



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



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



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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

- Natural Resources
- Handicrafts
- Industrial Products

Plantation



Agriculture



Woven Fabric



Livestock and Dairy



Forestry

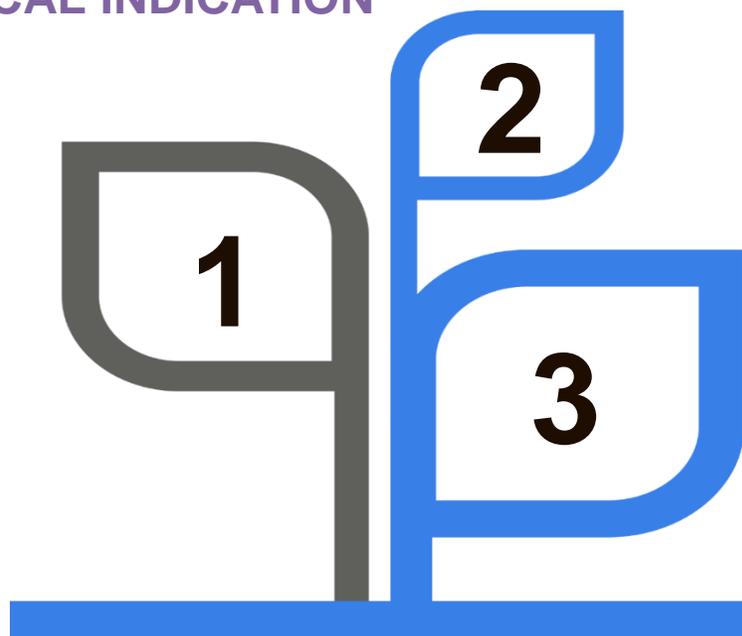


Fisheries and Marine



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



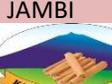
- 1 REPUTATION
- 2 QUALITY
- 3 CHARACTERISTICS



- 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

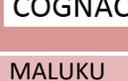
GI Products in Indonesia

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

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

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

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:

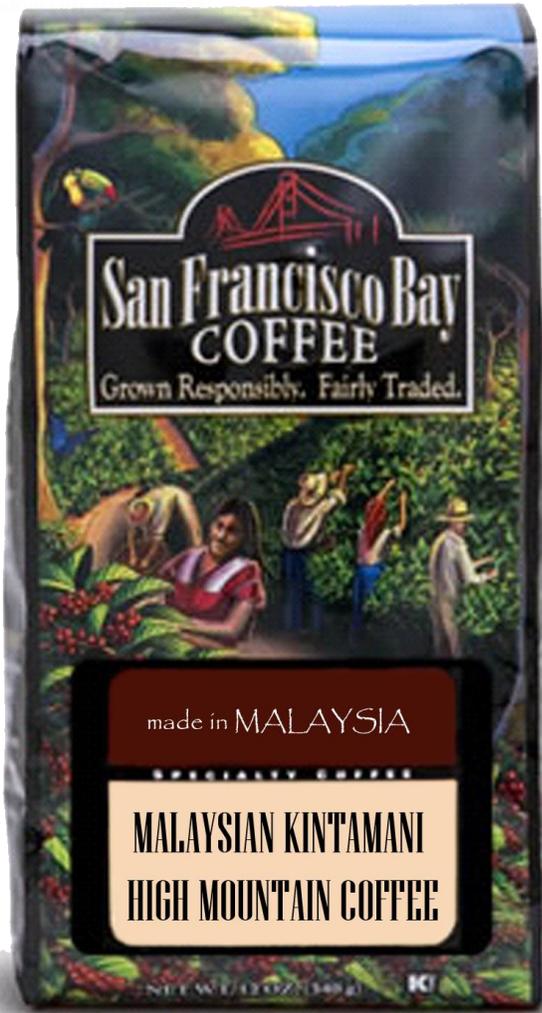
1. wrapping or packaging;
2. information in advertisements;
3. information in the document regarding the said goods and/or products; or
4. misleading information about its origin in a package.

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?



RAJA SARAWAK

トラジャアラビカ
コーヒー

**KINTAMANI BALI STYLE
ARABICA COFFEE**

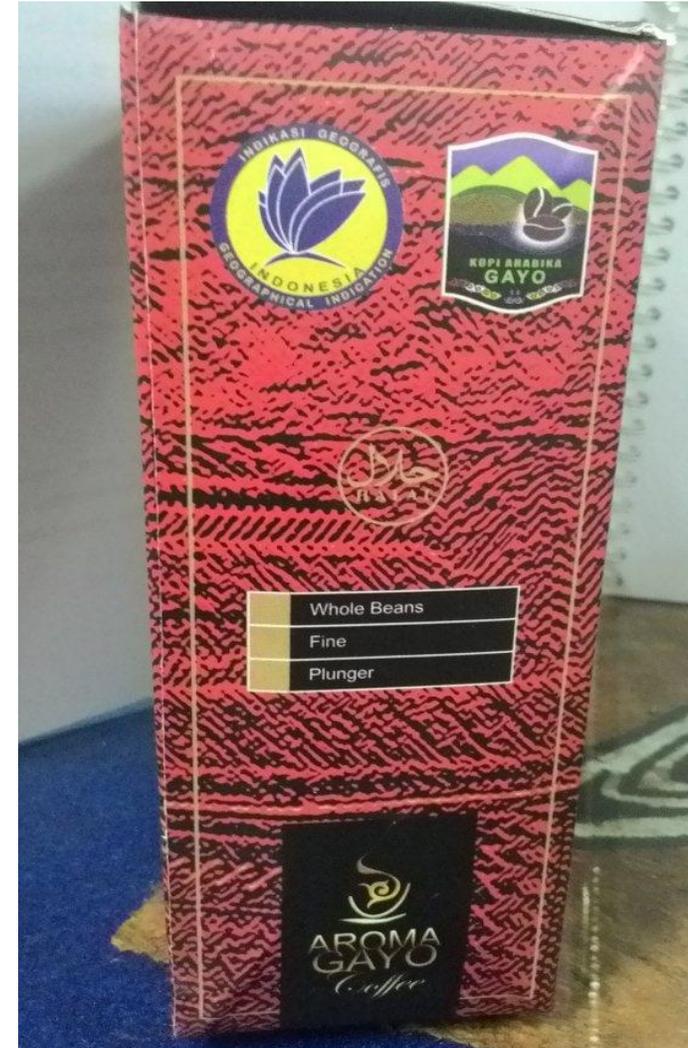
MADE IN MALAYSIA

Bean Ground Arabica

Net wt. 100g/3.5 oz PIRT. No. 610317301085



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).



Criminal Provisions

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

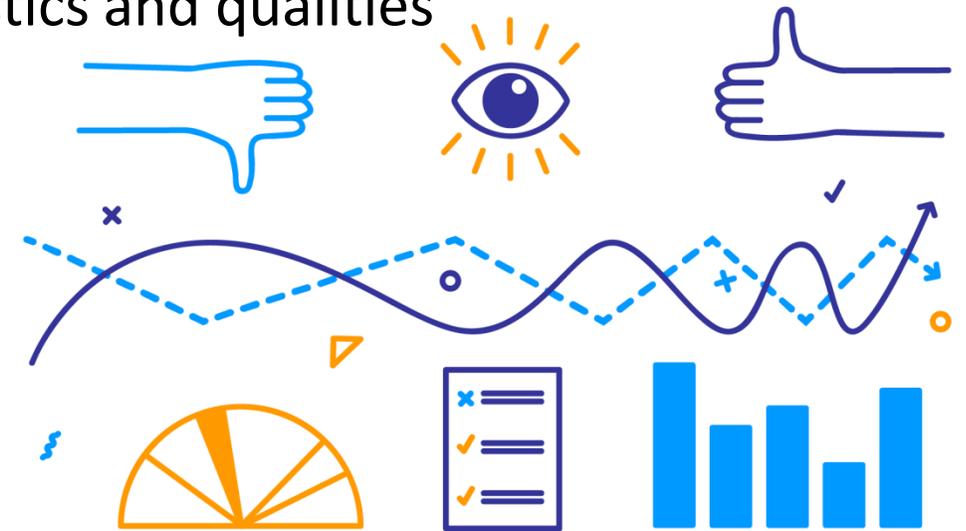
-
- e) mapping and inventory of potential GI products;
 - f) training and mentoring;
 - g) monitoring, evaluation, and coaching;
 - h) legal protection; and
 - i) facilitation of development, processing, and marketing of GI goods and/or products



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>

