

Indonesia: Key Regulatory Changes Under the New Trademark Regulation

In brief

Indonesia has introduced important changes to its trademark filing and examination procedures through Ministerial Regulation No. 5 of 2026 on Trademark Registration (“**Regulation 5/2026**”). These changes will immediately affect how brand owners prepare, file and manage trademarks in Indonesia.

Regulation 5/2026 replaces Ministerial Regulation No. 67 of 2016 as amended in 2021 (“**Regulation 67/2016**”). Regulation 5/2026 largely retains the existing trademark registration framework, but introduces several refinements, clarifications and new administrative requirements. These reflect a stricter administrative approach adopted by the Directorate General of Intellectual Property (DGIP), particularly in relation to documentary requirements and early-stage formalities.

New provisions introduced under Ministry of Law Regulation No. 5 of 2026

1. Stricter Minimum Requirements at the Filing Stage

The Regulation 5/2026 introduces additional documentary requirements at the regulatory level for trademark applications, including: (i) valid identity documents for individual applicants or the signatory of a corporate applicant; (ii) legal establishment documents or amendment documents for corporate applicants; and (iii) supporting documentation evidencing micro and small enterprise (MSE) status, where applicable.

Under the Regulation 67/2016, these requirements were not required as part of the minimum filing requirements. In practice, filings – particularly for foreign applicants – could generally proceed based on a power of attorney and statement of ownership. Notably, the Regulation 5/2026 does not clearly distinguish between local and foreign applicants in relation to these documentary requirements. This represents a departure from prior practice, particularly for foreign applications, and introduces uncertainty as to the intended scope and application of these requirements. Furthermore, supporting documents such as the power of attorney, statement of ownership, and any priority documents, which were previously not treated as part of the minimum filing requirements, are now being required by the DGIP at an early stage of the application process. As a result, if those documents are not provided, it may delay the issuance or confirmation of the filing date, or trigger formality objections that affect the continuity of the application.

In practice, we have observed that the Trademark Office has begun implementing this requirement by issuing office actions against trademark applications filed without complete supporting documentation, in particular copies of valid identity documents and corporate establishment documents. This development may be viewed as expanding the administrative burden beyond the minimum filing requirements set out under the Trademark Law, which recognize that the application form, trademark representation, and proof of payment constitute the minimum requirements to secure a filing date.

As a result, applicants should anticipate additional document preparation at an early stage of the filing process, which may require earlier coordination, particularly for multinational corporate structures.

2. External Trademark Examination Experts

The Regulation 5/2026 expressly permits the appointment of external trademark examination experts in addition to official Trademark Examiners. This provision is consistent with the Trademark Law and is intended to address the shortage of examiners. With the addition of external experts, an improvement in the speed and efficiency of trademark examinations can be expected.

3. A Significantly Faster Substantive Examination Process

Previously, substantive examination could take up to 150 days. The Regulation 5/2026 shortens the substantive examination period to 30 days if there is no opposition, or 90 days if there is an opposition.

We can therefore expect faster decisions on trademark applications. In straightforward cases, where no opposition and no office action arises, the overall registration timeline may be significantly shorter, approximately four months. However, this accelerated timeline may also give rise to practical considerations. For example, a mark may proceed to registration before the expiry of the six-month priority period, potentially creating situations where a later filing application with an earlier priority claim conflicts with an already registered mark.

4. Functional Shapes as an Absolute Ground for Refusal

The Regulation 5/2026 expressly includes “containing a functional shape” as an absolute ground for refusal. This clarifies the applications of existing principles under the Trademark Law, confirming that trademark protection cannot be used to monopolize product features that are essential to achieving a technical function.

5. New Provisions for Force Majeure

The Regulation 5/2026 introduces, for the first time, a formal mechanism allowing applicants to request extensions of statutory deadlines where compliance is prevented by force majeure events, such as war, revolution, riots, labor strikes, natural disasters, or other emergency circumstances. This mechanism is intended to provide flexibility where applicants are unable to meet deadlines relating to, among other things, trademark applications, priority claims, recordal of name changes, assignments, renewals, or responses to provisional refusals, due to circumstances beyond their control.

However, the Regulation 5/2026 does not provide detailed procedural guidance on how such requests should be submitted, assessed or granted in practice, including applicable formats, timelines or evidentiary standards. Further implementing guidelines will be required to ensure consistent application of this provision.

6. Opposition Must Be Filed with Supporting Evidence Within the Prescribed Time Limit

The Regulation 5/2026 emphasizes that any opposition against a published trademark application must be submitted together with supporting evidence within the prescribed publication period. This reinforces the importance of timely preparation, as opposition filed without sufficient evidence may be considered incomplete or may not be accepted. In practical terms, this requires opposing parties to ensure that all relevant documents, such as prior registrations, evidence of use, reputation, or well-known mark status, are prepared and submitted within the opposition window.

Notes on outstanding regulatory gaps

The Regulation 5/2026 does not clarify how public holidays are treated when calculating statutory deadlines. Under the Trademark Law, deadlines are calculated based on **working days**, not calendar days. However, in current DGIP practice, deadlines that fall on a public holiday or weekend **are not automatically extended** to the next working day and instead remain tied to the same calendar date. This inconsistency may continue to create uncertainty in determining final due dates.

The Regulation 5/2026 also does not provide technical guidance on the implementation of several new provisions that it introduces, including the stricter documentary requirements at the filing stage, the appointment and role of external trademark examination experts, the significantly accelerated substantive examination timelines, the expanded substantive examination criteria (such as functional shapes and the inherent value of a trademark), and the newly introduced force majeure mechanism. Without accompanying procedural guidelines - such as examination standards, evidentiary requirements, formats, or workflows - these provisions may be applied inconsistently in practice.

Until the DGIP issues further implementing guidelines, these gaps may lead to inconsistent interpretation and practical challenges during examination and enforcement.

Practical impact on your trademark portfolio

The Regulation 5/2026 will influence how trademark owners plan, file and manage their portfolios in Indonesia. The stricter minimum filing requirements mean applicants will need to prepare key documents earlier, making advance coordination and accurate record-keeping more important, especially for companies with multiple entities or frequent corporate changes.

At the same time, the substantially shorter substantive examination timeline will enable applicants to obtain protection more quickly. However, this accelerated process also requires more proactive monitoring for conflicting marks, as the reduced timeframe leaves less opportunity to oppose or respond to problematic applications. Applicants should also ensure that corporate and identification documents are prepared ahead of filing to minimize the risk of early-stage formality objections and potential delays in securing a confirmed filing date.

The strengthened criteria for recognizing well-known marks provide clearer regulatory support for brands with strong reputations, improving their position in oppositions, cancellations and enforcement actions. Meanwhile, the explicit exclusion of functional shapes clarifies the limits of protection for three-dimensional marks and may prompt owners of shape-based branding to reassess their IP strategies.

Finally, the introduction of force majeure extensions adds welcome flexibility by safeguarding rights when external disruptions prevent timely filings, though applicants should be prepared to provide supporting evidence. Overall, while Regulation 5/2026 introduces additional administrative steps, it also enhances efficiency, legal certainty, and portfolio protection, prompting brand owners to adjust filing strategies and strengthen monitoring practices.

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