

REGULATION OF THE NATIONAL RESEARCH AND INNOVATION AGENCY
OF THE REPUBLIC OF INDONESIA
NUMBER 11 OF 2023
ON
INTELLECTUAL PROPERTY MANAGEMENT WITHIN THE NATIONAL
RESEARCH AND INNOVATION AGENCY
BY THE BLESSINGS OF ALMIGHTY GOD
THE CHAIRPERSON OF THE NATIONAL RESEARCH AND INNOVATION
AGENCY OF THE REPUBLIC OF INDONESIA,

Considering : a. that intellectual property resulting from research activities is a strategic asset to enhance the adoption of science and technology, create societal welfare, and increase national competitiveness;
b. that as a strategic asset, intellectual property must be managed to ensure utility and be beneficial to society;
c. that there are currently no regulations on the management of intellectual property within the National Research and Innovation Agency, thus necessitating regulation;
d. that based on the considerations as referred to in point a, point b, and point c, it is necessary to issue a Regulation of the National Research and Innovation Agency on Intellectual Property Management within the National Research and Innovation Agency;

Observing : 1. Law Number 11 of 2019 on National System of Science and Technology (State Gazette of the Republic of Indonesia of 2019 Number 148, Supplement to the State Gazette of the Republic of Indonesia Number 6374);
2. Presidential Regulation Number 78 of 2021 on National Research and Innovation Agency (State Gazette of the Republic of Indonesia of 2021 Number 192);
3. Regulation of the National Research and Innovation Agency Number 1 of 2021 on Organization and Working Procedures of the National Research and Innovation Agency (State Bulletin of the Republic of Indonesia of 2021 Number 977);

HAS DECIDED:
To issue : REGULATION OF THE NATIONAL RESEARCH AND INNOVATION AGENCY ON INTELLECTUAL PROPERTY MANAGEMENT WITHIN THE NATIONAL RESEARCH AND INNOVATION AGENCY.

CHAPTER I GENERAL PROVISIONS

Article 1

In this Agency Regulation:

1. Intellectual Property means property arising from human intellectual capabilities through creativity, sense, and initiative, which may include works in technology, science, arts, and literature.
2. Invention means an idea of an inventor embodied into a specific problem-solving activity in the field of technology in the form of product or process, or refining and developing product or process.
3. Patent means an exclusive right granted to the inventors by the State as the result of his/her invention in the field of technology for a definite period of time to exclusively implement his/her given invention or to give consent to other party
4. Creation means any work in science, art, and literature produced from inspiration, capabilities, thought, imagination, dexterity, skill, or expertise, expressed in a tangible form.
5. Copyright means an exclusive right of the author vested automatically on the basis of declaratory principle after Works are embodied in a tangible form without reducing by virtue of restrictions in accordance with the provisions of legislation.
6. Industrial Design means a creation related to the configuration shape, or composition of lines or colors, or a combination thereof in three-dimensional or two-dimensional form, which provides an aesthetic impression and can be realized in a three-dimensional or two-dimensional pattern and can be used to produce a product, good, industrial commodity, or handicraft.
7. Industrial Design Right means an exclusive right granted by the Republic of Indonesia to the designer for its creation for a certain period to independently utilize or authorize others to utilize the design.
8. Plant Variety means a group of plants of a certain species or type that is characterized by plant shape, growth, leaf, flower, fruit, seed, and expression of genotype characteristics or a combination of genotypes that distinguish it from the same species by at least one distinctive feature, and that remains stable when reproduced.
9. Plant Variety Protection Right, hereinafter referred to as the PVP Right means an exclusive right granted by the State to the breeder and/or the holder of the PVP Right to use the variety resulting from their breeding, or to authorize other persons or legal entities to exploit it, for a certain period.
10. Integrated Circuit means a product in finished or semi-finished form that contains various elements, at least one of which is an active element, which is interconnected and formed in an integrated manner within a semiconductor material designed to perform an electronic function.
11. Layout Design means a creation in the form of a three-dimensional layout of various elements, at least one of which is an active element, as well as all or part of the interconnections within an Integrated Circuit, where the three-dimensional layout is intended for the preparation of Integrated Circuits manufacture.

12. Integrated Circuit Layout Design Right means an exclusive rights granted by the Republic of Indonesia to the designer for a certain period to independently utilize or authorize others to utilize the layout design.
13. Trade Secret means information that is not publicly known in the field of technology and/or business, which has economic value due to its usefulness in business activities and is kept confidential by the owner of the Trade Secret.
14. Trade Secret Rights means a right over Trade Secret that arises based on the Trade Secret Law.
15. Trademark means a sign that can be represented graphically, in the form of an image, logo, name, word, letter, number, color arrangement, in 2(two)-dimensional and/or 3 (three)-dimensional form, sound, hologram, or a combination of two or more of these elements to distinguish goods and/or services produced by individuals or legal entities in good and service trade activity.
16. Trademark Right means an exclusive right granted by the state to the registered Trademark owner for a certain period to use the Trademark independently or to grant permission to others to use it.
17. Fish means any type of organism that spends all or part of its life cycle in an aquatic environment.
18. Animal Breed means a group of individual animals within one lineage having certain characteristics used for breeding or reproduction purposes.
19. Communal Intellectual Property means Intellectual Property with communal ownership that has economic value while upholding moral, social, and cultural values of the nation.
20. Research means research, development, assessment, and/or application of science and/or technology activities in accordance with statutory regulations.
21. License means the permission granted by the Intellectual Property rights holder to another party based on an agreement granting rights to enjoy the economic benefits of protected Intellectual Property for a certain period and under specific terms.
22. Royalty means the compensation given for the use of Intellectual Property rights.
23. Compensation for Non-Tax State Revenue Derived from Copyright, Patent, and/or PVP Rights Royalties hereinafter referred to as Compensation means the fee paid in the form of money provided to creators, inventors, and/or breeders who generate non-tax state revenue from Copyright, Patent, and/or PVP Rights royalties.
24. Intangible Asset (*Aset Tak Berwujud*) hereinafter abbreviated to as ATB means a non-monetary asset without physical form owned by research and development institutions and/or higher education institutions.
25. Public Domain means Intellectual Property whose protection period has expired and/or is not covered by Intellectual Property rights, making it publicly available for free use without the need for permission from anyone.
26. National Research and Innovation Agency hereinafter abbreviated to as BRIN means a government agency under and accountable to the President, responsible for conducting research, development, assessment, and application, as well as managing Invention and innovation, nuclear power, and space activities in an integrated manner.

27. Applicant means human resources of the National Research and Innovation Agency, whether individuals or groups, who generate Intellectual Property and submit applications for Intellectual Property protection.
28. Partner means a company or business entity that can utilize Intellectual Property for commercial purposes based on a License agreement.

CHAPTER II OWNERSHIP AND TYPES OF INTELLECTUAL PROPERTY

Part One Ownership of Intellectual Property

Article 2

- (1) All Intellectual Property generated from Research activities using BRIN resources, including human resources, funding, and/or facilities and infrastructure, is owned by BRIN.
- (2) In the event that the resources for Research activities are partially provided by BRIN, the resulting Intellectual Property is jointly owned by BRIN and the other party, unless otherwise agreed.
- (3) Joint ownership of Intellectual Property generated from Research activities as referred to in section (2) is stipulated in an agreement in accordance with the provisions of legislation.
- (4) The joint ownership as referred to in section (3) is established based on mutual agreement or by taking into account the human resources, funding sources, and/or facilities and infrastructure utilized in the research activities.

Article 3

In the event that Intellectual Property originates from activities other than BRIN's Research activities, the Intellectual Property may become the property of BRIN if the Intellectual Property rights are transferred by the owner through a letter of transfer of rights.

Part Two Types of Intellectual Property

Article 4

- (1) The types of Intellectual Property managed by BRIN consist of:
 - a. Invention protected by Patent;
 - b. Creation protected by Copyright;
 - c. Industrial Design protected by Industrial Design Right;
 - d. Layout Design of Integrated Circuits protected by Layout Design Right of Integrated Circuits;
 - e. Trademark protected by Trademark Right;
 - f. Plant Varieties protected by PVP Right; and
 - g. Trade Secret protected by Trade Secret Right.
- (2) Invention protected by Patent as referred to in section (1) point a includes Inventions protected by Patent and simple Patent as regulated under law on Patent.
- (3) Creation protected by Copyright as referred to in section (1) point b, such as books or audiovisual works, are governed in accordance with the provisions of legislation.

- (4) Trademark protected by Trademark Right as referred to in section (1) point e are Trademarks intended to enhance BRIN's institutional branding.
- (5) In the event of Communal Intellectual Property, BRIN undertakes efforts to conduct identification, data collection, and utilization such property for the benefit of society.
- (6) In the event of Research and innovation, BRIN registers:
 - a. Plant Varieties resulting from breeding;
 - b. Animal Breeds; and
 - c. types of Fish.

CHAPTER III INTELLECTUAL PROPERTY PROTECTION

Part One Application for Intellectual Property Protection

Article 5

- (1) Intellectual Property protection is undertaken to obtain legal protection and benefits over Intellectual Property.
- (2) To obtain Intellectual Property protection, the Applicant's work unit submits an application letter for Intellectual Property protection, signed by the head of the Applicant's work unit, to the work unit responsible for Intellectual Property management.
- (3) The application letter for Intellectual Property protection as referred to in section (2) is accompanied by documents detailing the specifications or substance of the Intellectual Property.
- (4) The application letter for Intellectual Property protection as referred to in section (3) is submitted electronically.

Article 6

- (1) The work unit responsible for Intellectual Property management examines the documents detailing the specifications or substance of the Intellectual Property as referred to in Article 5, section (3), within a maximum period of 14 (fourteen) workdays from the receipt of the Intellectual Property protection application.
- (2) If the examination of the documents detailing the specifications or substance of the Intellectual Property as referred to in section (1) indicates that the requirements are met the requirements in accordance with the provisions of legislation, the Applicant completes the supporting documents.
- (3) The supporting documents referred to in section (2) consist of:
 - a. statement of ownership of Intellectual Property;
 - b. a statement of transfer of Intellectual Property;
 - c. an ATB assessment form; and
 - d. other documents required by legislation regarding Intellectual Property in accordance with the types of Intellectual Property for which protection is being applied.
- (4) In the event that the applied Intellectual Property is an Invention related to microorganisms, in addition to the documents as referred to in section (3), proof of deposit of the microorganism in a work unit responsible for genetic resource preservation must be provided.

- (5) The supporting documents as referred to in section (3) and section (4) are submitted electronically and in non-electronic.
- (6) If the examination of the documents detailing the specifications or substance of the Intellectual Property as referred to in section (1) indicates that the requirements are not yet met the requirements in accordance with the provisions of legislation, the application is returned to the Applicant and may be resubmitted in accordance with provisions of legislation.

Part Two Intellectual Property Registration

Article 7

- (1) The work unit responsible for Intellectual Property management submits the application for Intellectual Property protection registration to the relevant ministry in accordance with its duties and authority.
- (2) The original document evidencing the registration of the Intellectual Property protection application from the relevant ministry, in accordance with its duties and authority, is retained and managed by the work unit responsible for Intellectual Property management.
- (3) A copy of the document evidencing the registration of the Intellectual Property protection application as referred to in section (2) is provided to the Applicant.

Part Three Intellectual Property Publication

Article 8

- (1) All information resulting from Research that has not yet been applied for Intellectual Property protection must be kept confidential until:
 - a. the Intellectual Property is published in accordance with the provision of legislation; and
 - b. it is declared as open-source information, granted written permission for use by other related parties, and/or designated as Public Domain.
- (2) Any disclosure of information outside the provisions as referred to in section (1) must be accompanied by a confidentiality agreement signed by the party receiving access to the information.

Part Four Substantive Examination Process

Article 9

- (1) Intellectual Property that is in the process of registration for Intellectual Property protection, as referred to in Article 7 section (1), is subject to a substantive examination by the relevant ministry in accordance with its duties and authority.
- (2) The results of the substantive examination as referred to in section (1) is provided to the Applicant.
- (3) The Applicant is obligated to respond with substantive correction in accordance with the results of the substantive examination as referred to in section (2) within the specified period.

- (4) If the Applicant does not respond with document correction within the specified period as referred to in section (3), the Intellectual Property application is deemed withdrawn.

Article 10

Substantive examination as referred to in Article 9 does not apply to Copyrights and Trade Secrets.

Article 11

- (1) In the event that the Intellectual Property application has met all requirements, following procedures, and correction document of substantive examination results has been submitted, but is still declared withdrawn by the ministry, a review of the Intellectual Property application may be requested in accordance with the provision of legislation.
- (2) In the event of review process as referred to in section (1), the work unit responsible for Intellectual Property management coordinates with the Applicant.

Part Five

Intellectual Property Decision Information

Article 12

- (1) The decision on an Intellectual Property protection application submitted by BRIN to the relevant ministry, according to its duties and authority, may be in the form of:
 - a. granting of Intellectual Property protection; or
 - b. rejection of Intellectual Property protection.
- (2) If the Intellectual Property application submitted by BRIN is granted Intellectual Property protection as referred to in section (1) point a, BRIN will receive a notification letter of the approval of the Intellectual Property application and an Intellectual Property certificate/decision.
- (3) The notification letter of the approval of the Intellectual Property application and the Intellectual Property certificate/decision as referred to in section (2) serves as proof that Intellectual Property rights have been granted.
- (4) A copy of the Intellectual Property protection decision document as referred to in section (3) is delivered to the Applicant.

Part Six

Intellectual Property Maintenance

Article 13

- (1) Intellectual Property that has been granted Intellectual Property rights is subject to maintenance in accordance with the provisions of legislation.
- (2) The maintenance of Intellectual Property as referred to in section (1) applies to Patent, Simple Patent, and PVP.
- (3) In conducting Intellectual Property maintenance, the Intellectual Property management work unit coordinates with the work unit responsible for technology transfer and audit duties.
- (4) Operational procedures regarding Intellectual Property maintenance are established by the Chairperson of BRIN.

Part Seven
Appeal Process

Article 14

- (1) In the event that an application for Intellectual Property protection is rejected as referred to in Article 12, section (1) point b, BRIN may file an appeal.
- (2) The appeal is proposed by the Applicant by submitting:
 - a. an appeal application letter for the rejection of Intellectual Property protection; and
 - b. a response to the Intellectual Property rejection decision, to the work unit responsible for Intellectual Property management.
- (3) The appeal process as referred to in section (1) is conducted in accordance with the provision of legislation.

Part Eight
Intellectual Property Rights Disputes

Article 15

- (1) In the event of an Intellectual Property rights dispute, the Applicant reports it to the work unit responsible for Intellectual Property management.
- (2) Actions to address Intellectual Property rights disputes as referred to in section (1) may take the form of advocacy, legal actions, or other substantial support.
- (3) In carrying out the actions as referred to in section (2), the work unit responsible for Intellectual Property management coordinates with the work unit responsible for legal advocacy and other relevant parties.

Part Nine
Communal Intellectual Property

Article 16

- (1) The work unit responsible for Intellectual Property management undertakes efforts to identify and assist in the protection of Communal Intellectual Property, including:
 - a. traditional knowledge;
 - b. traditional cultural expressions;
 - c. genetic resources;
 - d. potential geographical indications; and
 - e. indications of origin.
- (2) The efforts to identify and protect Communal Intellectual Property as referred to in section (1) include documented data on Communal Intellectual Property, which is to be submitted to the relevant ministry in accordance with its duties and authority.

CHAPTER IV
CALCULATION AND ADMINISTRATION OF ATB IN THE FORM
OF INTELLECTUAL PROPERTY

Part One
General

Article 17

The calculation and administration of ATB in the form of Intellectual Property aim to:

- a. safeguard and maintain all Intellectual Property managed in accordance with standards established by legislation;
- b. determine the value of ATB in the form of Intellectual Property owned by BRIN;
- c. record assets as part of the administration of state assets to support accountable financial management;
- d. determine the value of Intellectual Property as a reference point for License agreements; and
- e. carry out other necessary administrative efforts in accordance with the provisions of legislation.

Article 18

The criteria for ATB in the form of Intellectual Property include:

- a. identifiable;
- b. managed and controlled by BRIN;
- c. has potential economic benefits;
- d. partially or fully financed by the state budget and/or local budget; and
- e. Intellectual Property registration has been applied for.

Part Two

Calculation of ATB in the Form of Intellectual Property

Article 19

- (1) The calculation of Intellectual Property value for accounting purposes is conducted using a cost-based approach.
- (2) The calculation of Intellectual Property value as referred to in section (1) is based on the identification of supporting documents, which include:
 - a. source of funding;
 - b. expenditure records for the Intellectual Property process;
 - c. facilities and/or infrastructure used; and
 - d. documents related to Intellectual Property.
- (3) The calculation of Intellectual Property value for commercial purposes is conducted using an income-based and/or market-based approach.
- (4) The calculation of Intellectual Property value as referred to in section (1) is determined by the Chairperson of BRIN.

Part Three

Administration of ATB in the Form of Intellectual Property

Article 20

- (1) The administration of ATB in the form of Intellectual Property is based on the calculated value of Intellectual Property as referred to in Article 19, section (1).
- (2) The administration of ATB is carried out by the work unit responsible for managing state assets in coordination with the work unit responsible for managing Intellectual Property.
- (3) The operational procedures regarding the administration of ATB in the form of Intellectual Property are established by the Chairperson of BRIN.

CHAPTER V UTILIZATION OF INTELLECTUAL PROPERTY

Part One General

Article 21

- (1) Any human resource in the field of science and technology endeavors to utilize Intellectual Property.
- (2) The utilization of Intellectual Property must be conducted for sustainable national development, quality of life, and societal welfare.
- (3) Intellectual Property that may be submitted for utilization is Intellectual Property owned by BRIN and/or jointly owned as referred to in Article 2.
- (4) The utilization of Intellectual Property as referred to in section (2) is conducted in a manner that is:
 - a. commercial; or
 - b. non-commercial.
- (5) The utilization of Intellectual Property as referred to in section (3) is carried out by the work unit responsible for the utilization of Intellectual Property.

Article 22

- (1) Utilization of Intellectual Property in the form of Plant Varieties, Animal Breeds, or types of Fish intended for distribution and/or dissemination shall be conducted through a release mechanism established in accordance with the provisions of legislation.
- (2) The release as referred to in section (1) may be applied for if there is a user Partner and it meets the requirements under the provisions of legislation.
- (3) The application for release as referred to in section (2) is submitted to the work unit responsible for Intellectual Property management, accompanied by documentation of collaboration with third parties.

Part Two Commercial Utilization

Article 23

Commercial utilization as referred to in Article 21, section (4), point a may be conducted through License and is state in a License agreement.

Article 24

- (1) The License as referred to in Article 23 may be applied for by:
 - a. the creator, inventor, breeder, or designer; and/or
 - b. a Partner.
- (2) The License application is submitted in writing to the work unit responsible for coordinating Licensing cooperation.
- (3) A License application submitted as referred to in section (1), point a is submitted in writing through the head of each work unit, accompanied by a copy of the Intellectual Property description document intended for utilization.
- (4) A License application submitted as referred to in section (1), point b includes a copy of the legal documentation of the business entity, coordinated by the work unit responsible for coordinating Licensing cooperation.

Article 25

- (1) The work unit responsible for handling License cooperation conducts examination and evaluation of the License application documents as referred to in Article 24.
- (2) In conducting the examination and evaluation as referred to in section (1), the involvement of relevant work units may be required.
- (3) The examination and evaluation as referred to in section (1) and section (2) may be carried out through on-site visits.
- (4) If the License application is approved, the work unit responsible for License cooperation formulates and discusses the draft License agreement.

Article 26

- (1) Intellectual Property Compensation from the commercial utilization of Intellectual Property is only granted to the creator, inventor, or breeder.
- (2) The procedures and amounts of Compensation as referred to in section (1) are determined in accordance with the provisions of legislation.
- (3) In the event that there is more than 1 (one) creator, inventor, or breeder, the distribution of Compensation is determined by the respective group of creators, inventors, or breeders.

Part Three

Non-Commercial Utilization

Article 27

- (1) The non-commercial utilization of Intellectual Property as referred to in Article 21, section (4), point b is stated in a written agreement.
- (2) Applications for the utilization of Intellectual Property may be submitted by:
 - a. individuals;
 - b. the central government; or
 - c. local governments.
- (3) The application for Intellectual Property utilization as referred to in section (2) is submitted in writing to the work unit responsible for the utilization of Intellectual Property.
- (4) The non-commercial utilization of Intellectual Property is conducted based on the standard operating procedures established by the Chairperson of BRIN.

CHAPTER VI

FUNDING

Article 28

- (1) The funding sources for the Intellectual Property protection process is derived from:
 - a. the state budget; and/or
 - b. other lawful and non-binding sources in accordance with provisions of legislation.
- (2) The funding for the protection of BRIN-owned Intellectual Property includes:
 - a. applications for Intellectual Property protection;
 - b. copyright registration;
 - c. substantive examination of Intellectual Property applications;
 - d. maintenance of Intellectual Property; and

- e. other activities related to the protection of Intellectual Property.

CHAPTER VII INTELLECTUAL PROPERTY INFORMATION SYSTEM

Article 29

- (1) Intellectual Property data is managed within an integrated information system to facilitate service and utilization.
- (2) The Intellectual Property information system as referred to in section (1) may be utilized by other Intellectual Property management institutions by submitting a written application to the Chairperson of BRIN.
- (3) All Intellectual Property data and information are subject to mandatory submission and storage.

CHAPTER VIII INTELLECTUAL PROPERTY DEVELOPMENT

Article 30

- (1) In order to optimize Intellectual Property management, the work unit responsible for Intellectual Property management conducts Intellectual Property development activities.
- (2) The Intellectual Property development as referred to in section (1) is coordinated through the work unit responsible for competency development.
- (3) The Intellectual Property development as referred to in section (1) includes:
 - a. strengthening institutional capacity;
 - b. enhancing human resource capacity; and
 - c. providing an Intellectual Property information system.

CHAPTER IX MONITORING AND EVALUATION

Article 31

- (1) Monitoring and evaluation are conducted on:
 - a. Intellectual Property protection; and
 - b. Intellectual Property utilization.
- (2) Monitoring and evaluation as referred to in section (1), point a are conducted by the work unit responsible for Intellectual Property management.
- (3) Monitoring and evaluation as referred to in section (1), point b is conducted by the work unit responsible for Intellectual Property utilization.
- (4) Monitoring and evaluation as referred to in section (1) are conducted at least 1 (one) in 1 (one) year.

CHAPTER X CLOSING PROVISIONS

Article 32

This Agency Regulation comes into force on the date of its promulgation.

In order for every person may know hereof, it is ordered to promulgate this Agency Regulation by its placement in the State Bulletin of the Republic of Indonesia.

Issued in Jakarta
on 21 August 2023

CHAIRPERSON OF THE NATIONAL
RESEARCH AND INNOVATION AGENCY
OF THE REPUBLIC OF INDONESIA,

signed

LAKSANA TRI HANDOKO

Promulgated in Jakarta
on 1 September 2023

DIRECTOR GENERAL OF LEGISLATION OF THE MINISTRY OF LAW AND
HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA,

signed

DHAHANA PUTRA

STATE BULLETIN OF THE REPUBLIC OF INDONESIA OF 2023 NUMBER 694

Jakarta, 18 December 2025
Has been translated as an Official Translation
on behalf of the Minister of Law
of the Republic of Indonesia
DIRECTOR GENERAL OF LEGISLATION,



DHAHANA PUTRA