

**NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLE 63.2 OF THE AGREEMENT**

INDONESIA

By means of a communication from its Permanent Mission, dated 31 March 2000, the following notification has been received from Indonesia under Article 63.2 of the Agreement.

In accordance with Article 63.2 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) Indonesia hereby notifies to the Council, the laws and regulations relating to the fields covered by the Agreement, as follows:

- The main dedicated laws and regulations are listed in Annex I.
- Other laws and regulations are listed in Annex II.
- Responses to the Checklist of Issues on Enforcement Issues.¹

¹ See document IP/N/6/IDN/1.

MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS

TITLE	BRIEF DESCRIPTION
Copyright²	
<u>Copyright Law N° 6 of 1982</u> (Entry into force: 12 April 1982.)	This was the first national Copyright Law for the protection of scientific, literary and artistic works.
<u>Copyright Law N° 7 of 1987</u> Amendment to Law N° 6 of 1982, and Implementing Regulations. (Entry into force: September 1987.)	The amendment to the Copyright Law of 1982 consists of 5 sections: (a) Increasing the penalty of the criminal provision. This has been changed from "a crime conduct by report" to "a plain crime". (b) Increasing the duration of copyright protection. (c) Recognizing computer programs as protected works. Not being considered as a human creation, the Law excludes paleoanthropology from protected works. (d) Scope of the Copyright Law. (e) Correlation between the State and any copyright holders which regulates the expropriation of copyright from its holder and also a mechanism for the procedure of compulsory licensing.
<u>Copyright Law N° 12 of 1997</u> Amendment to Law N° 6 of 1982, as amended by Law N° 7 of 1987. (Entry into force: 9 May 1999.)	The amendment of the Copyright Law of 1987 contains the following elements: (a) Protection of works of unknown authors. (b) Exception of infringement of copyright (Restriction of Right). (c) The right and authority to claim a lawsuit. (d) Rental right. (e) Neighbouring right. (f) Licensing.

² See document IP/N/1/IDN/C/1.

TITLE	BRIEF DESCRIPTION
Patents³	
<u>Patent Law N° 6 of 1989</u> and Implementing Regulations. (Entry into force: 1 August 1991.)	<p>This law contains:</p> <p>(a) Scope of Patents:</p> <ul style="list-style-type: none"> - patentable inventions; - unpatentable inventions; - simple patent; - examination; - right derived from prior use; - etc. <p>(b) It also regulates:</p> <ul style="list-style-type: none"> - patent consultant; - priority right; - examination; - licensing patents; - compulsory licence; - Appeal Commission.
<u>Patent Law N° 13 of 1997</u> on the amendment of Law N° 6 of 1989.	<p>This law has enlarged elements related to TRIPS by adding:</p> <p>(a) term of protection;</p> <p>(b) scope of protection, right of holder;</p> <p>(c) burden of proof.</p>
Trademarks⁴	
<u>Trademark Law N° 19 of 1992</u> (Entry into force: April 1993.)	<p>This law regulates:</p> <p>(a) Registrable and non-registrable trademark:</p> <ul style="list-style-type: none"> - the mark should not be in contradiction with good marks and public property; - mark without enough distinctive character; - constitutive and information relating to the goods or services applied for the registration. <p>(b) Well-known marks:</p> <ul style="list-style-type: none"> - priority right; - licensing of marks; - deletion and annulment of marks; - Appeal Commission; - Investigation and penal sanction and use of the constitutive system; - fine/imprisonment.

³ See document IP/N/1/IDN/P/1.
⁴ See document IP/N/1/IDN/I/1.

TITLE	BRIEF DESCRIPTION
<u>Trademark Law N° 14 of 1997</u> on the amendment of Law N° 19 of 1992.	This law contains the following aspects: (a) multi-classes application; (b) geographical indication and indication of origin.

ANNEX II
OTHER LAWS AND REGULATIONS

TITLE DATE OF ADOPTION AND ENTRY INTO FORCE	BRIEF DESCRIPTION
Copyright and related rights	
<u>Government Regulation N° 14 of 1986</u> on the Copyright Council.	The main task of the Copyright Council is to provide advice to the Government of Indonesia concerning the development of copyright and to the author. This advice is provided upon request from the Government or the author.
<u>Government Regulation N° 1 of 1989</u> on translation and/or reproduction of works in the field of education, sciences, research and development.	This regulation contains provisions with respect to the implementation of Article 15 of the Copyright Law known as Compulsory Licence.
<u>Government Regulation N° 26 of 1999</u> on tariff of non-tax State income for the Department of Justice of the Republic of Indonesia.	This regulation contains provisions with respect to the application fees of intellectual property rights, including copyright.
<u>Government Regulation N° 70 of 1991</u> on the implementation of Law N° 4 of 1990 on granting the printing and recording of works.	This regulation contains provisions with respect to granting the printing and recording of works for public purpose.
<u>Government Regulation N° 6 of 1994</u> on the operation of film business.	This regulation contains provisions with respect to the operations of film business including film producing, technical services, exporting, importing, censorship, broadcasting and its distribution.
<u>Government Regulation N° 7 of 1994</u> on the film censorship agency.	This regulation contains provisions with respect to the organization, work procedure, function, duty and the authority of the film censorship agency.

TITLE DATE OF ADOPTION AND ENTRY INTO FORCE	BRIEF DESCRIPTION
<p><u>Government Regulation N° 8 of 1994</u> concerning the national film consultation agency.</p> <p><u>Presidential Decree N° 13 of 1983</u> concerning supervising video recording activities.</p> <p><u>Presidential Decree N° 18 of 1997</u> concerning the ratification of the Berne Convention for the protection of literary and artistic work.</p> <p><u>Presidential Decree N° 19 of 1997</u> concerning the ratification of the WIPO Copyright Treaty.</p> <p><u>Minister of Information Decree N° 197/KEP/MENPEN/1983</u> on video recording companies</p> <p><u>Minister of Information Decree N° 198/KEP/MENPEN/1983</u> on the activity of licensing inside and outside Indonesia.</p> <p><u>Minister of Information Decree N° 199/KEP/MENPEN/1983</u> on joint video recording production between Indonesian and foreign companies.</p> <p><u>Minister of Information Decree N° 200/KEP/MENPEN/1983</u> on requirements for importing video recordings.</p>	<p>This regulation contains provisions with respect to the organization, work procedure, function, duty and the authority of the national film consultation agency.</p> <p>This Decree contains provisions with respect to the authority of the Minister of Information to supervise video recording activities including importing, exporting, producing, distributing, broadcasting and licensing.</p> <p>Indonesia has adopted the Berne Convention by Presidential Decree N° 18 of 1997.</p> <p>Indonesia has adopted the WIPO Copyright Treaty by Presidential Decree N° 19 of 1997.</p> <p>The Decree regulates the activities of video recording companies.</p> <p>The Decree regulates licensing procedures for the production of Indonesian video recordings. It is also applicable to licensing this production abroad.</p> <p>The Decree regulates the mechanism of joint video recording production between Indonesian and foreign companies.</p> <p>The Decree regulates requirements for importing video recordings.</p>

<p style="text-align: center;">TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p><u>Minister of Information Decree</u> <u>N° 201/KEP/MENPEN/1983</u> on the reproduction of video recordings.</p>	<p>The Decree regulates requirements for the reproduction of video recordings and limitation as stipulated in the Copyright Law.</p>
<p><u>Minister of Information Decree</u> <u>N° 202/KEP/MENPEN/1983</u> on the video recording distribution system.</p>	<p>The Decree regulates the mechanism for the video recording distribution system.</p>
<p><u>Minister of Information Decree</u> <u>N° 203/KEP/MENPEN/1983</u> on broadcasting and performing video recordings.</p>	<p>The Decree regulates the requirements for broadcasting and performing video recordings.</p>
<p>Trademarks</p> <p><u>Government Regulation N° 23 of 1993</u> regarding the application procedure for mark registration.</p> <p><u>Government Regulation N° 24 of 1993</u> regarding the classification of goods and services for mark registration.</p> <p><u>Government Regulation N° 32 of 1995</u> regarding the Trademark Appeal Commission.</p> <p><u>Presidential Decree N° 17 of 1997</u> regarding the ratification of the Patent Law Treaty.</p> <p>Geographical indications</p> <p>-</p>	<p>This regulation prescribes the implementation of the Trademark Law N° 19 of 1992 (published in the State Gazette N° 81 on the application procedure for mark registration).</p> <p>This regulation prescribes the implementation of Article 8 of Trademark Law N° 19 of 1992 on the classification of goods or services for mark registration.</p> <p>This regulation prescribes the implementation of Article 33 of the Trademark Law and the procedure to appeal to the Trademark Appeal Commission.</p> <p>Indonesia has adopted the Trademark Law Treaty and accommodated all of its principles in Trademark Law N° 14 of 1997.</p>

<p style="text-align: center;">TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p style="text-align: center;">BRIEF DESCRIPTION</p>
<p>Industrial Designs</p>	<p>The draft of the design products industry law is currently under deliberation in the House of Representatives.</p>
<p>Patents (including plant variety protection)</p>	
<p><u>Government Regulation N° 33 of 1991</u> concerning special registration for patent consultants.</p>	<p>This regulation governs the implementation of Patent Law N° 6 of 1989 in order to provide a legal basis for carrying out patent consultant services.</p>
<p><u>Government Regulation N° 34 of 1991</u> concerning the procedure for patent applications.</p>	<p>This regulation governs the implementation of Patent Law N° 6 of 1989 concerning the procedure for patent applications.</p>
<p><u>Government Regulation N° 11 of 1993</u> concerning the form and contents of the patent certificate.</p>	<p>This regulation contains the form and contents of the patent certificate.</p>
<p><u>Government Regulation N° 31 of 1995</u> concerning the Patent Appeal Commission.</p>	<p>This regulation governs the implementation of Article 68 of the Patent Law concerning the organizational structure and work procedure of the Patent Appeal Commission.</p>
<p><u>Government Regulation N° 26 of 1999</u> concerning the tariff on non-tax State income.</p>	<p>This regulation governs the implementation of Law N° 20 of 1997 concerning tariff on non-tax State income. It is deemed necessary to stipulate a government regulation of tariff on non-tax State income by the Department of Justice.</p>
<p><u>Presidential Decree N° 15 of 1997</u> concerning the ratifications of the Paris Convention for the Protection of Industrial Property and the Convention Establishing the World Intellectual Property Organization.</p>	<p>Indonesia has adopted the Paris Convention by Presidential Decree N° 15 of 1997. With regard to the patent sections in the Convention, Indonesia has accommodated them in Patent Law N° 13 of 1997.</p>

TITLE DATE OF ADOPTION AND ENTRY INTO FORCE	BRIEF DESCRIPTION
<p><u>Presidential Decree N° 16 of 1997</u> concerning the ratification of the Patent Cooperation Treaty (PCT) and Regulation of the PCT.</p> <p><u>Plant Varieties Protection Law</u></p> <p>Layout-designs (topographies) of integrated circuits</p> <p>Protection of undisclosed information</p> <p>Prevention of abuse of intellectual property rights</p> <p>-</p> <p>Civil judicial procedures and remedies</p> <p><u>Section 1365 of the Indonesian Code of Civil Procedure</u></p> <p>Provisional judicial measures</p> <p>-</p>	<p>Indonesia has adopted the Patent Cooperation Treaty (PCT) by Presidential Decree N° 16 of 1997. In this regard, Indonesia has made reservations to Article 59 of the PCT.</p> <p>The draft of the plant varieties protection law is currently under deliberation in the House of Representatives.</p> <p>The draft of the layout-designs of integrated circuits law is currently under deliberation in the House of Representatives.</p> <p>The draft of the trade secret law is currently under deliberation in the House of Representatives.</p> <p>In the absence of a trade secret law, the existing regulation relating to the protection of registration for finished drug products is covered by the Decree of the Minister of Health N° HK.00.06.2.03186 on Detailed Criteria, Completeness of Application and Registration Procedures for Finished Drug Products.</p> <p>General enforcement provisions for infringement of intellectual property rights.</p>

<p align="center">TITLE DATE OF ADOPTION AND ENTRY INTO FORCE</p>	<p align="center">BRIEF DESCRIPTION</p>
<p>Special requirements related to border measures</p> <p>-</p>	
<p><u>Customs Law N° 10 of 1995</u></p>	<p>The Customs Office has the authority to seize and hold items suspected to be infringing the law with or without a complaint being filed. The relevant sections are Articles 54 to 62.</p>
<p>Criminal Procedures</p>	
<p><u>Indonesian Criminal Procedure Code of Law N° 8 of 1981, section 382 bis</u></p>	<p>The general enforcement provisions for infringement of intellectual property rights.</p>
<p>Any administrative procedures and remedies not covered above</p> <p>-</p>	
