

DECREE OF THE PRESIDENT REPUBLIC OF INDONESIA

NUMBER 76 OF 2012

REGARDING

EXPLOITATION OF PATENT BY THE GOVERNMENT ON

ANTIVIRALS AND ANTIRETROVIRALS MEDICINES

BY THE GRACE OF GOD MAHASA ESA

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering:
- a. that in line with the urgent need in the effort to control Human Immunodeficiency Virus-Acquired Immuno Deficiency Syndrome (HIV / AIDS) and Hepatitis B in Indonesia, it is necessary to continue and expand the access policies to provide access to Antiviral and Antiretroviral medicines that are still protected by patent;

 - b. that Presidential Decree No. 83 Year 2004 Implementation of Patents Against Government Antiretroviral medications as amended by Presidential Decree No. 6 of 2007 on the amendment of Presidential Decree No. 83 Implementation of Patents in 2004 by the Government Against Anti-Retroviral Medicines are already no longer sufficient as legal basis for implementing policies as referred in paragraph a;

 - c. that by consideration as referred to in paragraphs a and b, it establishes Presidential Decree on the Exploitation of Patent by the Government on Antiviral and Antiretroviral Medicines;

Given: ...

- In view of :
1. Article 4 paragraph (1) of the Constitution of the Republic Indonesia 1945;
 2. Law No. 14 of 2001 on Patents (State Gazette of the Republic of Indonesia Year 2001 Number 109, Supplement to Statute Indonesia Number 4130);
 3. Law Number 36th of 2009 regarding Health (State Gazette of the Republic of Indonesia Year 2009 No. 144, Supplement to Statute Indonesia Number 5063);
 4. Government Regulation No. 27 of 2004 regarding Patent Exploitation Mechanism by the Government (State The Republic of Indonesia Year 2004 Number 106, Additional State Gazette No. 4423);

DECIDES:

Stipulating: PRESIDENTIAL DECREE REGARDING PATENT EXPLOITATION OF THE ANTIVIRAL AND ANTIRETROVIRAL DRUGS.

Article 1

The Exploitation of Antiviral and Antiretroviral medicines by the Government is intended to meet availability and urgent needs of community for Antiviral and Antiretroviral for treatment of Human Immunodeficiency Virus-Acquired Immuno Deficiency Syndrome (HIV / AIDS) and Hepatitis B.

Article 2

Active substance name, the name of the patent holder, patent number and period of Patent exploitation of the Antiviral and Antiretroviral medicines as referred to in Article 1, are listed in the Annex hereto.

Article 3

The ministry of Health appoints Pharmaceutical industry as the patent exploiter for and on behalf of the Government to exploit the Patent for Antiviral and Antiretroviral medicines as referred to in Article 1

Article 4

Pharmaceutical Industry shall give a 0.5% (zero point five percent) compensation fee of the net selling value of Antiviral and Antiretroviral drug medicines to the Patent Holder.

Article 5

(1) Granting rights as referred to in Article 4, held every year in accordance net selling drugs Antiviral and Antiretroviral.

(2) The ...

(2) The remuneration referred to in paragraph (1) ceases when the patent is expired period protection or end result presence cancellation in accordance with applicable laws and invitation.

Article 6

At the time of the enactment of this Presidential Decree Presidential Decree No. 83 of 2004 regarding exploitation of patent by the Government On Anti-Retroviral Drugs as amended by Presidential Decree Number 6 of 2007 on the amendment of Decision Presidential Decree No. 83 Year 2004 regarding exploitation of patent by the Government On Anti-Retroviral Drugs, revoked and declared invalid.

Article 7

Presidential Decree is effective on the date of its enactment.

So that everyone knows, it is ordered Presidential Decree is promulgated in the Gazette of the Republic of Indonesia.

Enacted in Jakarta

On 3 September 2012

PRESIDENT OF REPUBLIC OF INDONESIA,

DR. H. SUSILO BAMBANG YUDHOYONO

Enacted in Jakarta

On the

MINISTER OF JUSTICE AND HUMAN RIGHTS

REPUBLIC OF INDONESIA,

AMIR SYAMSUDIN

REPUBLIC OF INDONESIA NUMBER YEAR 2012

APPENDIX

PRESIDENTIAL DECREE OF REPUBLIC OF INDONESIA

NUMBER 76 OF 2012

REGARDING

EXPLOITATION OF PATENTS BY THE GOVERNMENT ON ANTIVIRAL AND ANTIRETROVIRALS
MEDICINES

ACTIVE SUBSTANCE NAME, NAME OF PATENT HOLDER, PATENT NUMBER, AND DURATION OF PATENTS
FOR ANTIVIRAL AND ANTIRETROVIRAL MEDICINES

NO.	NAME OF ACTIVE SUBSTANCES	NAME OF PATENT HOLDERS	PATENT NUMBER	DURATION OF PATENT
1.	Efavirenz	Merck & Co., INC	ID 0005812	Until the end of patent period, August 7, 2013
2.	Abacavir	Glaxo Group Limited	ID 0011367	Until the end of patent period, May 14, 2018
3.	Didanosin	Bristol - Myers Squibb Company	ID 0010163	Until the end of patent period, August 6, 2018
4.	Combination Lopinavir and Ritonavir	Abbott Laboratories	ID 0023461	Until the end of patent period, August 23, 2018
5.	Tenofovir	Gilead Sciences, Inc.	ID 0007658	Until the end of patent period, July 23, 2018
6.	Combination Tenofovir and Emtricitabin Combination Tenofovir, Emtricitabin and Efavirenz	Gilead Sciences, Inc.	ID P0029476	Until the end of patent period, 3 November 2024

PRESIDENT OF THE REPUBLIC OF INDONESIA,

DR. H. SUSILO BAMBANG YUDHOYONO