GEOGRAFIS INDICATION
In 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 4th 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

<table>
<thead>
<tr>
<th>NO</th>
<th>SECTOR</th>
<th>QUANTITY</th>
<th>INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>AGRICULTURE/PLANTATION</td>
<td>46</td>
<td>19 COFFEE PRODUCTS</td>
</tr>
<tr>
<td>2</td>
<td>FORESTRY</td>
<td>1</td>
<td>MADU SUMBAWA/SUMBAWA HONEY</td>
</tr>
<tr>
<td>3</td>
<td>FISHERIES/MARITIME</td>
<td>2</td>
<td>BANDENG ASAP SIDOARJO/SIDOARJO SMOKED MILKFISH &amp; GARAM AMED BALI/BALI AMED SALT</td>
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<tr>
<td>4</td>
<td>LIVESTOCK</td>
<td>1</td>
<td>SUSU KUDA SUMBAWA/SUMBAWA MILK HORSE</td>
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<tr>
<td>5</td>
<td>CRAFT</td>
<td>4</td>
<td>JEPARA CARVING FURNITURE, GRINSING BALI WEAVING, MANDAR SILK WEAVING SIKKA WEAVING</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>54</td>
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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. APPICATION 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
TEQUILA   LAMPHUN BROCADE   THAI SILK
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 entirely 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 entirely) 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. ™

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 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 jo Peraturan Pemerintah No.51 Tahun 2007 tentang Indikasi-Geografis, memberikan hak Indikasi-Geografis kepada:

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

- **Nama dan Alamat Kusus/Konsultasi HKI**:
  Nama dan Alamat Kusus/Konsultasi HKI

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

- **Tanggal Penerimaan Permohonan**:
  18 September 2007

- **Nama Negara dan Tanggal Pendaftaran Diakui/Rujuk Indikasi-Geografis**:
  Indonesia, 5 Desember 2008

**Nomor Indikasi-Geografis**

- **Nama Produk Kopi**:
  Kopi Arabika Kintamani Bali

- **Nama dan Alamat Pemilik Indikasi-Geografis**:
  Masyarakat Perlindungan Indikasi-Geografis (MPGI) Kopi Kintamani Bali

- **Nomor Indikasi-Geografis**:
  IDIG0000000001

**Perlindungan Indikasi-Geografis** diberikan selama karakteristik khas dan kualitas yang menjadikannya dasar bagi diberikannya perlindungan, serta pelanggaran yang dilakukan terhadap hak indikasi-geografis tersebut masih ada (Pasal 4 PP No.51 Tahun 2007 tentang Indikasi-Geografis).

Jakarta, 05 DEC 2008

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### Indikasi-Geografis Indonesia

**Direktorat Jenderal Hak Keekayaan Intelektual**

<table>
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<tr>
<th>Nomor Permohonan</th>
<th>93.09.2007.000001</th>
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| Nama dan Alamat Pemilik Indikasi-Geografis | Masyarakat Perlindungan Indikasi-Geografis (MPGI) Kopi Kintamani Bali
Desa Blandih, Kec. Kintamani, Kab. Bangli, Provinsi Bali |
| Tanggal Pengajuan | 18 September 2007 |
| Tanggal Penerimaan | 18 September 2007 |
| Nama Negara dan Tanggal Pendaftaran | Indonesia, 5 Desember 2008 |
| Nama Pemilik | Kopi Arabika Kintamani Bali |
| Tim Ahli | |

### Abstrak

Produk Kopi Arabika Kintamani Bali yang dihasilkan dari biji kopi yang telah mengalami pencacahan selama 2 (dua) macam yaitu kopi HSS dan Kopi Ose. Karakteristik dan kualitas kopi Arabica Kintamani Bali yang memiliki rasa asam dan konsistensi biji yang tidak terlalu keras. Kopi yang memiliki kualitas yang diperlukan untuk dijual di pasar terkait dengan kualitas, rasa, dan aroma.

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**Label Indikasi-Geografis**

- **ID. B - 000 000 001 IG**
- **Tanggal Pengumuman**: 03 September 2008
- **Gambar Kopi Arabika Kintamani Bali**
  ![Label Kopi Arabika Kintamani Bali](image-url)
KINTAMANI TM
Register No. 543035

Owner:
ELVI KUSUMANINGTYAS

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