

Identifying the Products and Preserving the Territorial Identity: The Viewpoint of an Experience of Indonesia

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Introduction

About the Country

- Indonesia is an archipelago consists of 17,508 islands under tropic region, inhabited by more than 500 ethnics with different traditional knowledge.
- The country is blessing with mega-diversity, biodiversity in particular.
- Divers **unique quality products** [LINK to geographical factors](#) are found in the country, and having good reputation in the market.



Legal Base of GI Application in Indonesia

- TRIPS Agreement of the WTO
- Law of the Republic Indonesia No. 7/1994 about Ratification of the Agreement Establishing WTO
- Law of the Republic Indonesia No. 15/2001 about Mark
- Government Regulation no. 51/2007 about Geographical Indication

Definition of GI under Indonesian Law

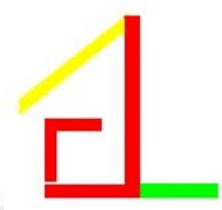
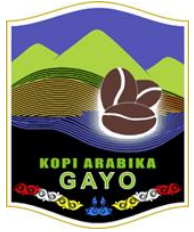
- Indonesia as a member of TRIPS Agreement recognizes GI as a part of IPR
- Definition of GI (Law 15/2001 Article 56 (1):
"GI shall be protected as a sign which indicates the place of origin of goods, which due to its geographical environment factors, including the factor of the nature, the people or the combination of the 2 factors, gives a specific characteristics and quality on the goods produce therein"

Current Status of GI Registration

- First registration in 2008 (Bali Kintamani Arabika Coffee)
- GI Registered in Indonesia (December 2014):
 - Domestic GI: 26 products
 - Foreign GI : 3 products
- New application: 7 products
- Potential GI products: hundreds

Domestic Registered GI Products

Sector	Number of GI	Remark
Agruculture	22	7 GIs for coffee
Forestry	1	Forest honey
Fishery	1	Milk fish
Animal	1	Wild horse milk
Handicraft	1	Furniture wood carving



Registered Foreign GI

CHAMPAGNE

PISCO

PARMIGIANO REGGIANO

Product Identification

Product Categories (1)

1. Agricultural products:

- a. Food crops (rice, sweet potato, sago, etc.)
- b. Fruits (mango, guava, papaya, mango, etc.)
- c. Nuts (cashew nut, almond nut, peanut, etc.)
- d. Stimulant crops (coffee, cocoa, tea, tobacco)
- e. Spices (cinnamon, nutmeg, etc.)

2. Marine and fresh water products:

- a. Fresh fish and fish products
- b. Fresh water fish
- c. Seaweeds

Product Categories (2)

3. Forestry products:

- a. Forest honey
- b. Herbs
- c. Fancy woods

4. Animal husbandary

- a. Salted egg, meats, diary products
- b. Processed meats

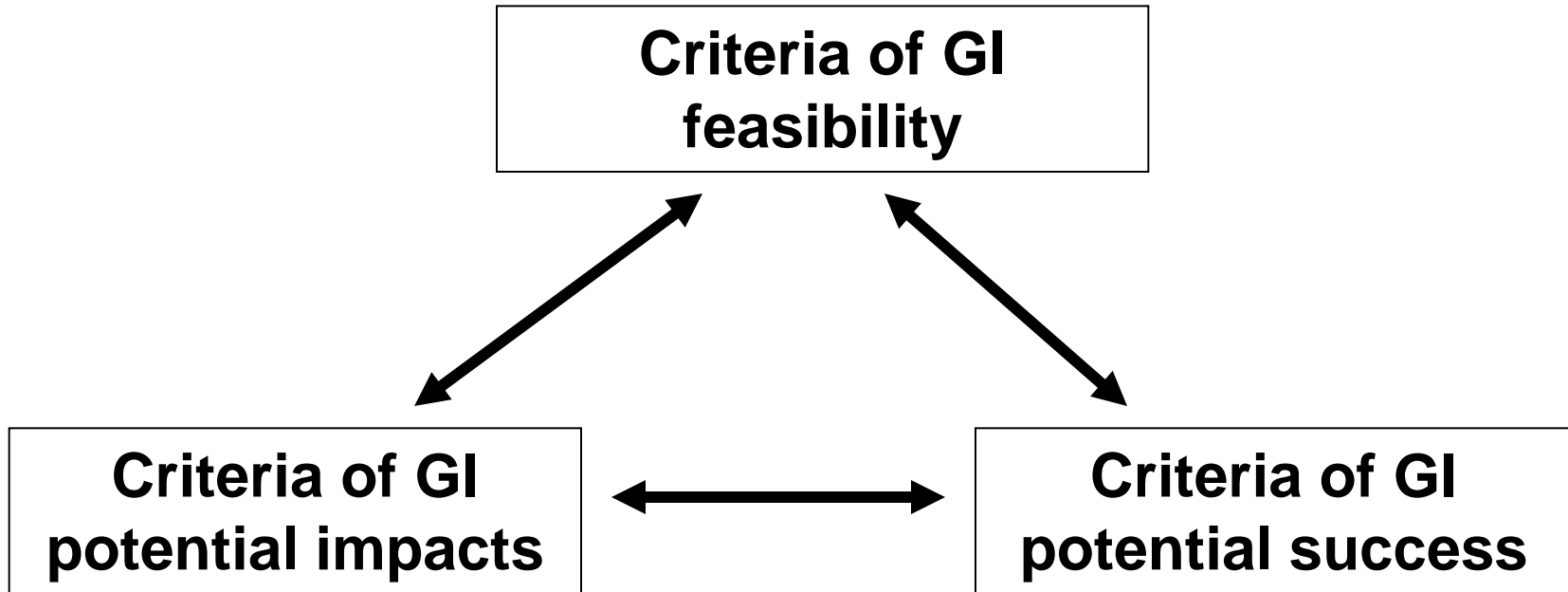
5. Handicrafts

- a. Wood carving, artistanal silvers, pottery, etc.
- b. Tradisional wovens (songket, ikat, etc.)

GI Potential Products Identification

- At the beginning of GI application, identification was done by the government (DG IPR)
- Local governments started to identify its GI products after having better understanding on GI system
- At the moment the identification is not only done by the government but also by strong participation of local people as producer. Several NGOs also play its important role in supporting local producers to identify their products.

Criteria for products' Identification



- GI 'feasibility': juridical point of view
 - *Typicity* / specificity of the product due to its geographical origin
 - Territorial anchorage (link to the *terroir*)

Product Identification (1): Data

Record

Producers

Production area

Supply chain

Markets

Specific Quality and Reputation

Quality identification

Recognizing local people to quality attribute

Domestic and global market reputation

Product Identification (2): GI

potential
major stakeholders of the local production system and supply chain

Protect the designs

Reinforce the sustainability (social & environmental dimensions)

What a GI protection can do ?

Protecting the name, but not the designs

Reinforce the reputation of products, but at territory level

What kind of difficulties can be expected?

Traceability

Demonstration of the specificities due to human and natural / geographical factors

Delimitation of the production area

Territory Identity Preservation

Preserving the Territorial Identity

- A territory of a country may be recognized well through a high quality product link to its geographical factors (*terroir*).
- Identity of the territory must be preserved well due to **its vulnerability to counterfeiting, miss using dan misleading** in order to get advantages from the territory reputation by other parties.
- Indonesia has good lessons from single origin specialty coffees

Lesson from Trademarks Conflicts Using Origin (Territory) Name

Cases of:

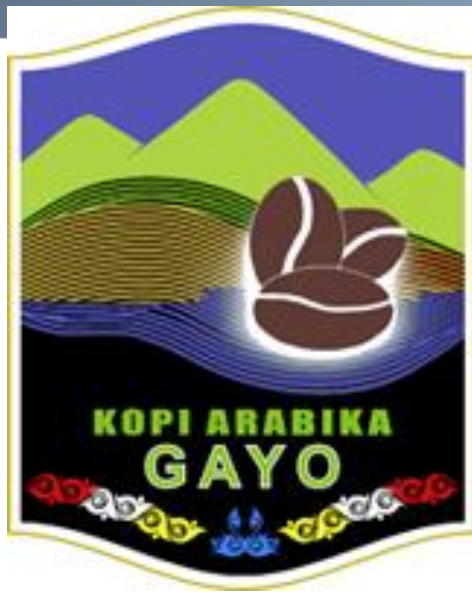
- 1. Gayo Coffee (from Sumatra island)**
- 2. Toraja Coffee (from Sulawesi island)**

Lesson from Public Polemics:

“DUCTH COMPANY CLAIMS INT’L TRADE RIGHTS OVER GAYO COFFEE”

(The Jakarta Post, 11 February 2008)

- “**The Gayo ethnic** in Nanggroe Aceh Darussalam may already have lost the right to use their own name in international trade for their own brand of coffee after a Dutch firm officially claim Gayo coffee as its trademark”.
- “The Gayo trademark can only be used in international trade by Amsterdam-based company Holland Coffee B.V.”
- “Holland Coffee claimed to have registered the world as one of its brands, Gayo Mountain Coffee”



- ✓ Registered GI product in Indonesia
- ✓ Gayo is a name of highland area in Aceh Province, Northern Sumatra (territory of Indonesia)
- ✓ Arabica coffee is main product from Gayo highland, mostly organic certified



"This exceptional coffee is exported through Ethiopia's only female miller/exporter, Asnakech Thomas. Native to the **Amaro region**, Asnakech decided in 2005 to return to Ethiopia and improve the coffee quality and living conditions of her community". Copyright © 2011 Amaro Gayo Coffee. All Rights Reserved (www.amarogayocoffee.com)

Amaro is one of woredas in the Southern Nations, Nationalities, and Peoples Region (SNNPR) of Ethiopia. Because **Amaro** is not part of any Zone in the SNNPR, it is considered a special woreda, an administrative subdivision which is similar to an autonomous area. Located in the Great Rift Valley, **Amaro** is bordered on the south by Burji special woreda, on the southwest by Konso special woreda, on the west by Dirashe special woreda, on the northwest by Gamo Gofa and Lake Chamo, and on the north and east by the Oromia Region. It is divided into 34 kebeles. The administrative center of the woreda is Kele. (www.wikipedia.com)

The highest peak in the woreda is Mount Delo (3240 meters), which is part of the **Amaro mountains**. Much of the western part of this woreda lies inside the Nechisar National Park. The major crops grown in **Amaro** are teff, corn, wheat, barley, navy beans, and coffee.[1] Amaro has 39 kilometers of all-weather roads and 16 kilometers of dry-weather roads, for an average road density of 36 kilometers per 1000 square kilometers.[2] The Central Statistical Agency (CSA) reported that 1,082 tons of coffee were produced in the year ending in 2005, based on inspection records from the Ethiopian Coffee and Tea authority. (2)

TRADE MARKS WITH TORAJA NAME:

- **Avance Toraja** Coffee (Japan, 2007)
- **Brooks Toraja** (Japan, 2005)
- **Ariosto Toraja** Arabica Coffee Sulawesi, Indonesia (Japan, 2009)
- **Toradja Prince** Coffee (Holland, ?)
- **Toarco Toraja** Coffee (Japan, ?), etc.



- ✓ Registered GI product in Indonesia
- ✓ Toraja is a name of highland area in South Sulawesi Province (territory of Indonesia)
- ✓ Arabica coffee is main product from Toraja highland

What We Can Learn from the Origin Coffees Lesson?

- Quality of origin products from a territory and its legal protection are very important issues.
- Toraja and Gayo are name of territories as well as name of ethnics inhabit the lands.
- Toraja and Gayo name used by other parties as trade marks for commercial purposes due to its good reputation.
- Gayo and Toraja coffees are well recognized products, it's high price vulnerable for counterfeiting.
- GI system is an appropriate measure for protecting territory origin products.

What Next?

- Improvement on registration rule and control system as well as providing continues technical supports to producers
- Promoting registred GI products
- Introduction of law enforcement related to GI products
- *Sui Generis* on GI Law
- Member of Lisbon Agreement



THANKS YOU

*Special thank goes to
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