

Indonesia: Ministry of Law Introduces Notable Changes to Patent Application Processes

In brief

Minister of Law Regulation No. 6 of 2026 on Patent Applications ("**MOL Regulation No. 6/2026**"), which came into effect on 23 February 2026, updates the procedural rules governing patent filings and related administrative processes at the Directorate General of Intellectual Property (DGIP).

MOL Regulation No. 6/2026 replaces Minister of Law and Human Rights Regulation No. 38 of 2018 and provides more detailed guidance on patent drafting, filing formalities, and examination procedures under the Indonesian Patent Law. Many procedural elements reflected in the new regulation had already been implemented in practice following amendments to the Patent Law. The new regulation therefore largely codifies existing practice while clarifying administrative requirements and examination procedures.

What is new in practice

Accelerated Examination and Publication Mechanisms

MOL Regulation No. 6/2026 reflects several mechanisms intended to shorten the processing time of patent applications, including **early substantive examination**, particularly for PCT-derived applications or those claiming priority, as well as **requests for accelerated publication and accelerated substantive examination** under the amended Patent Law.

While these mechanisms signal the DGIP's intention to support faster prosecution where early protection is commercially important, the regulation **does not provide detailed operational guidance**. The following are some key points still awaiting clarification:

- The procedural requirements for requesting early substantive examination
- The criteria or supporting documents needed to justify early substantive examination
- The applicable official fees (PNBP)
- The practical timelines that applicants can expect once a request is granted

In practice, this means applicants seeking expedited processing may need to rely on **existing DGIP administrative practice** or **case-by-case guidance**, until more detailed implementing rules are issued.

Faster Procedures for Simple Patents

MOL Regulation No. 6/2026 reflects an accelerated framework for simple patents, under which:

- Administrative examination may be completed within five days after filing
- Publication of simple patent applications must occur within 14 days after the filing date
- A publication period of 14 days applies

These timelines reflect the government's objective to provide faster protection for incremental technological innovations.

A decision on the application may be issued within roughly six months after filing. This expedited process offers businesses the opportunity to obtain legal protection more quickly for innovations that constitute improvements or practical enhancements to existing technologies.

Legal Remedies

MOL Regulation No. 6/2026 provides a procedural framework for substantive reexamination, which may serve as an alternative mechanism in matters involving the following matters:

- Rejection decisions
- Post-grant specification corrections
- The withdrawal or deemed withdrawal of patent applications

The new regulation also clarifies the deadlines for filing substantive reexamination requests as well as appeals before the Patent Appeal Commission. Further clarification on the applicable official fees is expected.

Reaffirming the existing practice

Specification requirements

MOL Regulation No. 6/2026 clarifies the requirements for sequence listings in inventions involving biological material or genetic sequences. While sequence listings have long been required in practice — particularly for biotechnology-related patent applications — the new regulation confirms that those listings form part of the description of the invention and must comply with the applicable technical standards. This clarification reinforces existing examination practice and underscores the importance of ensuring that sequence listings are properly incorporated into the specification at the time of filing.

The new regulation also clarifies that if a patent description is in a language other than English, both English and Indonesian translations must be submitted. Failure to meet this requirement may result in the application being deemed withdrawn, regardless of the technical merits of the invention.

The new regulation introduces a notable change: drawings are now permitted to include text. This represents a departure from previous ministerial regulations, under which textual elements were allowed only where necessary. The clarification provides greater flexibility in preparing patent drawings, while maintaining consistency with the DGIP's formal requirements.

The new regulation reiterates that patent claims must be drafted in Indonesian, using terminology that is commonly accepted in the relevant technical field and consistent with the description. This clarification underscores the importance of accurate technical translation when preparing patent applications in Indonesia.

Payment of excess claim fee

MOL Regulation No. 6/2026 introduces a significant procedural change to the timing of excess claim fee payments. Previously, applicants could generally settle excess claim fees when they submitted a request for substantive examination. Under the new regulation, these fees must now be paid at the time of filing. This adjustment may influence filing strategies and requires applicants to consider cost implications earlier in the process.

Supporting documents

MOL Regulation No. 6/2026 streamlines certain filing formalities by removing the earlier requirement for a statement of invention ownership, thereby reducing the documentation burden at filing. The regulation also provides more detailed guidance on assignment documentation, including procedures to address situations where an inventor is unable to sign the assignment document.

If the applicant is unable to submit the supporting documents within three months (without an extension request) after the date of notification of the formality requirement, the application will be considered withdrawn. To be able to continue to process the application, the applicant may apply for substantive reexamination within six months after the date of notification that the application is considered withdrawn. If the request is approved, the supporting documents must be submitted within 14 days after the date of the approval letter.

Applications involving microorganisms

The new regulation provides clearer procedural guidance for patent applications involving microorganisms, including disclosure obligations and requirements for supporting documentation. These clarifications help ensure that applications involving biological deposits and related materials meet the formal standards applied during examination.

Disclosure of genetic resources and force majeure

MOL Regulation No. 6/2026 clarifies procedural requirements relating to the disclosure of genetic resources and traditional knowledge in patent applications, consistent with the obligations under the Indonesian Patent Law.

The new regulation also recognizes force majeure or emergency circumstances, which may be considered when assessing compliance with procedural deadlines.

Why this matters

In Indonesia, patent applications are often unsuccessful not because of a lack of novelty or inventive step, but due to incomplete documentation and unmet procedural requirements. Common obstacles include late submission of translations, failure to request substantive examination, and failure to respond to examination reports. These issues underscore the fact that, beyond technical merit, the efficiency of the patent application process in Indonesia depends heavily on disciplined administrative compliance and proactive deadline management.

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