for the implementation of the Patent by the Government.

Article 8

icle 7  
shall be  
imined.

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- (2) Examination as referred to in paragraph (1) done against:
- a. administrative; and
  - b. patent protection legal status.
- (3) Administrative examination as intended in paragraph (2) letter a is done to check completeness of the application as referred to in Article 7.
- (4) Examination as referred to in paragraph (1) it is carried out within a maximum period of 14 (fourteen) Days from the date the application is received.
- (5) In the event that the application is declared incomplete based on the results of the examination as referred to in paragraph (3), the application is returned to the applicant to be completed.
- (6) The Applicant shall complete the application referred to in paragraph (5) within a maximum period of 14 (fourteen) Days from the date of return of the application.
- (7) In the event that the object of the application is declared not protected patent in Indonesia based on the results of the examination as referred to in paragraph (2) letter b and /or the applicant does not complete the request as quoted in paragraph (6), The application was rejected.

Article 9

The Minister informs the Patent Holder regarding the application for the application for the implementation of the Patent by the Government as referred to in Article 7 within a period of at least 5 (five) Days from the time the application is declared to have fulfilled administrative requirements and patent protection.

Article 10 . . .

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Article 10

- (1) In case based on the results of the examination as referred to in Article 8 has met the administrative requirements and there is a protection of
- (2) patents, a team is formed set by the Minister.

The team as referred to in paragraph (1) consists of the elements:

- a. ministry that organizes yourusan government in the field of law;
  - b. ministries/institutions related to application for the implementation of the Patent;
  - c. the ministry that conducts affairs government in finance;
  - d. the ministry that conducts affairs government in the field of secretarial state; and
- (3) e. experts.

- The team as referred to in paragraph (2) has the task of giving consideration and determining the magnitude of the Reward.
- (4)

The team shall complete the task within a maximum period of 90 (ninety) days from the date of the decree of the Minister as referred to in paragraph (1).

(1)

Article 11

- (2) The team delivers the results of the implementation of the task as referred to in Article 10 to the Minister.

In the event that the Minister has given approval for the basil of the implementation of the duties as referred to in paragraph (1), the Minister conveys the results of the implementation of the duties to the President to be stipulated by presidential regulations.



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(3) The delivery of the results of the implementation of the duties to the President as referred to in paragraph (2) is carried out within a period of at least 15 (fifteen) Days from the

Minister \_\_\_\_\_ agrees on the results  
the execution of the task as referred to in the paragraph  
(1)

(4) The Minister submits a copy of the Presidential Regulation As referred to in verse \_\_\_\_\_ (2) to Patent holders.

Article 12

(1) The Minister records the implementation of the Patent by the Government in the general list of Patents and announces it.

(2) Announcement as referred to in paragraph \_\_\_\_\_ (1)  
It is done through electronic media and/or nonelectronic media.

Part Three

Implementation of Patents Related to Urgent Needs for the Benefit  
of society

Article 13

The implementation of patents that can be done alone by the Government relating to the urgent needs for the benefit of the communityat including:

- a. pharmaceutical and/or biotechnological products that are expensiveand/or necessary to cope with diseases that can result in sudden death in large quantities, cause \_\_\_\_\_ significant \_\_\_\_\_ disability, and it is a public health emergency that is troubling the world;
- b. chemical and/or biotechnological products related to agriculture necessary for food security;

c. medicine . . .



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- c. veterinary remedies necessary to combat widespread animal pests and/or diseases; and/or
- d. processes and/or products to cope with natural disasters and/or environmental disasters.

Article 14

- (1) In the event that the Government cannot carry out the Patent itself as referred to in Article 13, the Government may appoint a third party to implement the

- (2) Patent.

Third parties as referred to in paragraph (1) shall meet the requirements:

- a. have facilities and are able to carry out patents;
- b. not transferring the implementation of the Patent in question to the other party; and
- c. have a good way of production, circulation, and supervision in accordance with the provisions of the regulations legislation.

- (1)

Article 15

- (2) Patent holders shall pay an annual fee on Patents implemented by the Government as referred to in Articles 13 and Article 14. Implementation of Patents by the Government as Referred to in Articles 13 and Article 14 do not prejudice

- (1) the exclusive rights of patent holders.

Article 16

- (2) The implementation of patents by the government as referred to in Article 13 is carried out by submit an application in writing to the Minister by the minister/head of a non-ministerial government agency.

in paragraph (1)  
contains  
least:

a  
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- a. objects requested for the implementation of patents by the Government;
- b. the title and core of the Invention in the Patent claim; and
- c. the reason for the implementation of the Patent by the Government.

Article 17

(1) Application for the implementation of the Patent as Referred to in Article 16, an examination shall be carried out.

(2) The examination as referred to in paragraph (1) is carried out on:

- a. administrative; and
  - b. patent protection legal status.
- (3) Administrative examination as referred to in paragraph (2) letter a is carried out to check the completeness of the application as referred to in Article 16.

(4) The examination referred to in paragraph (1) is carried out within a maximum period of 14(fourteen) days from the date the application was received.

(5) In the event that the application is declared incomplete based on the results of the examination as referred to in paragraph (3), the application is returned to the applicant to be completed.

(6) The applicant shall complete the application as referred to in paragraph (5) within a maximum period of 14(fourteen) Days from the date of return of the application.

In the event that the object of the application is declared not protected by the Patent in Indonesia based on the results of the examination as referred to in paragraph (2) letter b and /or the applicant does not complete the application as In verse (6), the application was rejected.

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Article 18

The Minister informs the Patent Holder regarding the application for the application for the implementation of the Patent by the Government as referred to in Article 16 within a period of at least 5 (five) Days from the time the application is declared to have fulfilled administrative requirements and patent protection.

Article 19

(1) In the event that based on the results of the examination As referred to in Article 17 meet the administrative requirements and there is a protection of patents, formed a team set by the Minister.

(2) The team referred to in paragraph (1) consists of the elements:

- a. Ministry that organizes affairs government in the field of law;
- b. ministries/institutions related to application for the implementation of the Patent;
- c. the ministry that conducts affairs government in finance;
- d. the ministry that conducts affairs government in the secretarial field of the state; and
- e. experts.

(3) The team as referred to in verse (2) has the task of giving consideration and determining the reward.

(4) The team must complete the task within a maximum period

of 90 (ninety) days from  
The date of the Minister's decision  
As referred to in verse (1).

Article 20

(1) The team delivers the results of the implementation of the task as referred to in Article 19 to Minister.

(2) Inside.

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(2) In the event that the Minister has given approval for the results of the

implementation of the duties as referred to in paragraph (1), the Minister conveys the results of the implementation of the duties to the President to be stipulated by presidential regulations.

(3) The delivery of the results of the implementation of the task to the President as referred to in paragraph (2) is carried out in

a maximum period of 15 (fifteen) days since Minister gives approval the execution of the task as referred to in the paragraph (1).

(4) The Minister submits a copy of the Presidential Regulation As referred to in verse (2) to Patent holders.

Article 21

(1) The Minister records the implementation of the Patent by the Government in the general list of Patents and announces it.

(2) Announcement as referred to in paragraph (1) It is done through electronic media and/or nonelectronic media.

Part Four  
Implementation of Patents that Interfere with or Conflict with the Interests of  
Defense and State Security

Article 22

The implementation of the patent by himself Governments that interfere with or conflict with the country's defense and security interests include:

- a. electromagnetic weapons;
- b. explosives;and
- c. methods and/or other equipment that interfere with or conflict with the interests of defense and security of the state.

Article 23 . . .

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Article 23

- (1) In the event that the Government does not or does not intend to carry out the Patent itself as referred to in Article 22, the implementation of the Patent can only be carried out by the Patent Holder with the approval of the Government. .

Further provisions regarding the procedures for government approval applications as referred to in paragraph (1) are regulated by ministerial regulations.

(1)

Article 24

- (2) Patent Holders whose Patents are self-executed by the Government as referred to in the Article 22 is exempt from the obligation to pay annual fees.

Patent Holder as referred to in article 23 is exempt from annual payment obligations until the Patent can be exercised.

(1)

Article 25

- (2) The implementation of the Patent by the Government as referred to in Article 22 is carried out by submit an application in writing to the Minister by the minister/head of a non-ministerial government agency.

The request as referred to in paragraph (1) contains at least:

- a. objects requested for the implementation of patents by the Government;
- (1) b. the title and core of the Invention in the Patent claim; and
- c. the reason for the implementation of the Patent by the Government.

Article 26

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amination.

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- (2) Examination as referred to in paragraph (1) done against:
- a. administrative; and
  - b. patent protection law status.
- (3) Administrative examination as intended in paragraph (2) letter a is done to check the completeness of the application as referred to in Article 25.
- (4) Examination as referred to in paragraph (1) it is carried out within a maximum period of 14(fourteen) days from the date the application is received.
- (5) In the event that the application is declared incomplete based on the results of the examinations as referred to in paragraph (3), the application is returned to the applicant to be completed.
- (6) The Applicant shall complete the application referred to in paragraph (5) within a maximum period of 14 (fourteen) Days from the date of return of the application.
- (7) In the event that the object of the application is declared not protected patent in Indonesia based on the results of examination as referred to in paragraph (2) letter b and /or the applicant does not complete the application as dimaksud in paragraph (6), the application is rejected.

Article 27

The Minister informs the Patent Holder regarding the application for the implementation of the Patent by the Government as referred to in Article 25 within a period of at least 5 (five) days of application declared to have been meet administrative requirements and there is patent protection.

Article 28

- (1) In the event that based on the results of the examination As referred to in Article 26 meet the administrative requirements and there is a protection of patents, formed a team set by the Minister.

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(2) The team as referred to in paragraph (1) consists of the elements:

- a. Ministry that organizes affairs government in the field of law;
- b. ministries/institutions related to application for the implementation of the Patent;
- c. the ministry that conducts affairs government in finance;
- d. the ministry that conducts affairs government in the field of secretarial state; and
- e. experts.

(3) The team as referred to in paragraph (2) has the task of giving consideration and determining the magnitude of the Reward.

(4) The team shall complete the task within a maximum period of 90

(ninety)

(1) days from the date of the decree of the Minister as referred to in paragraph (1).

Article 29

(2) The team delivers the results of the implementation of the task as referred to in Article 28 to the Minister.

(3) In the event that the Minister has given approval to the results of the implementation of the duties as referred to in paragraph (1), the Minister conveys the results of the implementation of the task to the President to be determined by presidential regulation.

(4) Delivery of the results of the implementation of the task to The President as referred to in paragraph (2) shall be carried out within a period of at least 15 (fifteen) Days since the Minister gives approval to the results of the implementation of the duties as referred to in paragraph (1).

by of the Presidential  
regulation  
referred to in  
paragraph  
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(2) to the Patent

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Article 30

- (1) The Minister noted the implementation of the Patent by the Government in the general list of patents and announce them.
- (2) Announcement as referred to in paragraph (1) It can be done through electronic media and/or nonelectronic media.

CHAPTER III  
REWARDS

Article 31

- (1) The implementation of patents by the government as referred to in Articles 2 and Article 3 is done by providing reasonable Rewards to patent holders.
- (2) Reward as referred to in the verse (1) compensation for the implementation of the Patent by the government.
- (3) In the event of the implementation of the Patent as intended Article 2 is carried out by a third party appointed by the Government, the provision of rewards as referred to in paragraph (1) is carried out by a third party appointed by the Government.

Article 32

The implementation of rewards and the amount of rewards must be included in every Presidential Regulation regarding the determination of the implementation of patents by the Government.

CHAPTER IV  
CLOSING TERMS

Article 33

This Presidential Regulation comes into effect on the date of promulgating.

In order to...

**PRESIDENT  
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So that everyone may know,  
The promulgation of this Presidential Regulation with  
its placement in Lembaran Negara Republik  
Indonesian.

Set in Jakarta  
July 7, 2020

PRESIDENT OF THE REPUBLIC OF INDONESIA,

ttd.

JOKO WIDODO

Promulgated in Jakarta on  
July 8, 2020

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

ttd.

MOHAMMAD MAHFUD MD

STATE GAZETTE OF THE REPUBLIC OF INDONESIA 2020 NUMBER 171

Copies in accordance with the original  
MINISTRY OF STATE SECRETARIAT  
OF THE REPUBLIC OF INDONESIA  
The field of Law and  
invitations,

S Ivanna Djaman