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Registering Geographical Indications in Indonesia

Geographical Indications (GIs) are signs used on products which have a specific geographical origin and a reputation or characteristics that are due to factors that are indigenous to that origin, such as nature and people.

In Indonesia, numerous products have been registered as GIs. Coconut sugar, coffee, furniture, fruits, tobacco, honey, herbs, horse milk, patchouli oil, rice, vegetables, and white pepper are among just a few examples. Applicants originate from across Indonesia, and certain areas are often famous for producing a particular kind of product.

Kintamani Bali Arabica Coffee is a good example of a GI registered in Indonesia. The coffee has a unique orange taste which is derived from certain geographical factors. This unique taste distinguishes it from other types of coffee, making the coffee registrable as a GI.

In Indonesia, GIs are protected under the country's Trademark Law, unlike other jurisdictions such as Thailand, Malaysia, or India where GIs are protected under *sui generis* Acts. Therefore, many of Indonesia's trademark regulations and procedures, such as appeal proceedings, are used for GIs.

According to the Trademark Law and certain government regulations, three types of applicants are eligible to apply for a GI:

- ▶ An institution/association that represents the community in the area where the products are produced, which consist of: (a) parties who undertake business on goods of natural products or natural resources; (b) producers of agricultural products; (c) producers of handicrafts or industrial products; or (d) merchants who sell the goods.
- ▶ An authorized government institution.
- ▶ A group of consumers of the goods.

When applying for a GI, an applicant needs to adhere to certain formality requirements. The application, which must be submitted to the Directorate General of Intellectual Property Rights in Bahasa Indonesia, should include:

- ▶ the name of the applicant's institution;
- ▶ the name of the applicant's proxy (which must be a registered intellectual property consultant);
- ▶ the applicant's diplomatic representative (for foreign applicants);
- ▶ the name of the GI;
- ▶ the type of products to be registered as a GI;
- ▶ ten GI labels;
- ▶ a book of requirements;
- ▶ a specific power of attorney;
- ▶ an abstract of the qualifications books; and
- ▶ proof of payment of the official fee.

Foreign GI applications must be acknowledged and/or registered in accordance with the prevailing regulations of their country of origin before they can be registered in Indonesia.

One of the most important requirements in filing for GI protection is that the applicant must submit a book of requirements. The book of requirements should include:

- ▶ the name of the GI in the application for registration;
- ▶ the name of the goods to be protected under a GI;
- ▶ the details of the characteristics and qualities of the produced goods;
- ▶ the details of the environmental impact in terms of geography and nature as well as human factors on the characteristics and qualities of goods;
- ▶ the details of the area boundary and/or area map that is protected by the GI;
- ▶ the details of history and tradition relating to the use of the GI to mark the goods produced by the area, including testimonials from the community on the GI;
- ▶ the details explaining the production process, processing process, and making process which are being applied that enable every producer in that area to produce, process, or make the concerned goods;
- ▶ the details of the methods used for quality testing of the concerned goods; and
- ▶ the labels of the concerned goods showing the GI.

“ after a GI has been registered, it will be protected indefinitely as long as the specific characteristics and qualities which form the basis of the grant of protection exist ”

After a GI has been registered, it will be protected indefinitely as long as the specific characteristics and qualities which form the basis of the grant of protection exist. Any person—including the Geographical Indication Experts Team, a nonstructural body consisting of GI experts and representatives of the officials whose scope of duties are related to agriculture, forestry, industry, commerce, etc., who evaluates the book of requirements and gives advice to the Directorate General with regard to registration, amendment, cancellation, or control of national GIs—can make a submission to the Directorate General of Intellectual Property Rights that the specific characteristics and/or qualities no longer exist, and as such, the GI should be invalidated. It is therefore important for the institution that registered the GI to manage, maintain, and control the specific characteristics and qualities of a product registered as a GI.

GIs can have vast economic value and are especially useful as marketing tools in emerging markets. To date, however, no ASEAN countries have secured a GI registration in Indonesia, even though most ASEAN countries produce agricultural goods that are registrable as GIs. This is a lost opportunity to increase the value of their products.

Not only does GI registration create a niche market for existing products, increase the value of a product, and create job opportunities for locals, but it also helps to maintain knowledge of traditions and support other industries, such as tourism. Securing GI protection is therefore highly recommended. 🐜