

A top-down view of a desk with various items: a wooden gavel, a pair of glasses, a pen, and a notebook. A hand is writing on the notebook.

Client Alert

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New Regulation on Patent Application

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NEW REGULATION ON PATENT APPLICATION

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In 2026, the Government of the Republic Indonesia enacted Regulation of the Minister of Law (“MOL”) No. 6 of 2026 regarding Patent Application (“RM 6/2026”), which revokes and replaces Regulation of the Minister of Law and Human Rights No. 13 of 2021 regarding the Amendment to Regulation of the Minister of Law and Human Rights No. 38 of 2018 regarding Patent Application (“RM 13/2021”). RM 6/2026 was issued as an implementing and harmonizing measure following Law No. 13 of 2016 regarding Patent, as most recently amended by Law No. 65 of 2024.

This Client Alert outlines the key regulatory changes for patent applicants.

1. Expanding Definition of Invention

RM 6/2026 introduces an important change by expanding the scope of the definition of Invention compared to RM 13/2021. The definition no longer focuses solely on products or processes and their improvements or developments, but now expressly encompasses systems, methods, and uses in the field of technology as part of a specific problem-solving activity.

2. Stricter Technical Requirements and Cost Implications

RM 6/2026 introduces several limitations that were previously less strictly regulated, including the following:

a. Limitation on the Invention Description

The invention description is now limited to a maximum of 30 (thirty) pages. If this limit is exceeded, the applicant must pay an additional page fee. If the additional fee is not paid, the substantive examination will only be conducted on the portion of the description within the permitted page limit.

b. Limitation on the Number of Claims

The number of claims is capped at a maximum of 10 (ten) claims. Claims describe the extent of legal protection requested for an invention and are therefore an essential part of a patent application. If an application contains more than 10 (ten) claims, additional claim fees must be paid at the time of filing. Failure to pay these fees will result in the application being deemed withdrawn.

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c. Language

If the description is prepared in a foreign language other than English, it must be accompanied by translations in both English and Indonesian. Whereas, if the description is prepared in English, it must be accompanied by a translation in Indonesian.

3. Application Deemed Withdrawn

A patent application may be withdrawn voluntarily by the applicant if it has not yet been rejected or granted. In addition, a patent application may be automatically deemed withdrawn if the applicant does not comply with certain procedural requirements, among others, misses deadlines submission, late submission of required language translations, failure to timely request substantive examination, fails to pay required fees such as excess claim or page fees, or failure to complete essential administrative documents.

4. Flexible Priority Right Claims

Priority right claim applications must be filed within 12 (twelve) months from the priority date, although RM 6/2026 introduces an additional filing window of four (4) months, subject to the payment of a late filing fee.

Priority claims can only be made for the same type of application filed in the country of origin. Supporting priority documents must be submitted within 16 (sixteen) months from the priority date. If the priority documents are not submitted within this timeframe, the application will be treated as filed without a priority right.

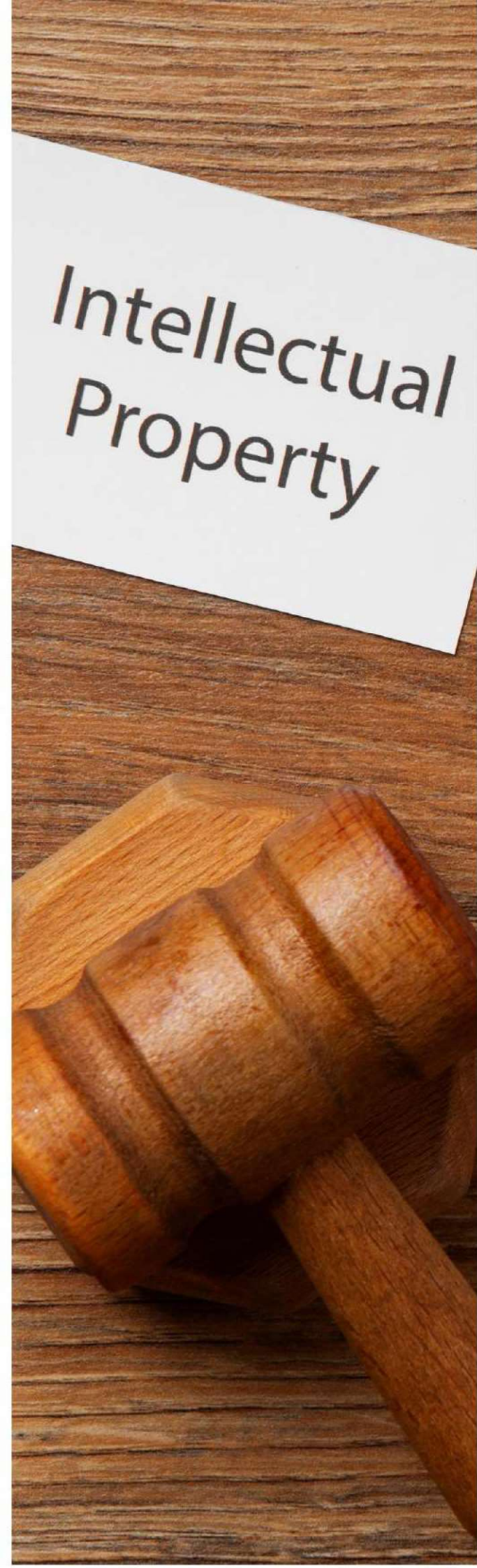
5. Requests for Changes to Patent Applications

Patent applications may be amended at the initiative of the applicant or upon the MOL's suggestion. Such amendments include changes to:

a. Application Data

Amendment to application data may be made to certain administrative information, including information submitted at the time of initial filing as well as data relating to the identity of the application.

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Intellectual Property

b. Type of Application

If an application type is changed between a patent and a simple patent, the application under the previous type will be deemed deleted and replaced by the new application type. Further, a change in application type will only be processed if the request for substantive examination and the payment of the corresponding examination fee is submitted simultaneously with the request for change.

c. Applicant Category

The changes to the applicant category involve the reclassification of an applicant from a general category to a micro enterprise, small enterprise, educational institution, or government research and development institution, or vice versa.

In general, each request for change is subject to applicable official fees.

6. **Re-Substantive Examination**

RM 6/2026 introduces the mechanism of re-substantive examination, which may be requested in cases involving the rejection of a patent application, applications deemed withdrawn, voluntary withdrawal of an application, or correction requests submitted after a patent has been granted. A request for re-substantive examination may be submitted either electronically through the official website of the Directorate General of Intellectual Property (“DGIP”) of the MOL or non-electronically through the DGIP service counters at the MOL or at the closest regional office of the MOL.

Conclusion

In practical terms, applicants have the flexibility to update their applicant classification when needed, subject to the applicable requirements and fees.

This Client Alert is provided for general informational purposes only and does not constitute legal advice. Please contact us should you require further information or assistance regarding patent application or related matters.

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