

INTELLECTUAL PROPERTY

Ministry of Law Issues New Implementing Regulation on Trademark Registration



The Minister of Law has issued Minister of Law Regulation No. 5 of 2026 on Trademark Registration ("**Regulation 5/2026**"), which updates key aspects of trademark registration, including the timeframe for substantive examination of trademark applications, trademark application requirements, and the criteria for non-registrable trademarks.

The key features of Regulation 5/2026 are summarised below.

1. **Faster Substantive Examination**

In line with the Omnibus Law (Government Regulation in Lieu of Law No. 2 of 2022), which streamlines the substantive examination period, Regulation 5/2026 emphasises that the Directorate General of Intellectual Property ("**DGIP**") must adhere to the statutory timeframe for conducting substantive examinations of trademark applications.

A 30-day substantive examination period applies where no opposition is submitted by any third party. Where an opposition is filed, the substantive examination must be completed within 90 days. The implementation of this timeframe is expected to facilitate faster trademark registration for applicants, with protection obtainable in less than one year.

2. **Non-Registrable Trademarks**

Regulation 5/2026 introduces an additional category of non-registrable trademarks under the absolute grounds for refusal. A trademark application may be refused if it contains a functional shape. This provision reflects the Omnibus Law's policy of preventing functional product features from being protected as trademarks, thereby avoiding overlap between trademark and patent rights.

3. **Trademark Protection for Sound Marks**

Regulation 5/2026 sets out specific requirements for trademark applications covering sound marks. Under this regulation, applicants must submit a sound recording together with its notation or a sonogram.

4. **Force Majeure Events**

Regulation 5/2026 provides flexibility for applicants affected by force majeure events by granting them the right to apply for an extension of time to complete the formality documents required for filing a trademark application.

5. **Formality Documents for Filing Trademark Applications**

Regulation 5/2026 requires applicants to submit proof of identity, such as an Identity Card, Passport, or Temporary Stay Permit (*Kartu Izin Tinggal Terbatas* or KITAS). Where the applicant is a legal entity, a deed of establishment of the company or any amendment thereto ("**Corporate Documents**") must also be submitted.

This requirement has also been announced by the DGIP through its e-filing system. In this regard, Corporate Documents originating from foreign entities must be accompanied by an Indonesian-language translation prepared by a sworn translator.

Commentary

Regulation 5/2026 reflects the DGIP's commitment to accelerating the trademark registration process in Indonesia. However, the introduction of additional formality documents, particularly the requirement to submit Corporate Documents together with a sworn Indonesian translation, appears to run counter to this objective. In practice, this requirement may prolong the preparation process for trademark filings and increase compliance costs, particularly for foreign applicants.

The Indonesian IP Consultant Association (*Asosiasi Konsultan HKI Indonesia* or AKHKI) is currently engaged in discussions with the DGIP to explore the possibility of postponing the implementation of these additional formality requirements for new trademark applications. Pending further clarification, trademark applicants, particularly foreign entities, should factor in additional preparation time when planning new filings. We will continue to monitor developments and provide updates as the regulatory practice evolves.

For regional Intellectual Property matters, please see Rajah & Tann Asia's [Regional Intellectual Property Practice](#) for more information.

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