

# GEOGRAFIS INDICATION In INDONESIA



# INDONESIA

- ❑ An agricultural and maritime country
- ❑ Known as an emerald of the horizon due to its potential and diversity of natural resources
- ❑ One of the natural resources are supported by the agricultural sector especially Estate Crops such as coffee which made Indonesia the 4<sup>th</sup> largest coffee producer countries in the world after Brazil, Vietnam and Columbia.



## GI LEGAL PROVISIONS

- ❑ The Republic of Indonesia has developed the concept of “geographical indication” since regulated in Law No. 14 of 1997 concerning Marks, and in the years 2001 The Law of the Republic of Indonesia regulated Law n°15/2001 on TM stipulated some rules on Gis. Then, regulated further in the government regulation n°52/2007 that developed the GI system as enforceable and applicable in the country. And in the 25 Nov 2016 Indonesian stipulated the new Law No. 20 /2016 on Trademark and Geographical Indication.

### **What is a Geographical Indication?**

Geographical Indication is a sign that indicates the place of origin of goods and/or products, which due to the geographical environment factors, including the nature, the human or the combination thereof gives specific reputation, quality, and certain characteristics of the produced goods and/or products.

Up to now more than 54 well-known Indonesian products have followed the GI route and been officially registered as GIs in Indonesia

## Indonesia's GI registered under the Commodity Sector

NO	SECTOR	QUANTITY	INFORMATION
1	AGRICULTURE/ PLANTATION	46	19 COFFEE PRODUCTS
2	FORESTRY	1	MADU SUMBAWA/ SUMBAWA HONEY
3	FISHERIES/ MARITIME	2	BANDENG ASAP SIDOARJO/ SIDOARJO SMOKED MILKFISH & GARAM AMED BALI/ BALI AMED SALT
4	LIVESTOCK	1	SUSU KUDA SUMBAWA/ SUMBAWA MILK HORSE
5	CRAFT	4	JEPARA CARVING FURNITURE, GRINSING BALI WEAVING, MANDAR SILK WEAVING SIKKA WEAVING
	TOTAL	54	

- ❑ Rights of Geographical Indication are an exclusive right granted by the State to the holder, as long as the reputation, quality, and characteristics which become the basis of protection are still existed.
  
- ❑ GI is a communal ownership rights, and therefore required an agency that represents for instance
  - **Kintamani Bali Arabica coffee**: Community protection of Geographical Indications Kintamani Arabica Coffee.
  - **Tenun Ikat Sikka** : Community protection of Geographical Indications Sikka Woven
  - **Muntok White Pepper**: Agency for Development and Marketing Pepper business, Bangka Belitung Islands.
  
- ❑ the form of: With the type of goods
  1. natural resources;
  2. handicrafts; or
  3. industrial products.



# **Main Steps To Register a GI**

## **1. THE APPLICANT**

An institution that represents the society in a particular geographic region that produce goods and/or products

## **2. THE BOOK OF REQUIREMENTS/DOC DESCRIPTION**

Document Description Geographical Indication is a document containing information, including the reputation, quality, and characteristics of the goods and / or products related to the geographical factors of the goods and / or products requested for Geographical Indication and Document Description or The Book of Requirements is a document that demonstrates/explains that a product from a certain area has characteristics that are due to precisely this origin, and which therefore distinguish it from other products of the same category

### **3. APPLICATION OF GI REGISTRATION**

Registration application shall be filed by the Applicant or his Proxy to the Minister via electronically or non-electronically in Bahasa Indonesia.

### **4. PUBLICATION**

The publication of Applications in the Official Gazette of GI shall last for 2 (two) months.

### **5. ADMINISTRATION EXAMINATION**

Examination on the Completeness of Requirements for GI Registration

### **6. SUBSTANTIF EXAMINATION**

The substantive examination of Geographical Indications shall be carried out by the Geographical Indications Experts Team.

### **7. REGISTRATION**



## FOREIGN GI

Can foreign GIs get protection in Indonesia

Application which is filed by an Applicant who resides or is permanently domiciled outside the territory of the Republic of Indonesia shall be submitted through his Proxy in Indonesia.

And Application may only be registered if the Geographical Indication has gained recognition from the government of the country and/or registered in accordance with applicable regulations in the country of origin

CHAMPAGNE

PISCO

**Parmigiano Reggiano**

LAMPHUN BROCADE  
THAI SILK

TEQUILA

## GI PROTECTION PROVIDES MAXIMUM DEGREE PROTECTION

### Trade Mark

An Application shall be rejected if the Mark has a similarity in its essential part or in its entirety with registered Geographical Indications.

If before or at the time of a Geographical Indication was filed for registration, a mark is used in good faith by other parties who are not eligible to register it, the said party is still be able to use the mark for a period 2 (two) years since the sign is registered as a Geographical Indication

In the case of such sign has been registered as a Mark (which has a similarity in its essential part or in its entirety) and the Minister can cancel or write off the Mark registration for all or some types of goods after a period of 2 (two) years since its registration as a Geographical Indication.

## CRIMINAL PROVISIONS

Any person who deliberately and without right uses a mark which is similar in its entirety similar and in its essential parts to a Geographical Indication of another party for the same or similar type of registered goods, shall be sentenced to imprisonment for a maximum period of 4 (four) years and/or a fine of a Maximum amount of IDR 2,000,000,000.00 (two billion rupiahs).

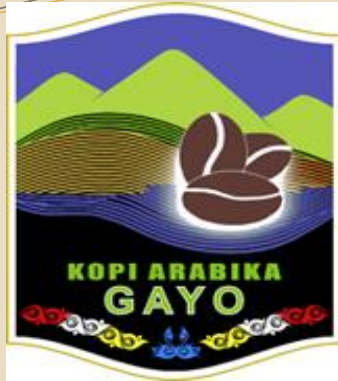


# GI CASE IN INDONESIA

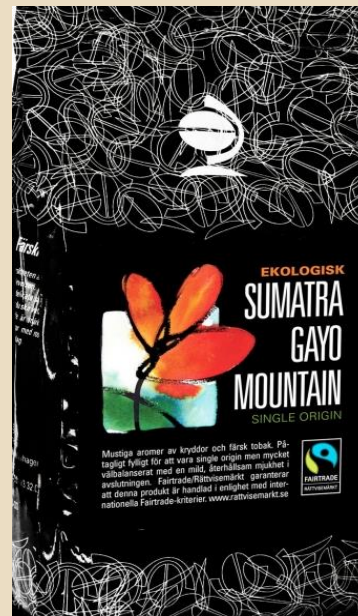
## Gayo Vs Amaro Gayo. <sup>TM</sup>

### Kopi Arabika Gayo

or, as called in English, *Gayo Arabica Coffee*, is one of Indonesian most prominent export commodities. The coffee plantations that have been developed since 1926 are blossoming until today. The Gayo Highland has the largest coffee plantations in Indonesia, which is more than 10,869 farmer families that manage approximately 12,996 hectares . The farmers' community of Kopi Arabika Gayo gathered under the organization called the **Gayo Arabica Coffee Protection Foundation / Yayasan Masyarakat Perlindungan Kopi Gayo**. Gayo arabica coffee has been listed as an GI in Indonesia since 2010 and in EU 2017/870 of 15-5-2017.

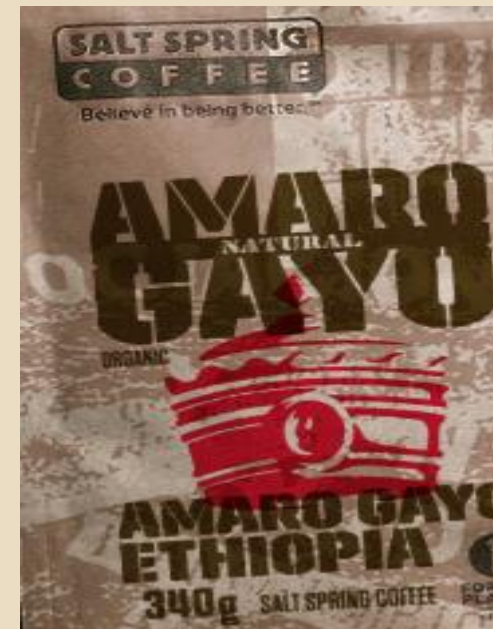
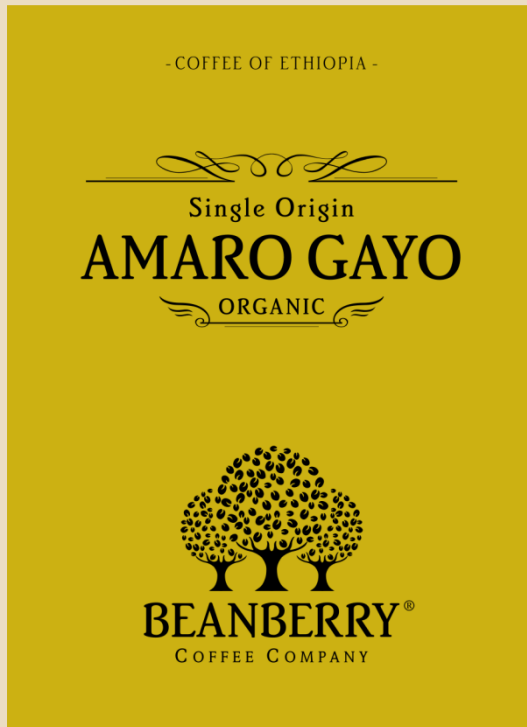


# Kopi Arabika Gayo Gayo Arabica Coffee Protection Foundation / Yayasan Masyarakat Perlindungan Kopi Gayo ID G 0005. (28 April 2010)



## AMARO GAYO TM

Amaro Gayo Coffee was established in 2006 and is located in the foothills of the Amaro Mountains in Southern Ethiopia. The mountainous district of Amaro can be seen as a 'dry island', west of the Fisseha Guenet escarpment and east of lakes Chamo and Abaya, two of the largest lakes of the Great Rift Valley with an altitude of 5,200 feet ( 1,100 Meters). And right now its was registered in Britain. EU, USA



# KINTAMANI BALI Vs ELVI KUSUMANINGTYAS



**REPUBLIK INDONESIA**  
**DEPARTEMEN HUKUM DAN HAK ASASI MANUSIA**

**SERTIFIKAT INDIKASI-GEOGRAFIS**

Menteri Hukum dan Hak Asasi Manusia atas nama Negara Republik Indonesia berdasarkan Undang-Undang Nomor 15 Tahun 2001 tentang Merek dan Peraturan Pemerintah No.51 Tahun 2007 tentang Indikasi-Geografis, memberikan hak Indikasi-Geografis kepada :

**Nama dan Alamat Pemilik Indikasi-Geografis** : Masyarakat Perlindungan Indikasi-Geografis (MPIG) Kopi Kintamani Bali Desa Blantih, Kec. Kintamani, Kab. Bangli, Provinsi Bali

**Nama dan Alamat Kuasa/Konsultan HKI** : --

**Tanggal Pendaftaran Indikasi-Geografis** : 05 Desember 2008

**Tanggal Penerimaan Pemohonan** : 18 September 2007

**Nama Negara dan Tanggal Pendaftaran/ Diakunya Indikasi-Geografis (Khusus Pendaftaran Indikasi-Geografis Luar Negeri)** : --

**Nama Indikasi-Geografis** : Kopi Arabika Kintamani Bali

**Nama Produk Indikasi-Geografis** : Kopi Arabika (ose dan bubuk)

**Nomor Indikasi-Geografis** : IDIG000000001

Perlindungan Indikasi-Geografis diberikan selama karakteristik khas dan kualitas yang menjadi dasar bagi diberikannya perlindungan atas Indikasi-Geografis tersebut masih ada (Pasal 4 PP No.51 Tahun 2007 tentang Indikasi-Geografis).

Jakarta, 05 DEC 2008

a.n. MENTERI HUKUM DAN HAK ASASI MANUSIA  
REPUBLIK INDONESIA  
DIREKTUR JENDERAL HAK KEKAYAAN INTELEKTUAL  
u.b.  
Direktur Merek

  
Herdiyati, S.H.  
NIP. 040034775



INDIKASI-GEOGRAFIS INDONESIA

ID-B - 000 000 001 IG

DIREKTORAT JENDERAL  
HAK KEKAYAAN INTELEKTUAL

Tanggal Pengumuman:  
03 September 2008

Nomor Permohonan : IG.00.2007.000001  
Tanggal Pengajuan : 18 September 2007  
Tanggal Penerimaan : 18 September 2007  
Nama Negara Asal dan Tanggal Pendaftaran : Indonesia, 5 Desember 2008  
Nama Produk: Kopi

Nama dan Alamat Pemilik Indikasi-Geografis:  
Masyarakat Perlindungan Indikasi-Geografis (MPIG)  
Desa Blantih, Kecamatan Kintamani,  
Kabupaten Bangli, Provinsi Bali

Nama dan Alamat Konsultan HKI/ Perwakilan Diplomatik:

Tim Ahli :

Label Indikasi-Geografis:



Abstrak:

Produk Kopi Arabika Kintamani Bali yang diolah dari buah kopi gelondong merah mencakup 2 (dua) macam yaitu kopi HS dan kopi Ose. Karakteristik dan kualitas kopi Arabika Kintamani Bali yang memiliki sifat fisik dan cita rasa tertentu/khas adalah biji kopi Kintamani Bali mutu I (satu) dengan nilai cacat fisik kurang dari 5 (lima) per 300 gr menurut Standar Nasional Indonesia (SNI) dan Standar Coffee of America (SCAA), kadar Air biji maksimum 12 %, biji kopi berwarna hijau keabu-abuan, ukuran biji kopi diameter 16 mm atau lebih besar dari rata-rata biji kopi arabika. Cita rasa kopi Arabika Kintamani Bali menunjukkan hasil sangrai yang relatif homogen pada derajat sangrai sedang (Medium Roast), serta aroma kopi bubuk terkeasan manis ada sedikit aroma rempah-rempah dan profil cita rasanya bebas dari cacat cita rasa; rasa asam bersih dari tingkat sedang sampai tinggi; rasa pahit yang kurang atau sama sekali tidak terdeteksi; mutu dan intensitas aroma yang kuat, kadang rasa buah khususnya jeruk peras. Sumber-sumber bibliografi menunjukkan bahwa kopi telah ditanam di pulau Bali sejak awal tahun 1800-an. Produksi kopi ini berlangsung selama abad 19 namun sebuah penyakit tanaman (karat daun kopi) menghancurkan perkebunan kopi Jawa dan Bali pada akhir abad. Kopi ditanam lagi di Bali, khususnya di daerah Kintamani pada awal abad 20 setelah pada era tahun 1942 pemerintah penjajah Jepang mengurangi lahan penanaman kopi. Perkebunan kopi Arabika Kintamani Bali ditanam pada kisaran antara 900 - 1.550 m dpl dilereng-lereng gunung berapi Batur yang tanah serta iklimnya sangat mendukung bagi tanaman kopi. Kawasan Kintamani terletak di timur laut provinsi Bali, di daerah tropis, di garis lintang antara 115° 5 E dan 115°30 E, garis bujur 8°10 S dan 8°20 S. Curah hujan dengan kerapatan 2.990 mm/tahun, suhu udara berkisar antara 15°C dan 25°C sepanjang tahun, dan kelembaban nisbi melebihi 80%, perbedaan suhu yang tinggi antara siang dan malam merupakan faktor penting bagi kopi Arabika, berlangsung secara konsisten. Faktor manusia yang mendukung adalah telah terdapat kelembagaan petani (MPIG) yang terdiri dari subak abian-subak abian (SA). Setiap SA mempunyai AHTG-AHTG (peraturan internal SA). Petani kopi di kawasan Kintamani terbiasa melakukan usaha diversifikasi horizontal, baik dengan tanaman lain seperti jeruk maupun dengan temak seperti sapi. Temak sapi dimanfaatkan kotorannya untuk mendapatkan pupuk kandang (organik). Diversifikasi tersebut menyebabkan dampak yang positif terhadap ciri dan kualitas dari kopi yang dihasilkan, tanaman kopi hanya memakai pupuk kandang (organik) yang berasal dari sapi (kandang-kandang sapi) yang berada disetiap perkebunan kopi-perkebunan kopi di SA.

# KINTAMANI TM

## Register No. 543035



Owner:

ELVI KUSUMANINGTYAS

Alamat : Jl. Cendrawasih Mas 3 No. 7 Rt.  
02/01 Kel. Tanjung Barat, Kec. Jaga Karsa.  
Jakarta Selatan.

Applied for registration date: June 19, 2002  
Class 30 : Coffeee