



Promoting Intellectual  
Property Rights in the  
ASEAN Region

## WHAT'S NEXT AFTER GI REGISTRATION

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## FUNCTIONS OF A REGISTERED GI : REVIEW

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GI is a tool to:

- rise the value of the product
- transform the market
- combat usurpation, misuse, misrepresentation, misappropriation

GI can also be used as a tool of:

- sustaining the environment
- preserving and promoting cultural heritage and tradition
- educating consumers
- alleviating poverty and conducting inclusive economy
- empowering economic independence in the GI geographical area

## GI LABEL

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- GI label can consist of logo denoting the GI name
- GI label **should not** be exactly the same, having substantial nor deceptive similarity with registered Trademarks or registered New Plant Varieties
- The general appearance of a GI label can be similar with other registered GI label, as long as it has a distinctive feature about the specificity of the product or the GI name itself
- GI label should be accompanied by specific rule of labelling system
- GI label can be accompanied by a single national GI label on the packaging of the product
- GI label can also be accompanied by an individual trade name or trade mark of each member of the CMO-GI/association

## LOGO : VARIOUS EXAMPLES



WYNNS  
COONAWARRA ESTATE



VINS DE  
BORDEAUX



## UPDATING GI PRODUCT SPECIFICATION

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Amendment of a GI Product Specification can be conducted in the case of:

- The change of peculiar quality and/or characteristic of the registered GI products due to the change of the geographical environment
- The change of particular production method
- The change of borderlines of the GI Map
- The change of membership of the CMO-GI

## UPDATING GI PRODUCT SPECIFICATION

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Amendment of a GI Product Specification cannot be conducted in the case of:

- The products' substance, process and/or packaging is/are **continuously** conducted below the minimum standards substantiated in the GI Product Specification
- Degradation of the reputation, quality and/or characteristics of the protected product after certain period of time, according to the applicable national law
- Change of the geographical environment which substantially affects the products
- Change of the whole place of origin where the products are produced
- Change of the whole quality and/or characteristic of the product
- GI is not used beyond the time when the protection is lost, for example after two years, according to the applicable national law

## DRAFTING CONTROLLING PLAN

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GI controlling system consist of:

- self control, conducted by the producers themselves on a daily basis
- internal control, conducted by a special body or division inside the CMO GIs association or inter professional CMO GIs institution, on a regular basis
- external control, conducted by an independent private or public institution

If the internal control has been conducted efficiently, external controller reviews the report from the internal controller.



## DRAFTING CONTROLLING PLAN

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Controlling Plan over a GI should include:

- aspects of the product on which the controlling system applies
- traceability
- controlling methods
- frequency
- controllers
- targeted (minimum) standards to obtain

## DRAFTING CONTROLLING PLAN

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Controlling targets can be derived from:

- GI product specifications
- National accreditation standards on product's quality
- Special standards of quality regarding: organic substance, hygiene, environmental friendly, circular economy, against animal cruelty
- International standards derived from related international legal instruments, such as: health (WHO), non illicit products (TRIPS Agreement), environmental sustainability (UN-CBD), biosafety (UN-CBD & Cartagena Protocol), against biopiracy (UN-CBD & Nagoya Protocol), anti discrimination on human and other living creatures (UDHR, ILO Convention, UNDRIP).

## DRAFTING CONTROLLING PLAN : EXAMPLE

Sumba Ikat Woven Fabric	Target	Method of Control	Frequency	Controller
Threads for one piece of fabric	spined tightly	self-control	daily	CMO
Motives	drafted according to local wisdom	internal control	weekly	elders of indigenous community
Ikat	threads knotted according to the motives and immersed in blue colour	self-control	fortnightly	CMO
Katahmaukangurat	knots are well-released	self-control	daily	CMO
Wailanga	threads are well-soaked	self-control	daily	CMO
Kombu	organic colours applied	self-control	weekly	CMO
Weaving	3 - 6 months process until a piece of fabric is produced	internal and external control	monthly/annually	NGO of CMO Association, GI Expert Team of DGIP of Indonesia

## COMPLIANCE

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- Compliance is targeted to the rules found in the GI Product Specification, customary laws and protocols related to the GI product, and the domestic laws and regulations related to GIs, standardizations, and general IP protection and trade
- Compliance procedure can be conducted through:
  - Observation, monitoring and inspection
  - Regular reports
  - Responding to consumer complaints and media control
  - Punishment to CMO-GI members who fail to comply with the GI Product Specification
  - Taking legal action to competitor/s who conduct unfair competition

## MEMBERSHIP OF CMO-GI

A CMO-GI can consist of:

- Local producers and/or processors
- Local or traditional farmers or breeders
- Local operators
- Landowners
- Indigenous community, tribe or clan
- Local artists
- Local traders
- Local government, on behalf of producer associations living in localities in the related area
- State, on behalf of the producer associations in several territories of the state

## HOW IF A CMO-GI FAILS TO COMPLY WITH RULES IN GI PRODUCT SPECIFICATION?

- Members of a CMO-GI shall comply with the rules in the GI Product Specification and regard the document as a binding contract.
- There are consequences if the implementation the rules in GI Product Specification is failed:
  - Internal consequences
  - External consequences

## HOW IF A CMO-GI FAILS TO COMPLY WITH RULES IN GI PRODUCT SPECIFICATION?

Internal consequences:

- Remaking the products
- Delaying the finalization of the products
- Rejecting the products
- Prohibiting the application of the GI logo on the products
- Destroying the products
- Sanction for the wrongdoer

## HOW IF A CMO-GI FAILS TO COMPLY WITH RULES IN GI PRODUCT SPECIFICATION?

### External consequences:

- Criticized by media
- Sought by consumers or NGO authorized in consumer protection
- Degradation of the reputation of the products
- Disqualification of the products by internal or external controllers
- Lost of GI protection if the failure subsists more than a grace period provided in the applicable national law
- Being object of injunction and/or compensation according to court decision
- Being object of criminal liabilities, decided by court in accordance to the applicable national law



## PROBLEMS AFTER GI REGISTRATION

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- Not all members of CMO-GI, especially traditional farmers, local producers/processors, or indigenous communities, have a thorough and detail understanding about the content of GI Product Specifications, especially when the drafting process were conducted by third party
- Some CMO-GI and local governments applying for GI still regard the Certificate of GI as a kind of award rather than a tool of trade
- Registered GIs which are formally held by state or local governments sometimes trigger a tension between the government and the CMO-GI regarding the power and benefit sharing

## PROBLEMS AFTER GI REGISTRATION

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- GI which covers a wide geographical area, such as mountainous terrain or hills, makes coordination between CMO-GI members problematic, especially if they live with poor media facilities
- Some CMO-GI still lack of knowledge and skills of GI management and control
- Unclear targeted consumer and to what extent the reputation would be enhanced
- Fail to sustain the quality and/or characteristic of the products because of the rise of demands
- One man show in the collective management of the CMO-GI
- Sleeping GIs are still common

## WHAT MATTERS AFTER GI REGISTRATION

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- Internal dissemination programs on the rules and compliance of GI Product Specification for members of CMO-GI
- Empower the members of CMO-GI to change their habits and implement GI Product Specification by:
  - producing the products strictly according to the rules substantiated in the GI Product Specification
  - implementing the GI controlling plan
- Dissemination and advertisement programs on the specialty of the GI product to the public, especially the targeted consumers

## CAPACITY BUILDING FOR CMO-GI MEMBERS

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- Internal programs on technical capacity building for existing members of CMO-GI on the GI Product Specification
- Recruiting and educating more staffs to respond to the rise of demands after GI registration
- Engaging in external capacity building programs regarding optimizing GI management, GI control and traceability, branding and marketing strategy
- Working together with NGO and universities whose concern is to strengthen IP protection, IP commercialization and creative economy
- Working together with public authorities in enhancing the GI as a tool of economic development

## IMPLEMENTING GI PRODUCT SPECIFICATION

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- Producing the product according to the GI Specification
- Implementing self control, internal control and external control
- Conducting regular survey on the quality and characteristic of the product
- Conducting sustainable programs on research and human development
- Expanding network, mobilizing stake holders
- Shaping niche market for the GI products
- Maintaining reputation and trust of devoted consumers

## IMPLEMENTING GI CONTROLLING PLAN

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GI controlling methods:

- direct observation
- visual analysis
- sensorial/tasting analysis
- lab analysis
- document/report review
- survey/field study/field research

## IMPLEMENTING GI CONTROLLING PLAN

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- Prioritize self control and internal control to maintain the quality and characteristic of the product
- Prioritize external control to maintain the reputation of the product
- Use information technology to expand the market
- Observe and proactively respond to media or consumers as a part of optimizing consumers' control

## MARKETING GI PRODUCT

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Marketing strategy of GI products:

- Preparing the products according to the GI Product Specification
- Deciding the prices
- Deciding marketing targets: amount of selling, time span, profit
- Deciding the market places
- Deciding marketing tools according to the nature of the market: physical market, online market, hybrid
- Observing characters of consumer
- Observing characters of competitors



## EDUCATION FOR GI CONSUMERS

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Educate consumers about:

- Characteristic of product
- Quality of product
- Value added of product according to good health, safety and wellness
- Pre and post purchase service
- Access to related programs associated with the GI product
- Opening, extending, and shaping the market
- Commercializing the GI through advertisement strategy

## DEFENDING GI

- Proactively conducting programs **against genericization process** in the market
- Maintaining the quality and characteristic of GI product
- Maintaining devoted consumers
- Implementing and upgrading GI controlling mechanism
- Updating the GI product specification if necessary
- Conducting cooperation with stakeholders authorized in law enforcements, cross border protection measures and extra-territorial virtual measures

## DISPUTE SETTLEMENT

- Negotiation
- Mediation
- Arbitration
- Special tribunal
- Court



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