



ARMA Update 13 May 2022
(English Version)

**Madrid Protocol as a Form of
Protection of Trademark Internationally**

General Overview

Madrid Protocol is an international agreement signed by member countries of the World Intellectual Property Organization (“**WIPO**”) in 1989 on the basis of international trademark registration.

According to Law No. 20 of 2016 regarding Mark and Geographical Indication as last amended by Law No. 11 of 2020 regarding Job Creation (“**Law 20/2016**”), a Trademark is a sign that can be displayed graphically in the form of an image, logo, name, word, letter, number, color arrangement, in 2 (two) dimensions and/or 3 (three) dimensions, sound, hologram, or a combination of 2 (two) or more of these elements to distinguish goods and/or services produced by persons or legal entities in goods and/or services trading activities.¹

As a country that actively participates in world trade, Indonesia ratified the Madrid Protocol through Presidential Regulation No. 92 of 2017 regarding the Ratification of Protocol Relating to the Madrid Agreement concerning the International Registration of Mark, 1989 (“**PR 92/2017**”).

By registering a trademark using the Madrid Protocol, the registered trademark is protected worldwide. In addition, Madrid Protocol also has a simple, fast, and cost-effective procedure. The following are the advantages of using the Madrid Protocol compared to manual trademark registration:

Madrid Protocol	Manual Trademark Registration
Registration uses 1 (one) integrated system, namely the WIPO (World Intellectual Property Organization) system which will be assisted through the DJKI to the countries of the applicant's choice (designation countries).	Requires the assistance of an IP Attorney from each applicant's destination country.
The cost of trademark registration is relatively cheaper, and there is no foreign legal consultant (“ IP Attorney ”) fee at the time of registration, and translator fees can be minimized because they only use English.	Registration is done through the intellectual property office of each designation country.
Can expand the destination country of choice at any time.	The costs incurred tend to be higher due to the need for assistance/advice from the IP Attorney of each designation country.

¹ Article 1 paragraph (1) Law 20/2016



It is easy to modify intellectual property in terms of transfer of rights, change of name, address, extension, restrictions on types of services/goods, etc.) because the management system is centralized in 1 (one) system.	When one of the designation countries refuses to register the mark, the registrant must file a rebuttal through the IP Attorney of that country.
The single currency for payments is the Swiss Franc (CHF)	

Registration Application Procedure

The procedure for applying for trademark registration (“**Application**”) is described in Government Regulation No. 22 of 2018 regarding International Registration of Mark Based on Protocol Relating to Madrid Agreement concerning International Registration of Mark (“**GR 22/2018**”).

The application can be in the form of:²

- a. applications originating from Indonesia are addressed to the International Bureau through the Minister; or
- b. applications addressed to Indonesia as one of the destination countries are received by the Minister from the International Bureau.

Furthermore, the Application can be submitted electronically and non-electronically by filling out a form in English. The application can only be submitted by:

- a. Applicants who have Indonesian citizenship;
- b. Applicants who have a domicile or legal domicile in the territory of the Unitary State of the Republic of Indonesia; or
- c. Applicants who have real industrial or commercial business activities in the territory of the Unitary State of the Republic of Indonesia.

Legal Protection and Extension of Legal Protection Period

Legal protection for Marks based on International Registration is granted for 10 (ten) years from the date of registration. In order to do an extension, the following conditions must be observed:

1. Extension of International Registration which is intended for Indonesia shall be notified by the International Bureau to the Minister.
2. After receiving the notification of the extension as referred to in paragraph (1), the Minister shall record and announce it in the Official Gazette of Marks.
3. With respect to the extension as referred to in paragraph (2), the Minister shall receive an International Registration extension fee from the International Bureau.

For more information, please contact Aryo Baskoro (aryo.baskoro@arma-law.com) and Aurelia Suci Sianturi (aurelia.sianturi@arma-law.com).

² Article 2 GR 22/2018



Disclaimer:

This ARMA Update is the property of ARMA Law and is intended to provide general information and should not be treated as legal advice, nor shall it be relied upon by any party for any circumstance. ARMA Law has no intention to provide specific legal advice with regard to this ARMA Update.