



DIREKTORAT JENDERAL KEKAYAAN INTELEKTUAL
KEMENTERIAN HUKUM & HAK ASASI MANUSIA R.I.

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MINISTRY OF LAW AND HUMAN RIGHTS
REPUBLIC OF INDONESIA

MITIGATION OF GEOGRAPHICAL INDICATION INFRINGEMENT

DIRECTORATE GENERAL OF INTELLECTUAL PROPERTY
DIRECTORATE OF TRADEMARK AND GEOGRAPHICAL INDICATION



e|gov
PASTI Nyata

TRIPs Agreement on GI (Pasal 22 – 24)

Law of the Republic of Indonesia Number 20 of 2016 Regarding Trademarks and Geographical Indications

Government Regulation Number 51 of 2007 Regarding Geographical Indications

Ministry of Law dan Human Rights Regulation Number 12 of 2019 Regarding Geographical indication

**Ministry of Law dan Human Rights Regulation Number 29 of 2013 Regarding Indonesia Geographical Indication
Product Origin Code**

Protection Object

- Natural Resources
- Handicrafts
- Industrial Products

Plantation



Agriculture



Woven Fabric



Livestock and Dairy



Forestry

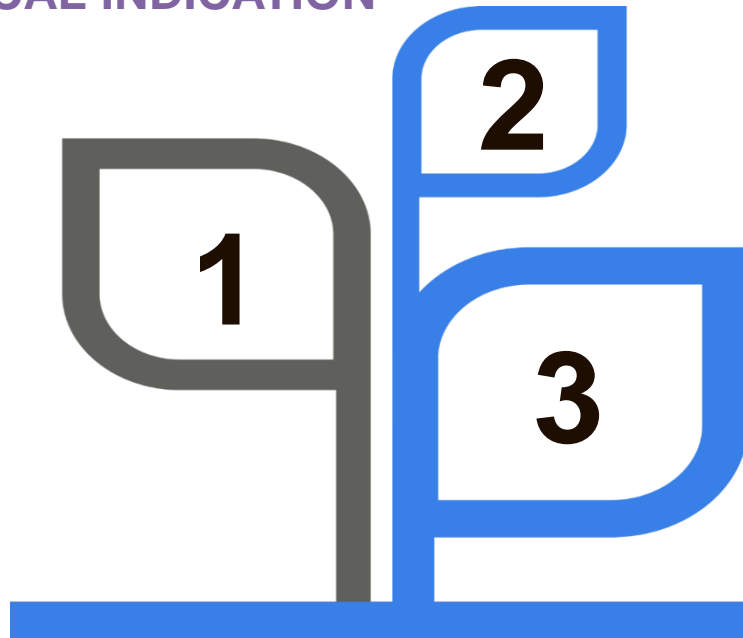


Fisheries and Marine



Geographical Indications are protected as long as the **reputation, quality** and **characteristics** that are the basis for providing protection for the geographical indications still exist

GEOGRAPHICAL INDICATION



- ① REPUTATION
- ② QUALITY
- ③ CHARACTERISTICS



- clarify product identification and establish production standards among GI stakeholders in order to maintain the characteristics and quality of GI products;
- provide legal protection to GI owners and consumers from abuse of GI reputation;
- guarantee the characteristics and quality of IG products as original products so as to give confidence to consumers;
- fostering local producers, supporting coordination, and strengthening the organization of GI owners in order to improve the reputation of GI products and the welfare of GI owners
- GI can also preserve natural beauty, traditional knowledge, biological resources, and increase the popularity of a GI area, which can have an impact on the development of agro-tourism

GI Products in Indonesia

101 products have been registered as GIs (as of August 2021)

BALI.  Kopi Arabika Kintamani Bali	NUSA TENGGARA BARAT  Kangkung Lombok	ACEH  Minyak Nilam Aceh	SUMATERA UTARA  Kopi Arabika Sumatera Simalungun	RIAU  Kopi Liberika Rangsang Meranti
PERANCIS.  Champagne	NUSA TENGGARA BARAT.  Madu Hutan Sumbawa	JAWA BARAT  Kopi Arabika Java Preanger	JAMBI  Kopi Liberika Tungkal Jambi	LAMPUNG  Lada Hitam Lampung
JAWA TENGAH  Mebel Ukir Jepara	KALIMANTAN UTARA  Beras Adan Krayan	JAWA TIMUR  Kopi Arabika Java Ijen - Raung	SULAWESI UTARA  Cengkeh Minahasa	JAMBI  Kayumanis Koerintji
BANGKA BELITUNG  Lada Putih Muntok	NUSA TENGGARA TIMUR.  Kopi Arabika Flores Bajawa	JAWA TIMUR  Bandeng Asap Sidoarjo	JAWA BARAT  Beras Pandanwangi Cianjur	MEXICO  Tequila
ACEH  Kopi Arabika Gayo	JAWA TENGAH  Purwaceng Dieng	SULAWESI SELATAN  Kopi Arabika Toraja	SUMATERA SELATAN  Kopi Robusta Semendo	ITALIA  Grand Padano
PERU  Pisco	JAWA TENGAH  Carica Dieng	LAMPUNG  Kopi Robusta Lampung	SULAWESI UTARA.  Pala Siau	BALI  Tunun Grinsing Bali
JAWA BARAT  Tembakau Hitam Sumedang	NUSA TENGGARA TIMUR  Vanili Kepulauan Alor	JAWA TENGAH  Tembakau Srinthil Temanggung	JAWA BARAT.  Teh Java Preanger	SULAWESI BARAT  Tenun Sutera Mandar
JAWA BARAT  Tembakau Mole Sumedang	SULAWESI SELATAN  Kopi Arabika Kalosi Enrekang	BALI  Mete Kubu Bali	BALI  Garam Amed Bali	SUMATERA UTARA  Kopi Arabika Sumatera Mandailing
ITALIA  Parmigiano Reggiano	JAWA BARAT  Ubi Cilembu Sumedang	YOGYAKARTA  Gula Kelapa Kulonprogo Jogja	THAILAND  Lamphun Brocade Thai Silk	PAPUA BARAT  Pala Tomandin Fakfak
NUSA TENGGARA BARAT  Susu Kuda Sumbawa	YOGYAKARTA  Salak Pondoh Sleman	JAWA TENGAH  Kopi Arabika Java Sindoro - Sumbing	ACEH  Jeruk Keprok Gayo Aceh	NUSA TENGGARA TIMUR  Jeruk SoE Mollo

GI Products in Indonesia

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MALUKU UTARA  Cengkeh Moloku Kie Raha	MALUKU  Tenun Ikat Taninmbar	MALUKU UTARA  Pala Dukono Halmahera Utara	KALIMANTAN TIMUR  Tenun Doyo Benuaq Tanjung Isuy Jempang Kutai Barat	SULAWESI SELATAN  Lada Luwu Timur
SULAWESI TENGGARA  Mete Muna	NUSA TENGGARA BARAT  Kopi Robusta Tambora	BENGKULU  Kopi Robusta Kepahiang	SUMATERA BARAT  Songket Silungkang	D.I. YOGYAKARTA  Batik Tulis Nitik Yogyakarta
JAWA TENGAH  Kopi Robusta Temanggung	SUMATERA UTARA  Kopi Arabika Sumatera Lintang	JAWA TENGAH  Ikan Uceng Temanggung	PAPUA  Kopi Arabika Baliem Wamena	KALIMANTAN UTARA  Garam Gunung Krayan
JAWA BARAT  Sawo Sukatali Sumedang	KALIMANTAN TENGAH  Beras Raja Uncak Kapuas Hulu	BALI  Kerajinan Perak Celuk Gianyar Bali	JAWA TIMUR  Kopi Robusta Pasuruan	SUMATERA SELATAN  Kopi Robusta Pagaralam
SUMATERA SELATAN  Kopi Robusta Empat Lawang	NUSA TENGGARA TIMUR  Kopi Arabika Flores Manggarai	SULAWESI TENGAH  Sidat Marmorata Poso	KEPULAUAN RIAU  Sagu Lingga	BALI  Salak Sibetan Karangasem Bali
NUSA TENGGARA TIMUR  Tenun Ikat Sikka	SUMATERA UTARA  Kopi Arabika Sipirok	NUSA TENGGARA TIMUR  Tenun Ikat Alor	SUMATERA UTARA  Kopi Arabika Tanah Karo	KALIMANTAN SELATAN  Cabai Rawit Hiyung Tapin
SUMATERA SELATAN  Duku Komering	SUMATERA UTARA  Kopi Arabika Pulo Samosir	NUSA TENGGARA TIMUR  Tenun Songket Alor	BENGKULU  Kopi Robusta Rejang Lebong Bengkulu	SULAWESI SELATAN  Beras Pulu' Mandoti Enrekang
JAMBI  Kopi Arabika Sumatera Koerintji	SKOTLANDIA  Scotch Whisky	SUMATERA UTARA  Kopi Robusta Sidikalang	KALIMANTAN TIMUR  Lada Putih Malonan Kutai Kartanegara Kaltim	SUMATERA UTARA  Kopi Arabika Tapanuli Utara
GORONTALO  Kopi Robusta Pinogu	ITALIA  Modena/Di Modena	NUSA TENGGARA TIMUR  Gula Lontar Rote	PERANCIS  COGNAC	NUSA TENGGARA TIMUR  Kopi Robusta Flores Manggarai
BALI  Kopi Robusta Pupuan Bali	SUMATERA BARAT  Bareh Solok	JAWA BARAT  Kopi Robusta Java Bogor	MALUKU  Pala Kepulauan Banda	JAMBI  Kopi Robusta Sumatera Merangin

GI Products in Indonesia

101 products have been registered as GIs (as of August 2021)

KALIMANTAN TENGAH
Beras Siam Epang
Sampit

Sektor	IG Indonesia	IG Luar Negeri	Total
Total	92	9	101
Agriculture/ Plantation	74		
Forestry	1		
Fisheries and Marine	5		
Livestock and Dairy	1	2	
Wine/Spirit/Whisky		6	
Handicrafts	11	1	

**In Law No. 20 of 2016 regarding Marks and Geographical Indications article 66,
Infringements of Geographical Indications include:**

- a. use of Geographical Indications, either directly or indirectly on goods and/or products that do not meet Geographical Indications Description Documents;
- b. the use of a Geographical Indication sign, either directly or indirectly on protected or unprotected goods and/or products with the intent to:
 - 1. show that the goods and/or products are comparable in quality to the goods and/or products protected by Geographical Indications;
 - 2. benefit from the use; or
 - 3. benefit on the reputation of Geographical Indications.
- c. the use of Geographical Indications that can mislead the public regarding the geographical origin of the goods and/or products ;

In Law No. 20 of 2016 regarding Marks and Geographical Indications article 66, Infringements of Geographical Indications include:

d. the use of Geographical Indications by non-registered Users of Geographical Indications;

e. imitation or misuse that can be misleading in relation to the place of origin of the goods and/or products or the quality of the goods and/or products contained in:

1. wrapping or packaging;
2. information in advertisements;
3. information in the document regarding the said goods and/or products; or
4. misleading information about its origin in a package.

f. other actions that can mislead the wider community regarding the truth of the origin of the goods and/or products

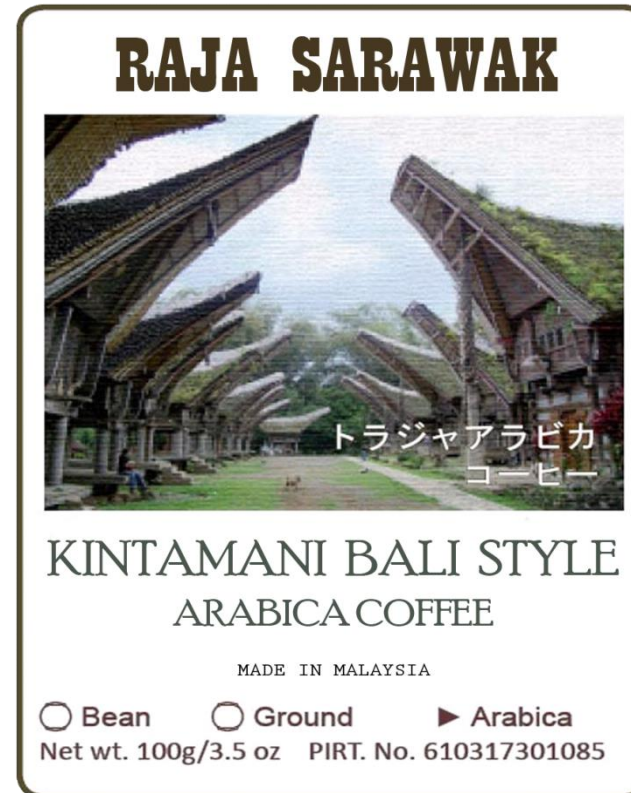
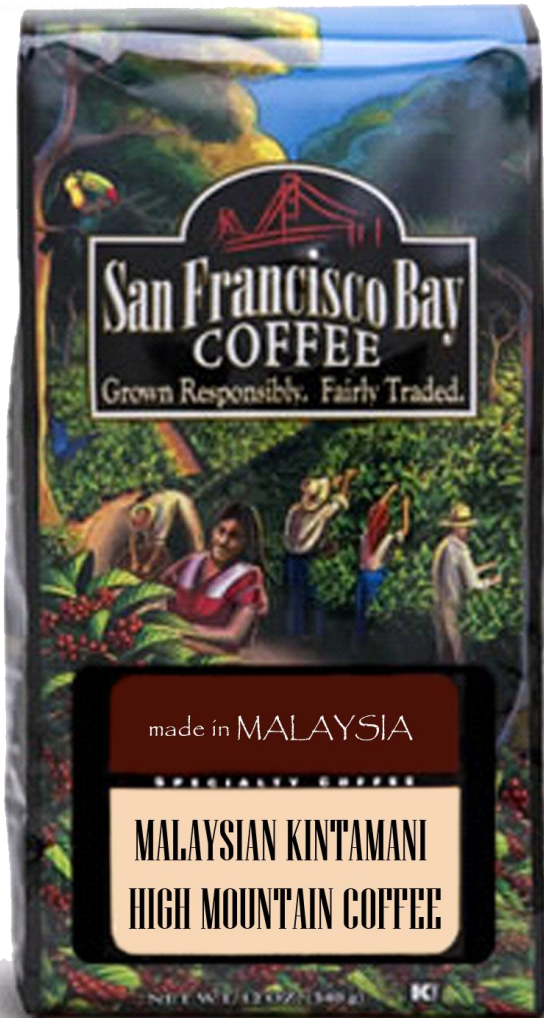


Article 69 paragraphs 1 and 2 (Law No.20 of 2016)

- Holders of Rights to Geographical Indications may file a lawsuit against Users of Geographical Indications without rights in the form of requests for compensation and termination of use and destruction of **Geographical Indication label** that are used without rights
- In order to prevent greater harm to the party whose rights have been violated, the judge may order the violator to stop the activities of making, multiplying, and ordering the destruction of the **Geographical Indication label** that is used without rights.



Geographical Indication Infringements?



There is misuse of Geographical Indications “Kopi Arabika Gayo” by persons who mix gayo coffee with coffee from other regions and use the name “Kopi Arabika Gayo”. The owner of the IG “Kopi Arabika Gayo”, the Gayo Coffee Protection Community Organization (MPKG), has reported this infringement to the police



Article 101

Any person who unlawfully uses a sign that has a **similarity in its entirety to the Geographical Indication** of another party for the same or similar goods to the registered goods, shall be punished with imprisonment for a maximum of 4 (four) years and/or a fine of a maximum of Rp. 2,000,000. .000,00 (two billion rupiah).

Any person who unlawfully uses a sign that has a **similarity in its principle to the Geographical Indication** of another party for the same or similar goods to the registered goods, shall be punished with imprisonment for a maximum of 4 (four) years and/or a fine of a maximum of Rp. 2,000,000. .000,00 (two billion rupiah).



Article 102

Everyone who trades goods/or services and/or products which are known to be reasonably suspected of knowing that the goods and/or products are the result of a criminal act as referred to in Article 100 and Article 101 shall be punished with imprisonment for a maximum of 1 (one) year or a fine of a maximum of 1 (one) year. a lot of Rp. 200,000,000.00 (two hundred million rupiah).

Article 103

The crime as referred to in Article 100 to Article 102 is a **petitioned offense**.



Development of Geographical Indication

Based on the mandate of Law Number 20 of 2016 concerning Marks and Geographical Indications Article 70

- Preparation for the development of GI is carried out by the central government and/or local governments in accordance with their respective authorities.
- The development includes:
 - a) the fulfillment of the requirements of the GI Application;
 - b) GI registration application;
 - c) utilization and commercialization of GI;
 - d) socialization and understanding of GI protection.....



Development of Geographical Indication

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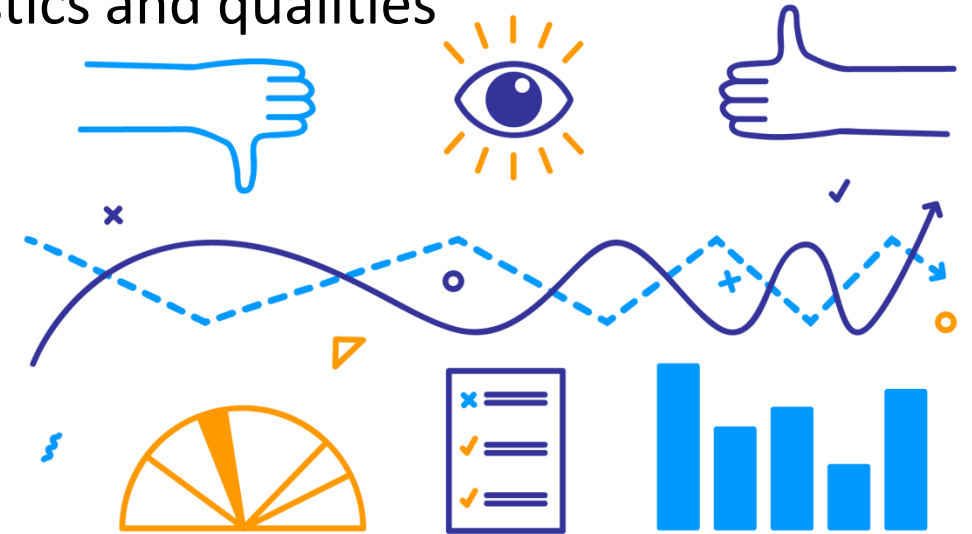
- e) mapping and inventory of potential GI products;
- f) training and mentoring;
- g) monitoring, evaluation, and coaching;
- h) legal protection; and
- i) facilitation of development, processing, and marketing of GI goods and/or products



Monitoring of Geographical Indication

Based on the mandate of the Minister of Law and Human Rights Regulation Number 12 of 2016 concerning GI Article 33-37

- Monitoring of GI is carried out by **the Central Government and Regional Governments** in accordance with their respective authorities, including:
 1. Ensure the existence of certain characteristics and qualities which is the basis for the GI protection
 2. Prevent the use of GI illegally
- This monitoring can also be carried out by **public**



Monitoring of Geographical Indication by the Central Government

- The minister forms a GI Monitoring team:
 1. GI Expert Team
 2. Competent experts according to monitored GI products
- The results of the monitoring of GI are in the form of reports on reputation, quality, and characteristics as well as illegal use of GI
- The report was discussed in the GI Expert Team Meeting and resulted in recommendations to the Minister in the form of:
 1. Feedback and improvements regarding reputation, quality, and characteristics
 2. Repair Document Descriptions that are not related to point 1
 3. Unauthorized use of IG was found
- The minister submits the recommendations to the GI owner and/or local government



Monitoring of Geographical Indication by the Local Government

- Carried out by regional officials in charge of related GI
- The results of the monitoring of GI in the form of reports on reputation, quality, and characteristics as well as illegal use of GI are submitted to the Minister
- The report is discussed in the GI Expert Team Meeting and produces recommendations to the Minister
- The Minister submits the recommendations to the GI owner and/or local government



Monitoring of Geographical Indication by the public

- The public may submit a report accompanied by evidence to the Minister in the event that there are allegations of:
 1. The discrepancy between reputation, quality, and characteristics that become the basis for the protection of GI
 2. Misuse of Geographical Indications
- report is discussed in the GI Expert Team Meeting and produces recommendations to the Minister
- The minister submits the recommendations to the GI owner and/or local government



Monitoring of Geographical Indication

- In the event that the owner of the GI does not follow up on the recommendation submitted by the Minister on the report of the discrepancy between quality, and characteristics that become the basis for the protection of GI, the Minister may consider the abolition of GI.
- In the event that there are reports of unauthorized use of GI by parties outside the owners of GI, the Minister submits the report to the Directorate of Investigation and Dispute Resolution of IP, Ministry of Law and Human Rights Regional Office, Regional Government, and/or the local Police to be able to follow up on reports of the infringements.





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THANK YOU

<https://www.dgip.go.id>

