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Official Fees for IP Prosecution in Indonesia

The Indonesian Government implemented Government Regulation No. 45 on July 3, 2014, regarding Non-Taxable State Revenue. This had the effect of changing the official fee structure for numerous IP prosecution-related actions in Indonesia. However, not all IP-related official fees have changed. Certain types of work still have the same official fees, while others have been waived altogether. Overall, however, many have been increased, with some being to quite a significant extent.

The significant changes being made to the official fees are summarized as follows:

Type of IP Prosecution	Previous Official Fees	New Official Fees after July 3, 2014	Increase (%)
Patent	IDR 575,000 for up to 10 claims IDR 40,000 for each additional claim	IDR 750,000 for up to 10 claims and up to 30 pages of specifications IDR 50,000 for each additional claim IDR 5,000 for each additional page of specifications	>30%
Simple Patent	IDR 125,000 for up to 10 claims IDR 40,000 for each additional claim	IDR 500,000 for up to 10 claims and up to 30 pages of specifications IDR 50,000 for each additional claim IDR 5,000 for each additional page of specifications	>300%
Industrial Design	IDR 600,000 regardless of how many designs within the same class/application	IDR 800,000 for one design, and IDR 1,500,000 for an application covering more than one design given a unity under the same class	34% or 150%
Industrial Design Opposition	IDR 150,000	IDR 500,000	>230%
Trademark	IDR 600,000 for up to 3 items of goods/services per class, with IDR 50,000 for each additional item of goods/services	IDR 1,000,000 for up to 10 items of goods/services per class, with every subsequent 1-10 items of goods/services exceeding the first 10 items incurring an additional official fee of IDR 1,000,000	>66%
Trademark Opposition	IDR 500,000	IDR 1,000,000	100%

The highest increase is seen in the official filing fee of a simple patent (utility model/petty patent) filed by anyone who is not an SME or an educational or government R&D institution. The official filing fee has increased by 300% and has the additional condition that if the specification is longer than 30 pages and/or if the application contains more than 10 claims, additional official fees of IDR 5,000 per page and/or IDR 50,000 per claim shall also be applied.

Apart from that, the fee for collecting/issuing certificates, which had been minimal, has now been waived, but many new types of actions which could previously be done at no charge are now subject to official fees. For example, there used to be no official fee for amending the data in a

trademark application resulting from a typographical error, but now, such action incurs an official fee.

For SMEs and educational and government R&D institutions, the official fees have been reduced for many types of work. For instance, the official fees for filing a patent, simple patent, industrial design, and trademark application are lower for SMEs and educational and government R&D institution applicants than for other private or public entities.

One of the most interesting results of the new regulation is that the official filing fee for a trademark application is now calculated based on a range of goods of ten items per class. While there is no limitation on the number of items of goods/services or the number of classes that an applicant can put in their trademark application, the DGIP now charges the official filing fee based on the number of goods in a range.

For example, if an applicant wants to file 30 items of goods in one application in one class, the official fee will be charged at USD 100 for the 1st–10th goods, USD 100 for the 11th–20th goods, and USD 100 for the 21st–30th goods. In this case, the total official fee to be paid for this application is USD 300.

If the applicant wants to file 11 items of goods in one application in one class, the official fee will be charged at USD 100 for the 1st–10th goods and USD 100 for the 11th good. In this case, the total official fee to be paid is USD 200.

As the official fees are charged at 10 goods/services per class, if the applicant wants to file a multiple-class trademark application for 11 items of goods in one class and 5 items of goods in another class within the same application, the official fees will be charged at USD 100 for the 1st–10th goods in one class, USD 100 for the 11th good in one class, and USD 100 for the 1st–5th goods in another class. In this case, the total official fee to be paid is USD 300.

In practice, the DGIP has a Verification Counter for checking the number of goods/services contained in the trademark applications

before the applications are submitted to the Receiving Counter. This should help to ensure that applicants submit all the necessary documents, pay the correct amount of official fees, and lessen the chance of office actions being issued for the formality matters.

It is worth noting, in any case, that the DGIP follows the 10th Edition of the Nice Classification for designating goods/services. Therefore, the method for estimating the official fees per item of goods/services is to designate and count the goods/services in an Indonesian trademark application according to the item listing in the 10th Nice Classification. 🐜