# Questionnaire on Special Topic (Grace Period)

**INDONESIA GROUP**

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The grace period reconciles an inventor's need to disclose an invention before filing with the requirements for patentability. It serves to protect inventors and promote innovation through early information sharing. At the same time, balancing this protection with predictability and legal certainty for third parties remains a common challenge across jurisdictions.

Grace period rules, such as availability, duration, eligible disclosures, treatment of third-party disclosures, and procedural requirements, differ significantly across countries and regions. A pre-filing disclosure that is permissible in one country may constitute a loss of novelty in another, potentially causing serious disadvantage. An accurate understanding of each jurisdiction's rules and their practical operation is therefore essential.

The APAA Patent Committee has adopted the grace period as this year's Special Topic. The objectives are to compare and analyze each country's system, deepen understanding of the differences among them, and contribute to their improvement. To this end, the Committee is conducting this questionnaire with the cooperation of each regional group.

Please answer the following questions regarding the grace period as defined below.

(Definition)
A grace period refers to a specified period preceding the filing or priority date of a patent application during which certain disclosures of an invention made within that period are disregarded when determining novelty, etc. of the invention claimed in the patent application.

A. Current System

I. Availability of a Grace Period

1) Is a grace period available for patent applications in your country or jurisdiction?
☒ Yes
□ No

**Indonesia answer (I.1):** Yes, but only for prescribed disclosures. Under Article 6 of Law No. 13 of 2016 on Patents, as amended by Law No. 65 of 2024, an invention is not deemed to have been made public if, within 12 months before the Filing Date ("*Tanggal Penerimaan"*), it was: (a) displayed at an official exhibition or an exhibition recognized as official, in Indonesia or abroad; (b) used in Indonesia or abroad by its inventor in experiments for research and development purposes; and/or (c) announced by its inventor at a scientific session in the form of an examination of a thesis, dissertation, or other scientific work, or at another scientific forum discussing research results at an educational or research institution (Art. 6(1)). An invention is also not deemed to have been made public if, within 12 months before the Filing Date, another party disclosed it in breach of an obligation to keep it confidential (Art. 6(2)). Law No. 65 of 2024 extended the Art. 6(1) period from 6 months (original 2016 text) to 12 months. There is no general grace period for other self-disclosures such as journal articles, website posts, or sales.

II. Legal basis of the Grace Period

1) What is the underlying legal rationale of the Grace Period in your jurisdiction? Please select the option that best describes its primary characterization:

□ Broad protection for inventors (acting as a general safety net against pre-filing disclosures, e.g., the U.S.).
☒ Statutory relief as an exception to lack of novelty (saving the inventor's own disclosures under specific procedural requirements, e.g., Japan).
□ Ensuring legal certainty for third parties (allowing exceptions to the novelty requirement only in strictly limited circumstances, e.g., Europe).
□ Standardization with foreign jurisdictions.
□ Other (please specify: _____).

**Indonesia answer (II.1):** Statutory relief as an exception to lack of novelty. Article 6 is expressly framed as an exception to the prior art rule in Article 5(2) and is confined to listed circumstances, principally the inventor's own disclosures in research, academic, and official exhibition settings, plus disclosures made in breach of confidence. [Law No. 13 of 2016, Arts. 5–6; Law No. 65 of 2024, Art. 6.]

III. Duration

1) How long is the grace period? (Multiple answers permitted.)

- ☐ 6 months
- ☒ 1 year
- ☐ Other (Please specify the exact period.)

(Where multiple grace periods exist, please indicate the applicable period for each type of act listed in Section IV below.)

2) Assume that a national phase application is derived from an international application claiming priority from a foreign patent application or utility model application.

In the case of examination of such a national phase application, which of the disclosures made at time points A to D in the figure below would be excluded from prior art for determining novelty and the like? In this connection, the disclosure is eligible for the grace period in your country, and if any procedure is required for excluding such disclosures, such procedure shall be deemed to have been duly carried out.

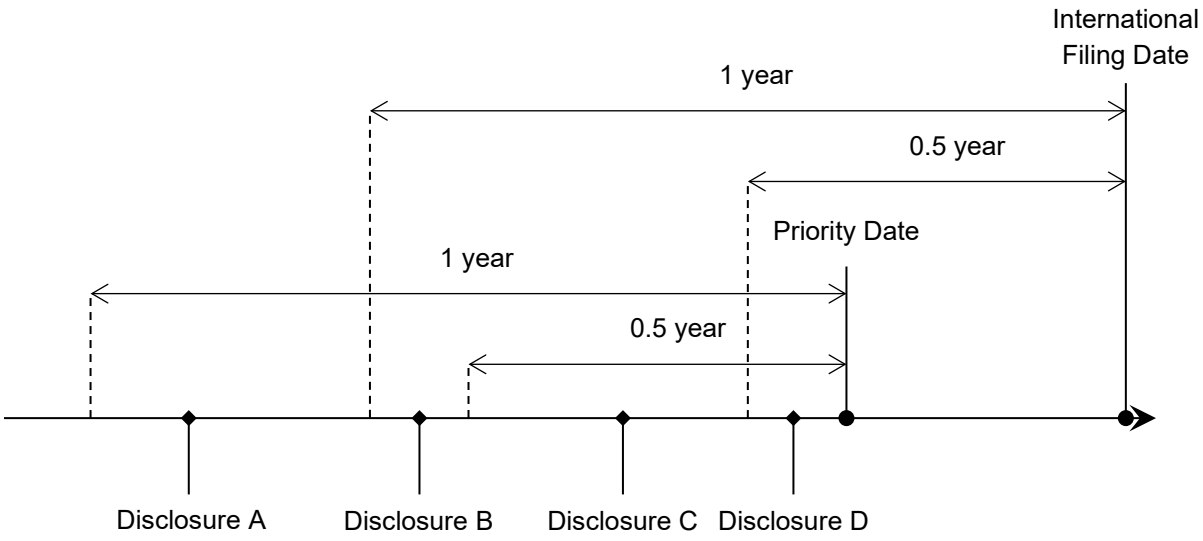
(Multiple answers permitted.)

- ☐ Disclosure A
- ☐ Disclosure B
- ☒ Disclosure C
- ☒ Disclosure D
- ☒ Additional conditions are required (please explain)
- ☐ All disclosures are considered during examination

**Indonesia answer (III.1):** One year (12 months) for all forms of grace period under Arts. 6(1) and 6(2), counted back from the Filing Date ("*Tanggal Penerimaan*"), i.e., the date on which an application meeting the minimum requirements is received. The statute refers to the Filing Date, not the priority date, although prior art under Art. 5(2) is otherwise assessed as of the priority date where priority is claimed. [Law No. 65 of 2024, Arts. 1 and 6; Law No. 13 of 2016, Art. 5(2).]

**Indonesia answer (III.2):** Disclosures C and D. Reading the figure so that C and D fall within 12 months before the international filing date (treated as the Indonesian Filing Date for a PCT national phase application), and A and B fall before the priority date and more than 12 months before the international filing date, only C and D are excluded. C and D also post-date the priority date, so they would not be prior art under Art. 5(2) in any event if the priority claim is valid (i.e., the claimed elements are disclosed in the priority document). A and B are considered during examination; B would be excluded only if the grace period were measured from the priority date, which the Law does not provide. Indonesia therefore does not offer a

combined priority year plus grace year. Additional condition: the disclosure must be of a type listed in Art. 6 and be supported by evidence. As the Law does not expressly address how the Filing Date applies to PCT national phase entries, this reading should be confirmed against current DGIP practice. [Law No. 13 of 2016, Arts. 5(2), 6 and Elucidation of Art. 5(2); Minister of Law Regulation No. 6 of 2026, Arts. 3(h), 37.]




3)In the above question (2), if the application forming the basis of the priority claim were a patent application or utility model application filed in your country, which of the disclosures would be excluded from prior art for determining novelty and the like?

(Multiple answers permitted.)

- ☐ Disclosure A
- ☐ Disclosure B
- ☒ Disclosure C
- ☒ Disclosure D
- ☒ Additional conditions are required (please explain)
- ☐ All disclosures are considered during examination

**Indonesia answer (III.3):** Same as III.2. An Indonesian (rather than foreign) priority application does not change the 12-month look-back from the Filing Date of the later application under Art. 6. A qualifying disclosure made within 12 months before the first Indonesian application's Filing Date (e.g., Disclosure B) may be disregarded in examining that

first application, but it is not automatically disregarded for the later application, whose window runs from its own Filing Date. Disclosure A is outside any 12-month window. [Law No. 13 of 2016, Arts. 5(2), 6; Law No. 65 of 2024, Art. 6.]

IV. Disclosures Eligible for Grace Period

1) Does the grace period apply irrespective of the manner of disclosure of the invention?

□ Yes
☒ No

2) If the form or manner of disclosure is relevant, which of the following are covered? (Multiple answers permitted.)

2-1) Disclosure by a person having the right to obtain a patent
□ Publication in academic journals or conference proceedings
□ Publication in books or pamphlets
□ Publication on websites containing academic papers or conference abstracts
□ Publication on the applicant's own website
□ Publication on e-commerce websites
□ Publication on social networking services (SNS)
☒ Presentation at meetings (e.g., academic conferences, seminars, presentations for investors or customers)
☒ Disclosure through public trial or testing

☒ Disclosure at an official or officially recognized international exhibition (Art. 11 of the Paris Convention)

☒ Disclosure through public display (e.g., other exhibitions, trade fairs, expositions)
□ Disclosure through advertising, sale or distribution of products embodying the invention
□ Disclosure through press conferences or appearances on live television or radio programs

2-2) Disclosure by Patent Office

□ Publication in the laid-open patent publication or patent gazette of the applicant's own patent application.

**Indonesia answer (IV.2-2):** Not covered. Publication of the applicant's own earlier patent application by DGIP or a foreign office is not among the Art. 6 exceptions and forms part of the prior art if published before the Filing Date or priority date. [Law No. 13 of 2016, Arts. 5(2), 6; Minister of Law Regulation No. 6 of 2026, Art. 66(1)(a)–(b).]

2-3) If a third party acting with the authority of and at the request of a person having the right to obtain a patent makes any of the disclosures listed in 2-1 and/or 2-2 above, is the

grace period applicable?

☒ Yes
□ No

**Indonesia answer (IV.2-3):** Yes, conditionally, and mainly for exhibitions. Art. 6(1)(a) does not specify who must display the invention, so an authorized display at a qualifying exhibition (e.g., by the applicant, employer, or a distributor) should qualify. Art. 6(1)(b) and (c), however, refer to use or announcement "by its Inventor", so disclosure by an authorized third party in research or scientific forum settings is not clearly covered and carries risk. [Law No. 65 of 2024, Art. 6(1).

2-4) If a third party makes any of the disclosures listed in 2-1 and/or 2-2 above against the will or without the authority of the person having the right to obtain a patent, is the grace period applicable?

☒ Yes
□ No

**Indonesia answer (IV.2-4):** Yes, conditionally. Under Art. 6(2), an invention is not deemed to have been made public if, within 12 months before the Filing Date, another party disclosed it in breach of an obligation to keep the invention confidential. The applicant should be prepared to prove the confidentiality obligation (e.g., an NDA, employment, or research agreement) and its breach. An unauthorized disclosure by a party who owed no confidentiality obligation is not covered. [Law No. 65 of 2024, Art. 6(2).]

V. Procedures

1) Are any procedures required in order for the grace period to apply?

☒ Yes, to enjoy all of the available forms of grace period
□ Yes, to enjoy some but not all of the available forms of grace period
□ No

2) If any procedures are required, is it necessary to submit documents proving the fact of disclosure?
☒ Yes
□ No

3) If yes, what is required and for which forms of grace period?
☒ A written statement/declaration indicating that the grace period requirements are satisfied
☒ Evidence specifically showing that the requirements for application are satisfied

4) By when must the statement/declaration, and/or evidence referred to in 3) above be submitted?

☒ At the time of filing the patent application

☒ Other (At any stage of examination, if the Examiner identifies relevant prior art, the Applicant has the right to demonstrate that such prior art falls within the applicable grace period and therefore should not be cited against the application.)

**Indonesia answer (V.1–V.4):** Neither the Patent Law nor Minister of Law Regulation No. 6 of 2026 prescribes a specific grace-period declaration form or filing deadline; a grace-period statement is not among the mandatory attachments listed in Art. 25(2) of the Law or Art. 4(1) of Minister of Law Regulation No. 6 of 2026. In practice, the burden is on the applicant to establish the exception, so applicants should file a statement identifying the disclosure (date, venue or forum, and nature) with supporting evidence (e.g., an exhibition certificate and proof of Government organization or recognition, thesis examination or forum records, R&D trial records, or the confidentiality agreement and evidence of breach) at filing. The applicant may also rely on the exception later, e.g., in response to a substantive examination report citing the disclosure or to third-party observations or objections filed during the publication period. Where the disclosure was oral or by demonstration abroad, written proof must be provided. [Law No. 13 of 2016, Arts. 5(2), 49 and Elucidation of Art. 5(2); Law No. 65 of 2024, Arts. 6, 25(2); Minister of Law Regulation No. 6 of 2026, Arts. 4(1), 66.]

VI. Other

1) In what circumstances can a grace period be applied based on the relationship between the prior disclosure and the invention under examination?

□ when the disclosed invention and the invention under examination are completely identical

☒ when the disclosed invention and the invention under examination are substantially identical

□ Other (Please briefly explain.)

**Indonesia answer (VI.1):** Substantially identical. Art. 6 provides that "the Invention" is not deemed to have been made public, so the exception protects the claimed invention to the extent it corresponds to the qualifying disclosure. Novelty is assessed by comparing the function of the technical features rather than mere differences in wording (Elucidation of Art. 5(1)). Independent intervening disclosures by others are not sheltered. [Law No. 13 of 2016, Arts. 5–6 and Elucidation.]

2) Where “Declaration as to Non-Prejudicial Disclosures or Exceptions to Lack of Novelty” has been made in a PCT application and the application enters the national phase in your country, can the applicant benefit from the grace period without any additional procedure?

□ Yes
☒ No

**Indonesia answer (VI.2):** No. Neither the Patent Law nor Minister of Law Regulation No. 6 of 2026 gives automatic effect to a PCT Rule 4.17(v) declaration. The declared disclosure must still fall within the narrower Art. 6 categories and the 12-month window measured from the Filing Date, and the applicant should file local supporting evidence on national phase entry or when the disclosure is cited. [Law No. 65 of 2024, Art. 6; Minister of Law Regulation No. 6 of 2026, Arts. 36–39.]

3) If an international application enters the national phase in your country without “Declaration as to Non-Prejudicial Disclosures or Exceptions to Lack of Novelty” having been made in the PCT application, can the applicant still benefit from a grace period?

☒ Yes, for all forms of available grace period
□ Yes, for some forms of available grace period
□ No

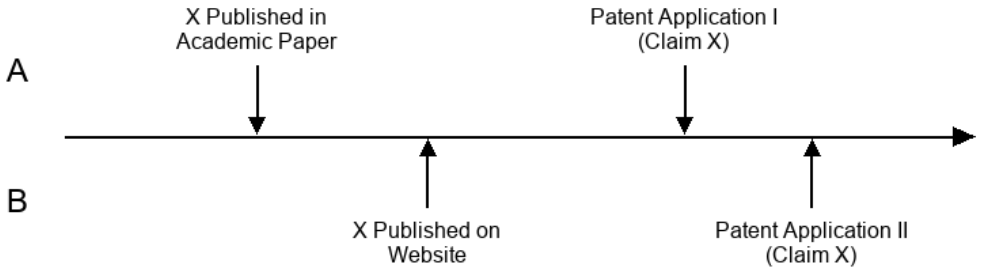
**Indonesia answer (VI.3):** Yes, for all available forms, provided the disclosure falls within Art. 6 and the 12-month window and the applicant can prove it. Indonesian law does not make a PCT declaration a prerequisite. [Law No. 65 of 2024, Art. 6.]

B. Hypothetical Cases

Please answer the following hypothetical cases on the assumption that all procedures required to obtain the benefit of the grace period have been duly completed.

Hypothetical 1

1) Inventor A invented X, published an academic paper disclosing X, and filed Patent Application I within the applicable grace period after the publication of the academic paper. Inventor B independently invented X and published X on a website between the publication of the academic paper and the filing of Patent Application I. Inventor B filed Patent Application II within the applicable grace period after Inventor B’s publication and after the filing of Patent Application I.




Will either patent application be rejected?

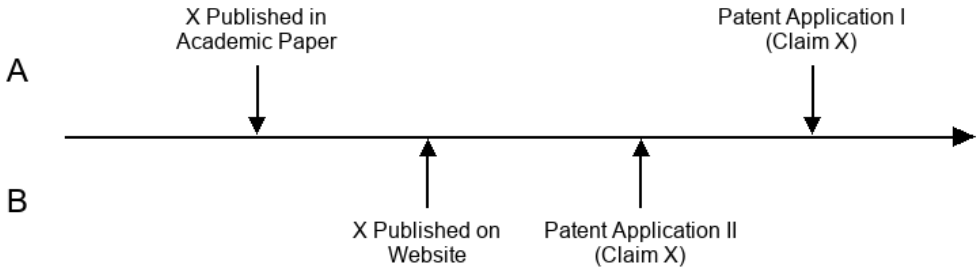
1-1) Will Patent Application I be rejected?
☒ Yes
□ No

1-2) Will Patent Application II be rejected?
☒ Yes
□ No

**Indonesia answer (B.1):** Analytical assumption for Section B: Inventor A's academic paper is treated as a qualifying disclosure under Art. 6(1)(c) (i.e., announced by the inventor at a scientific forum at an educational or research institution). An ordinary journal or website publication would not be disregarded and would anticipate both applications. 1-1 YES: B's independent website publication is neither A's disclosure nor a breach of confidence, so it is prior art against Application I under Art. 5(2). 1-2 YES: A's paper remains prior art against Application II (the exception benefits only A), and B's own website posting is not a qualifying disclosure. Application I, filed earlier and later published, is also prior art under Art. 5(3). [Law No. 13 of 2016, Arts. 5(2)–(3), 6; Law No. 65 of 2024, Art. 6.]

Hypothetical 2

2) Inventor A invented X, published an academic paper disclosing X, and filed Patent Application I within the applicable grace period after the publication of the academic paper. After the publication of Inventor A's academic paper, Inventor B independently invented X, published X on a website before the filing of Patent Application I, and filed Patent Application II within the applicable grace period from Inventor B's publication and before the filing of Patent Application I.




Will either patent application be rejected?

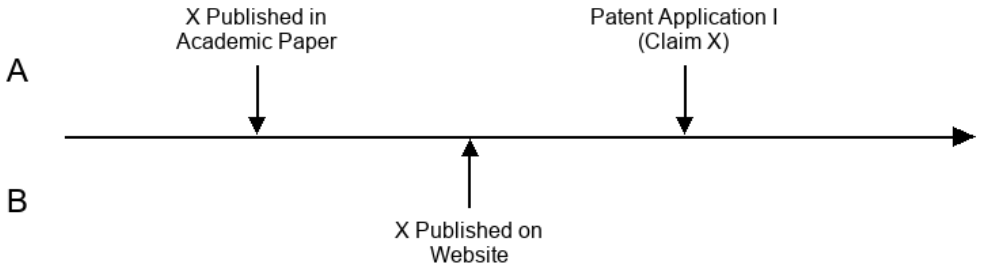
2-1) Will Patent Application I be rejected?
☒ Yes
□ No

2-2) Will Patent Application II be rejected?
☒ Yes
□ No

**Indonesia answer (B.2):** 2-1 YES: B's website publication before A's filing is prior art against Application I, and B's earlier-filed Application II is also prior art under Art. 5(3) once published (first-to-file, Art. 37). 2-2 YES: A's qualifying paper is disregarded only for A's own application and remains prior art against Application II; B's website posting does not qualify under Art. 6. [Law No. 13 of 2016, Arts. 5(2)–(3), 6, 37.]

Hypothetical 3

3) Inventor A invented X, published an academic paper disclosing X, and filed Patent Application I within the applicable grace period after the publication of the academic paper. Mr. B saw Inventor A's publication, produced X, and published X on a website before the filing of Patent Application I.




3-1) If B's disclosure is regarded as being derived from A's disclosure, will Patent Application I be rejected?

☒ Yes
□ No
□ Other

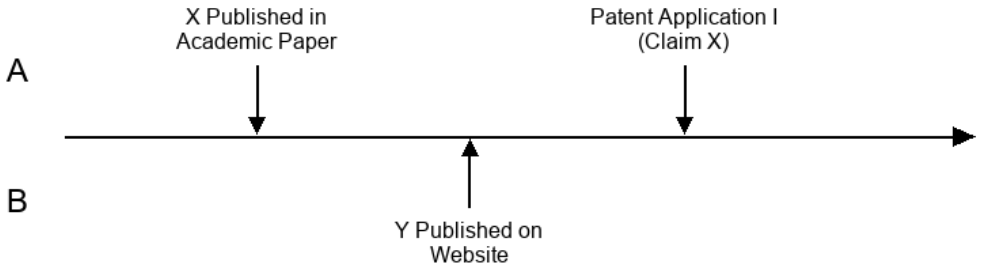
3-2) If B's disclosure is not regarded as being derived from A's disclosure, will Patent Application I be rejected?

☒ Yes
□ No
□ Other

**Indonesia answer (B.3):** 3-1 YES; 3-2 YES. Indonesian law has no exception for third-party disclosures derived from the inventor's own disclosure. Art. 6(2) covers only disclosures in breach of a confidentiality obligation, and B, who obtained X from a public paper, owed no such obligation. B's website posting is therefore prior art against Application I whether or not it is derived from A's disclosure. [Law No. 13 of 2016, Art. 5(2); Law No. 65 of 2024, Art. 6.]

Hypothetical 4

4) Inventor A invented X, published an academic paper disclosing X, and filed Patent Application I within the applicable grace period after the publication of the academic paper. Mr. B saw Inventor A's publication, developed Y as an improvement of X, and published Y on a website before the filing of Patent Application I. Note that Y is substantially different from X, but does not have sufficient differences from X to establish an inventive step over X.




4-1) If B's disclosure of invention Y is regarded as being derived from A's disclosure of invention X, will Patent Application I be rejected?

□ Yes
□ No
☒ Other

4-2) If B's disclosure of invention Y is not regarded as being derived from A's disclosure of invention X, will Patent Application I be rejected?

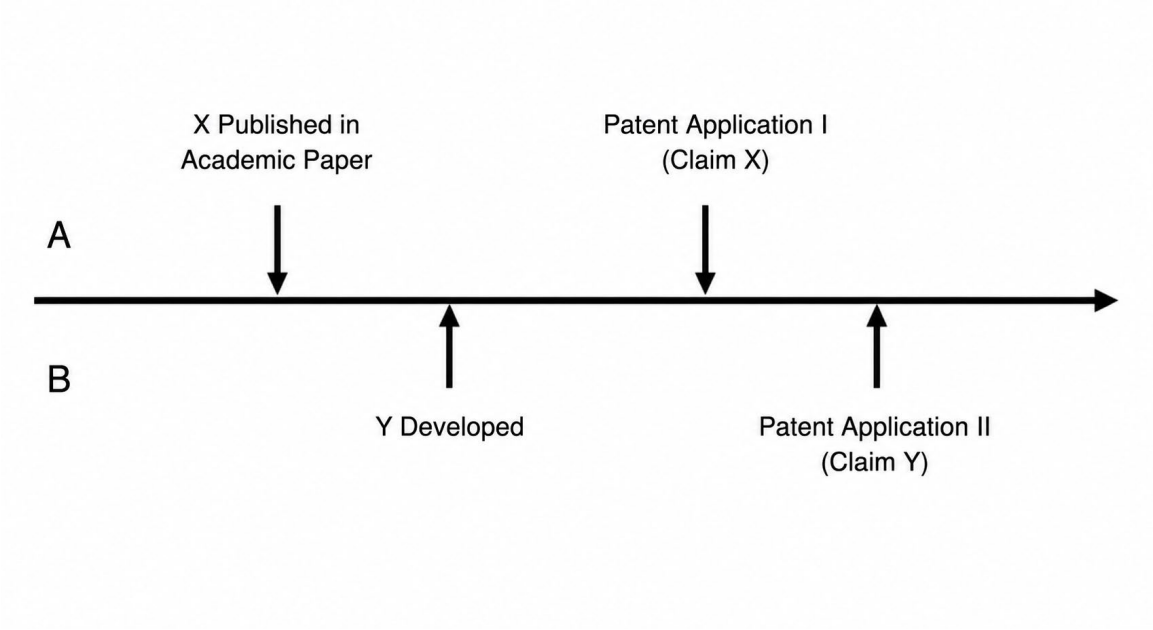
□ Yes
□ No
☒ Other

**Indonesia answer (B.4):** 4-1 OTHER; 4-2 OTHER. B's publication of Y is prior art against Application I whether or not derived from A (see B.3). Because Y is substantially different from X, it does not anticipate X, so novelty is maintained. The outcome turns on inventive step under Art. 7: if X would be obvious to a skilled person from Y (e.g., because Y, as an improvement, incorporates X's features), Application I would be rejected; otherwise it may proceed. The stipulation that Y lacks inventive step over X does not by itself determine whether X is obvious over Y. [Law No. 13 of 2016, Arts. 5, 7; Law No. 65 of 2024, Art. 6.]

Hypothetical 5

5) Inventor A invented X, published an academic paper disclosing X, and filed Patent Application I within the applicable grace period after the publication of the academic paper. Mr. B saw Inventor A's publication, developed Y as an improvement of X, and filed Patent Application II for Y after the filing of Patent Application I. Note that Y is substantially different from X, but does not have sufficient differences from X to establish an inventive step over X.

Y was not disclosed before the filing of Patent Application II.




Will either patent application be rejected?

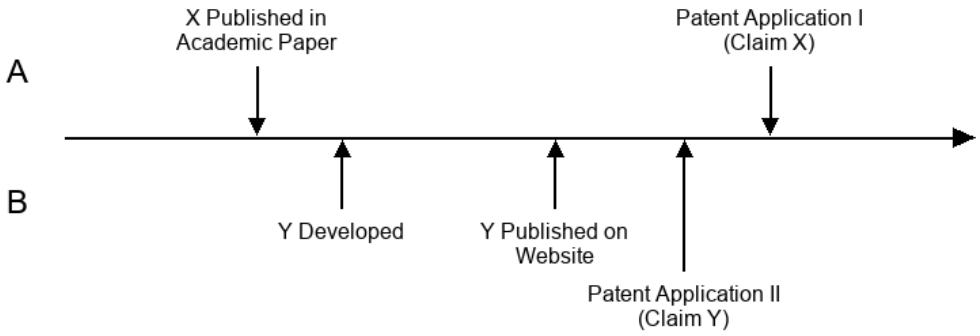
5-1) Will Patent Application I be rejected?
□ Yes
☒ No
□ Other

5-2) Will Patent Application II be rejected?
☒ Yes
□ No
□ Other

**Indonesia answer (B.5):** 5-1 NO: Application II was filed after Application I and Y was not disclosed earlier, so neither is prior art against Application I (Art. 5(3) covers only earlier-filed applications), and A's qualifying paper is disregarded. 5-2 YES: A's paper is prior art against Application II and Y lacks inventive step over X (Art. 7); Application I, filed earlier and later published, is also prior art under Art. 5(3). [Law No. 13 of 2016, Arts. 5(2)–(3), 6, 7.]

Hypothetical 6

6) Inventor A invented X, published an academic paper disclosing X, and filed Patent Application I within the applicable grace period after the publication of the academic paper. After the publication of Inventor A's academic paper, Mr. B saw Inventor A's publication, developed Y as an improvement of X, published Y on a website, and filed Patent Application II for Y before the filing of Patent Application I. Note that Y is substantially different from X, but does not have sufficient differences from X to establish an inventive step over X.




Will either patent application be rejected?

6-1) Will Patent Application I be rejected?
□ Yes
□ No
☒ Other

6-2) Will Patent Application II be rejected?
☒ Yes
□ No
□ Other

**Indonesia answer (B.6):** 6-1 OTHER: As in B.4, B's website publication of Y and B's earlier-filed Application II (under Art. 5(3) once published) are prior art against Application I. Y does not anticipate X, so the result depends on whether X is obvious over Y. 6-2 YES: A's paper is prior art against Application II and Y lacks inventive step over X. [Law No. 13 of 2016, Arts. 5(2)–(3), 6, 7.]

C. Opinion Survey for the Preparation of an APAA Resolution on Grace Periods

Please answer the following questions based on your views and experience as a patent practitioner in your jurisdiction. The results of this survey will be used as a basis for discussing and formulating an APAA Resolution on grace period systems.

1) Do you think it is appropriate to allow a patent to be obtained under the grace period system for an invention that was disclosed by the inventor before filing, or disclosed against the inventor's will before filing?

☒ Yes
□ No
□ Conditionally Yes
(Please provide reasons.)

**Suggested reason (C.1):** Yes. Indonesia already disregards certain inventor disclosures and disclosures made in breach of confidence within 12 months before filing (Art. 6, Law No. 13 of 2016 as amended by Law No. 65 of 2024). Many Indonesian inventors are university and government researchers who must present or defend research results (e.g., theses and dissertations), and SMEs often show products at exhibitions before seeking advice. A grace period prevents loss of rights through disclosures commonly made before filing and protects inventors against unfair disclosure by others.

2) Are you satisfied with the current grace period system as it applies to patents in your jurisdiction?

□ Yes
□ No
☒ Cannot say either way
(Please provide reasons if any.)

**Suggested reason (C.2):** Cannot say either way. The 2024 amendment extending the Art. 6(1) period from 6 to 12 months is a welcome improvement. However, coverage remains limited to official or Government-recognized exhibitions, R&D trials by the inventor, and scientific forums at educational or research institutions, so ordinary journal articles, website posts, conference presentations outside those institutions, and commercial disclosures remain novelty-destroying. The Law and Minister of Law Regulation No. 6 of 2026 also do not set out a clear procedure for claiming the grace period, which creates uncertainty in practice.

3) Do you think that the grace period system currently maintains an appropriate balance between the rights of applicants and the interests of the public?
☒ Yes
□ No
□ Cannot determine

**Suggested reason (C.3):** Yes, broadly. The 12-month period is finite and the narrow list of qualifying disclosures limits uncertainty for third parties, whose interests are further protected by the first-to-file rule and the prior user right under Art. 14 of the Patent Law. The balance could be improved by clearer procedural rules on when and how the exception is claimed.

4)Do you think that the grace period system promotes the early use of technical information by others in the same field by allowing inventors to disclose research results before filing a patent application?

☒ Yes

□ No

□ Cannot say either way

**Suggested reason (C.4):** Yes, within limits. The Indonesian exceptions are designed for academic and research settings, allowing researchers to present and defend results at educational and research institutions without losing patent rights, which supports early sharing of technical information in those communities. The effect is narrower in industry because commercial and online disclosures are not covered.

5) Do you have any concern that differences in grace period systems between jurisdictions may create risks, such as the loss of novelty in foreign patent applications, even where a grace period is available for a domestic application?

☒ Yes

□ No

□ Depending on the situation

**Suggested reason (C.5):** Yes. A disclosure disregarded in Indonesia may still destroy novelty in jurisdictions with no general grace period, such as Europe and China, or with shorter or differently measured periods; Indonesia counts back from the Filing Date rather than the priority date. Indonesian applicants, particularly universities and SMEs, may wrongly assume that local protection extends abroad. Applicants seeking foreign protection should file before disclosing.

6) Do you think it is desirable for jurisdictions to adopt common standards regarding the availability of grace period systems, the types of disclosures covered, and the duration of the grace period(s)?

☒ Yes

□ No

□ Cannot determine

(Please provide reasons.)

**Suggested reason (C.6):** Yes. Common standards on availability, scope, duration, and start date would reduce the risk of inadvertent loss of rights abroad and simplify filing strategies, particularly for applicants with limited resources, while allowing jurisdictions to retain safeguards for third parties.

7) What types of pre-filing disclosures do you think should be covered by the grace period system?
☒ It is preferable to broadly cover disclosures regardless of the manner of disclosure
□ It is preferable to limit coverage to certain types of disclosures
□ Cannot determine
(Please describe the types of disclosures you consider appropriate, or the criteria for limitation if coverage should be limited.)

**Suggested reason (C.7):** Broad coverage is preferred for disclosures by the inventor or successor in title, irrespective of medium (journal, internet, presentation, exhibition, or sale), together with disclosures made in breach of confidence or otherwise against the inventor's will. The current Indonesian list does not reflect how research is disseminated today, mainly through journals and online platforms, and the 'official exhibition' requirement is difficult to satisfy for private trade fairs. Prior user rights and evidentiary requirements can protect independent third parties.

8) What duration of grace period do you consider appropriate?
□ 6 months
☒ 12 months
□ More than 12 months
□ Other
(Please provide reasons if any.)

**Suggested reason (C.8):** 12 months. Indonesia adopted 12 months in Law No. 65 of 2024, matching major jurisdictions such as the U.S., Japan, and Korea. It allows time for academic publication, funding, and commercial evaluation while limiting uncertainty for third parties.

9) Do you think it is necessary to promote consistency in the procedures for securing grace periods across jurisdictions?
☒ Yes
□ No
□ Cannot determine
(If applicable, please describe the procedures that you consider should or should not be made consistent, and provide reasons.)

**Suggested reason (C.9):** Yes. Consistency should cover how and when the claim is made, what evidence is required, and whether omissions can be corrected later. In Indonesia, the absence of a prescribed procedure leaves applicants uncertain whether to file a statement at filing or wait until the disclosure is cited, and inconsistent requirements abroad can cause loss of rights through formalities alone.

10) Do you think it is desirable to establish a system whereby a single procedure for claiming the benefit of the grace period can have effects in as many countries and jurisdictions as possible?
☒ Yes
□ No
□ Cannot determine
(Please describe any expectations or concerns regarding such a system if any)

**Suggested reason (C.10):** Yes, in principle. A single declaration (e.g., building on PCT Rule 4.17(v)) recognized in many jurisdictions would reduce cost and administrative burden, but it should not override substantive national requirements, and offices should be able to request evidence where the disclosure is cited or challenged.

11) Do you think it reasonable to require applicants to submit evidence of the circumstances of the disclosure in order to benefit from a grace period?

□ Yes
□ No
☒ Conditionally Yes
(Please describe the procedures you consider appropriate.)

**Suggested reason (C.11):** Conditionally Yes. Applicants should file a simple statement identifying the date and nature of the disclosure at filing, with detailed evidence required only if the examiner cites the disclosure or a third party challenges it. This avoids unnecessary burden for applicants and the Patent Office while preserving legal certainty.

12) In view of International grace period, which approach do you consider the most preferable starting point for measuring the grace period?

The "international grace period" provides a maximum two-year period, consisting of one year under your country's patent law (e.g., where a one-year grace period applies) and an additional one year through the Paris Convention priority system.

☒ A grace period measured from the earliest priority date
□ A grace period measured from the filing date of the patent application
□ Other (please explain)

**Suggested reason (C.12):** Earliest priority date. This gives a single reference date across all jurisdictions in which the application is filed, so a disclosure is either within or outside the grace period everywhere. Indonesia currently measures from the Filing Date (Art. 6), so for applications claiming priority, a disclosure made shortly before the priority date may fall outside the Indonesian window even though it is protected elsewhere. The 'international grace period' is a policy concept, not a current Indonesian right.