

The Protection of Geographical Indication in Indonesia

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Abstract

Geographical Indication, commonly abbreviated as **GI**, refers to signs (mostly used as proper names) which identify the origins of certain product either it is from certain territory of a particular country, or a region or locality in that country, where a given quality, reputation, or other characteristics of the product essentially attributable to its geographical origin. GI was defined for the first time in Indonesia under Trademark Act No. 14/ 1997 and was amended with Trademark Act No. 15/ 2001. Nevertheless, this system took into force effectively since seven years ago when Governmental Decree No. 51/ 2007 was promulgated on 24 September 2007. It specifies all registration procedure for GI. In the year of 2013 there were 26 registered GI in Indonesia. This number was still considered low compared to great potential of GI in Indonesia. This research will give brief description of Geographical Indication System in Indonesia constituted by two pilot regulations in order to apply GI in Indonesia.

Keywords

Geographical Indication, Trademark Law

インドネシアにおける地理的表示保護制度

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要旨

地理的表示保護制度（通常GI又はGIと省略されている。）は、1997年にインドネシアの商標法No.14として規定されてから2001年に商標法No.15として修正された。

但し、この制度は2007年9月4日政府令No.51の公布により、7年ぶりに施行するようになった。

それにより、GIの全ての登録手続きを定めた。それ以来2013年に至るまで、25個のGIが登録された。

この数は比較的少ないが、インドネシアGIにおける大きな潜在性が示されていると考えられる。

本研究では、2つの主要規制に基づいてGIを構成したインドネシアの地理的表示保護制度について説明する。

キーワード

インドネシア, 地理的表示, 商標法

1. Introduction

Having known for centuries, unfortunately the conceptual, institutional, and epistemic of geographical indication GI are completely messy, overlapping, and conflicting one each other¹. Historically speaking, GI is known to be the earliest type of trademarkⁱⁱ as it has been widely used in Europe, and it can even be traced back to 1222 AD that Charter Seven of Yugoslavia had some regulations about wine.ⁱⁱⁱ Later on for some decades it had been less popular in any discussion and ceased to develop while in the same times other intellectual properties branches significantly developed. Basically, the approaches for protection of geographical indication are used at certain locality level. However, since most of the national laws have failed to protect it when the infringement occurred outside of national law competency, GI now does need international legal framework

Generally, the protection of geographical indication in international law starts from general protection of industrial property in 1883 when Paris Convention offered protections of Indication of Source (IS), continued by specific regulations about indication of source on goods covered by the duo of Madrid Agreement (AO) and the Stresa Convention in 1951 which gave it dual identities not only as appellation of origin, but also as indication of source for products, supplanted by the Europe

Commission which later developed the EU's Protected Designation of Origin (PDO).

The Lisbon Agreement year 1958 was specifically designed to protect appellations of origin, before the World Intellectual Property Organization (here in after WIPO) introduced international registration for GI and also prepared the Model Law of Geographical Indication as the standard for national law to set GI protection. This regulation was adjusted to local condition as well as to the TRIPS Agreements which lay down some basic rules to protect intellectual property rights including geographical indication.

Even though WIPO has introduced a set of rules for the international registration of GI, WIPO still lets the countries to regulate GI to make it harmonious with their own national laws. However, in Australia and Germany the GI is protected under the atmosphere of unfair competition as it is protected by passing it off in United Kingdom. Also, it is regulated under a trademark law with various references, such as geographical, collective, and certification. Regarding this situation, some countries then established a *sui generis* system to cover the GI. Therefore, several concepts in some extent lead to possibilities of disputes because it is not only about the protection, but also the definition of GI which also varies since there is no yet one generally accepted terminology for its² uniform definition.

However, GI is mostly defined as signs

(mostly used as proper names) which identify the origin of certain product either it is from certain territory of a particular country, or a region or locality in that country, where a given quality, reputation, or other characteristics of the product essentially attributable to its geographical origin.^{iv}

There are three major conditions for the recognition of a sign as the geographical indication.^v

- a) It must be related to a product,^{vi}
- b) This product must originate in a defined area,
- c) This product must have qualities, reputation, or other characteristics which are clearly linked to the geographical origins of the product.

Generally, traders and consumers recognize two terms to indicate the origin of certain product, namely *indications of source and appellations of origin*.

- a) Indications of source refer to a sign that simply indicates that product originates in specific geographical region, such as "Made in Japan", "Made in Indonesia", "Product of USA", or "Swiss Made".
- b) Appellations of origin refer to a sign that indicates that product originates in specific region, but limited to those cases where the characteristic qualities of the product are due to geographical environment, including natural and human factors, of that origin, for example "Roquefort".

GI emerged as a new term generally known by most countries in the world today^{vii} which try to hold all forms of protection indicating geographical origin, including both indication of source and appellation of origin.

Indonesia is rich of potential geographical indications which refer to the protection of geographical origins of products or services. GI is designed to improve the competitiveness and value of agriculture and non-agriculture products. However, recently only twenty three Indonesian products, among hundreds of products from each geographical area around the country, are registered and protected under geographical indication regime, resulting in their own unique characteristics.

Indonesia has been integrated with the international system of intellectual property rights (IPRs) by ratifying some important treaties relevant to GI, including the Agreement on Trade-Related Intellectual Property Rights (TRIPS Agreement) upon its WTO accession in 1995. However, significant challenges still remain intact even though legal and institutional frameworks in the field of GI have been developed as in many other developing countries institutional constraints and overlapping regulations continue to impede effective enforcement of GI.

1.1. Legal Context of Geographical Indication in Indonesia

Indonesia was encouraged to develop a national system of recognition and protection of geographical indication (GI) since the Indonesia's involvement in WTO. Indonesia has been a member of the World Trade Organization (WTO) since 1 January 1995^{viii}. Becoming a member of the WIPO since 18 December 1979 and also one of signatories of the Paris Convention for the Protection of Industrial Property in 24 December 1950^{ix}, Indonesia has implemented a *sui generis* system for GI formulated in the Decree No. 51

of 2007 about Geographical Indication. However, this governmental decree still runs under the Act No. 15 /2001 about Marks^x.

1.2. Registered Geographical Indication in Indonesia

The Geographical Indication (GI) is regulated under the frame of the Decree No. 51/ 2007 and is administrated by the Directorate General of Intellectual Property Right (DGIPR) as one of divisions the Ministry of Justice. From 2007 until 2013 there were twenty five of registered GI products, consisting of twenty two Indonesian local products and three foreign products. The first product to get protected by the GI is Kintamani Coffee which was processed since 2003 and registered on 2008 via the pilot project of corporation between Cirad^{xi} and ICCRI^{xii}. The twenty five registered GI products are listed below^{xiii}:

- a. *Kintamani Bali Coffee*
- b. *Champagne*

- c. *Jepara Carved Furniture*
- d. *Muntok White Pepper*
- e. *Gayo Coffee*
- f. *Pisco*
- g. *Mole Tobacco* from Sumedang
- h. *Black Tobacco* from Sumedang
- i. *Parmigiano Reggiano*
- j. *Mare Milk* Sumbawa
- k. *Kankung* Lombok
- l. *Forest Honey* of Sumbawa
- m. *Adan Krayan* Rice
- n. *Bajawa* Coffee Flores
- o. *Dieng Purwaceng* (dried herb for medicinal use)
- p. *Dieng Carica* (mountain papaya)
- q. *Alor Vanilla*
- r. *Kalosi Enrekang* Coffee
- s. *Cilembu* Sweet Potato
- t. *Salak Pondoh*
- u. *Aceh Nilam* Oil
- v. *Preanger* Coffee
- w. *Ijen Raung* Coffee

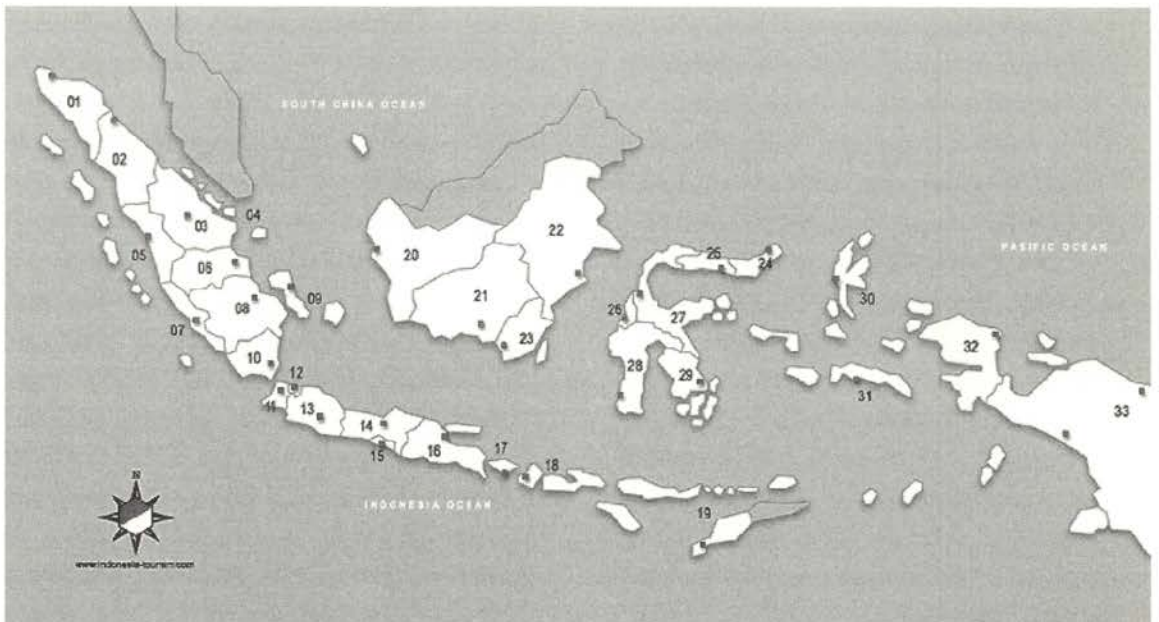


Figure 1. Indonesian Registered GI Map Area

- x. Toraja Coffee
- y. Sidoarjo Milk Fish
- z. Lampung Robusta Coffee

Indonesia has a great potential of GI due to its hetero-cultural background and archipelagic geography separated by sea building with numerous kinds of ecosystem. However, those potentials are still not productively exploited as to the expected potentials of GI^{xv}, the number of the registered GI is still low. The distribution area of the registered GI can be seen in the map below^{xv}:

Notes :

- a) Area 1: Aceh Province : Gayo Coffee and Nilam Aceh
- b) Area 9: Bangka Belitung Province: Muntok White Pepper
- c) Area 13: West Java Province: Cilembu Sweet Potato, Sumedang Mole Tobacco, Sumedang Black Tobacco, Java Preanger Coffee
- d) Area 14: Central Java Province: Jepara Carved
- e) Area 15: Yogyakarta Province: Sleman Salak Pondoh
- f) Area 16: East Java Province: Ijen Raung Coffee, Dieng Carica, Dieng Purwoceng, Sidoarjo Milk Fish
- g) Area 17: Bali Province: Kintamani Bali Coffee
- h) Area 18: West Nusa Tenggara: Sumbawa Honey Forest, Sumbawa Mare Milk, Lombok Kangkung.
- i) Area 19: East Nusa Tenggara: Alor Vanilla, Flores Bajawa Coffee
- j) Area 22: East Kalimantan: Adan Krayan Rice
- k) Area 26: North Sulawesi: Toraja Coffee
- l) Area 28: South Sulawesi: Kalosi Enrekang Coffee

2. Geographical Indication Regulation in Indonesia

The general frame of Geographical Indication regulation in Indonesia is presented in the following table.

Table 1: Geographical Indication Frame in Indonesia^{xvi}

Elements of GI Regulation	Explanation
Recent Regulations	Law No. 15 of 2001 on Marks Decree No. 51 of 2007 on Geographical Indication
Institution in Charge	Directorate General of Intellectual Property Rights under Ministry of Justice
Type of Protection	Sui Generis protection. No ex officio protection is available
Scope of Protection	Applicable to all products.
Level of Protection	The protection against the use of expression of a registered GI such as "style, type, method, manner, imitation or translation of these expressions." ^{xvi}
Time of Protection	As long as the product still maintains the existence of its characteristics for such protection.
Right Holder	Stakeholders, either Indonesians or foreigners, can apply for GI protection such as : 1) Parties who undertake business on goods of natural products or natural resources; 2) Producers of agriculture products; 3) Producers of handicraft or industrial products or; 4) Merchants of the products concerned; 5) An institution with an authority to do so; 6) A group of consumers who desire to apply for GI protection

Registration Procedure	<p>The registration procedures would be:</p> <ol style="list-style-type: none"> 1) Formal examination of the application by the Directorate General within 3 months after the filling date; 2) Substantive examination by the Geographical Indication Commission within a period of maximum 1 year subject to the payment of the prescribed fees; 3) In case of negative decision of the GI commission – refusal, the refusal is notified through the applicant agency or diplomatic representation in Indonesia. Within 2 months after the refusal, the applicant or his agent may submit an objection to the GI commission. In the absence of objection, the decision to refuse registration is final. 4) The publication of the sign in the Official Gazette of GI is protected as a geographical indication. 5) The approximate time for registration is 18 months.
Type of Infringement	<ol style="list-style-type: none"> 1) Direct or indirect use of GI for commercial purposes on products which do not comply with the book of Requirement 2) Direct or indirect use of GI for commercial purposes on protected products with an intention: <ol style="list-style-type: none"> a. to show that the products have a comparable quality with those protected by GI b. to gain benefits from such use c. to gain benefits from the GI reputation 3) Use of GI to mislead the public 4) Use of GI without right – even though the place of origin is indicated 5) Imitation or misleading use of GI in terms of place of origin or the quality of the products which appears in: <ol style="list-style-type: none"> a. packaging or wrapping b. advertising materials c. documents concerning the products 6) Any other practices which are likely to mislead the general public about the true origin of the products
Punishment	<p>An unlawful user can be asked to pay damages, to stop using the illegal GI, and dispose of the GI label</p>

GI was first defined in the Trademarks Act No. 14/1997 and was revised in 2001 with the Trademarks Act No. 15/ 2001 including three specific sections about GI. However, this act was not successfully implemented due to the procedure of the registration that will be promulgated in a Governmental Decree^{xvii} taken into force in 2007 with the Presidential Decree No. 15/ 2007 on Geographical Indication. The explanation below describes the two pilot regulations of Geographical Indication in Indonesia.

2.1. The Trademark Act No. 15/ 2001 on Trademark

The Trademark Act No. 15/ 2001^{xviii} was promulgated in Jakarta on August 1, 2001.

This Act has 16 chapters and 101 sections describing general regulation of trademark including the general provision of trademarks, scope of marks, application for registration of marks, registration of marks, transfer of rights of a registered marks, collective marks, geographical indication and source of origin, delegation and cancellation of registration of a mark, administration of marks, fees, settlement of disputes, provisional decision by the court, investigation, criminal provisions, and transitional provision and closing provision.

The Trademark Act contains three specific sections related to geographical indication.

a. Section 56

This section has nine subsections, some of which concern with GI: definition of geographical indication (56: 1), who shall apply (56: 2), what kind of products which shall be refused to get GI protection (56: 4), the right to appeal against refusal (56: 5), how long the GI protection expires (56: 7), prior use of GI (56: 8) and a statement saying that the regulation of GI will be further regulated under Governmental Decree (56: 9).

(1) Section 56 Subsection 1 provides the definition of GI.

Geographical Indication shall be protected as a sign which indicates the place of origin of goods which, due to its geographical environmental factors, including factor of the nature, the people or the combination of the two factors, gives a specific characteristic and quality on the goods produced therein.

(2) Section 56 Subsection 2 describes who shall apply for GI.

Geographical Indication shall be protected after registration, based on an application filed by;

a. An institution that represents the society in the area which produces the goods concerned, which includes :

- 1) Parties who undertake business on goods of natural products or natural resources;*
- 2) producers of agricultural products;*
- 3) producers of handicraft or industrial products ; or*
- 4) merchant of the products concerned*

b. an institution with an authority to do so; and

c. a group of consumers of the products concerned

(3) Section 56 Section 4 indicates what kind of product shall be refused to get the GI.

An application for the registration of a geographical indication shall be refused by the Directorate General, if the sign

a) is against morality of religion or public norm, or is likely to deceive or mislead people as the characteristic, such as features, quality, source of origin, process of production or the usage ;

b) does not qualify to be registered as a geographical indication.

(4) Section 56 Subsection 5 gives the right to appeal against refusal.

An appeal petition may be filed against the refusal as referred to in section (4)

(5) Section 56 Subsection 7 states how long a GI product will enjoy the legal protection.

A registered Geographical Indication enjoys a legal protection as long as the features and/or the quality on the protection conferred still exist.

(6) Section 56 Subsection 8 explains about prior use.

Prior to or on the date of the registration of a Geographical Indication, a sign has been used in good faith by another party who has no right to register pursuant to the provisions as referred to in section (2), the party who has been acting in good faith may continue to use the sign concerned for a period of 2 (two) years from the date of its registration as a geographical indication.

(7) Section 56 subsection 9 states that GI registration will be regulated further in governmental decree, meaning that even though the GI has been promulgated, it

cannot be operated until the governmental decree takes into force.

Provisions concerning the procedures for registration of Geographical Indication shall be regulated by the Government Regulation.

b. Section 57

The first subsection of this section describes the right to apply lawsuit against an unlawful user of the GI.

The right holder to a geographical indication may file a lawsuit against an unlawful user of the geographical indication, in the form of claim for damages, order for stopping the usage as well as disposal of labels of the Geographical Indication concerned which have been unlawfully used.

2.2. The Government Decree No. 51/ 2007 on Geographical Indication

The Government Decree No. 51/ 2007 on Geographical Indication indicates that Indonesia applies *sui generis* system for GI which means that the GI has separated and specific law for GI implementation. This *sui generis* system has special law concerning GI, but the act is not fully separated due to its level, which is only Governmental Decree and consequently is still under the Trademark Act. Literally, if there are conflicts or disputes which cannot be solved by this decree, it shall be solved by the Trademark Act as the higher regulation on GI.

This decree contains 11 chapters and 28 sections including general provisions, scope of GI, procedure of application, procedure of examination, the use and control of GI, foreign GI, amendment and termination of protection, appeal petition of GI, infringement and lawsuit,

prior use of GI, and closing provision.

Chapter 1 of GI Decree gives general provision of geographical indication which shall be used in this Act. Section 1 (1) states, "*A geographical indication shall mean a sign which indicates the place of origin of a good, which due to its geographical environment factors the nature, the people, or the combination thereof gives specific characteristic and quality on the goods produced therein.*" Some regulations on this governmental decree are similar with what are promulgated in the trademark. For instance, the definition of GI in Section (1) is exactly the same as what is mentioned in Section 56 (1) of Trademark Act/ 2001. However, it clearly indicates that product which can be protected as GI may be agricultural products, foodstuffs, handicrafts, or any goods complying with GI definition. GI is a geographic factor term used to see a product from three aspects of (1) its place or area of origin, (2) qualities or characteristics of the product and (3) qualities or characteristics of the place of origin.

Registration of GI products is executed by the Directorate General of Intellectual Property (DGIPR), the Ministry of Law and Human Right. The DPIGR is supported by a geographical indications expert team (GIAT) consisting of seven members originated from the Ministry of Agriculture, the Ministry of Law and Human Rights, the Ministry of Industry, and the Ministry of Sea and Fisheries.

This chapter also describes that the Directorate General (of Directorate General of Intellectual Property Right under Ministry of Justice) is a designated institution to submit

the Geographical Indication registration (Section 1 (2), define the applicant and the producer, is the Consultant of Intellectual Property Right, and the proxy in subsection 3, 4 and 5.

The Section 1 (9) depicts that the Book of Requirements (BoR) refers to documents containing information on the description concerning with the quality and specific characteristics of certain product which can be used to differentiate one product from other products of the same category. This topic is further explained in Section (6) describing that application files include a book of requirements as Code of Practices, and define the contents of this BoR. The BoR will be an essential administrative document in obtaining GI protection; thus, it should contain information mentioned below.

- (a) Name of the Geographical Indication filed for registration
- (b) Type of goods covered by the geographical indication
- (c) Description of the specific characteristic and the quality which allows the objective differentiation of the product from other products of the same category through characteristic conferred to the product by its origin, with the description of geographical environment and with the inherent natural and human factor which have an effect on quality or characteristic of the products;
- (d) Boundaries and/ or map the area protected by the Geographical Indication;
- (e) Description of the history and tradition related to the use of Geographical Indication to designate the goods in that area including the description of the recognition by the relevant public of the Geographical Indication
- (f) Description of the production process,

explained in such a way to allow anyone inside the region to produce the given product based on the information given in the specification

- (g) Description of method used to control the product as well as measures taken to ensure the traceability of the product
- (h) The specific labeling details used for relating the product to the Geographical Indication

Chapter 2 of GI decree constructs the scope of Geographical Indication. Section 3 of mentioned decree stipulates that GI application shall not be enlisted if it is

Contradicting with the morality of religion or public order

Misleading the public as to specific characteristic, quality, place of origin, production process, and/or uses;

The name of plan variety, which is protected by plant variety law except that the name variety originated from the name of a place or region

A generic name

The possible nature of applicant of geographical indication in Section (5) of this Decree also has the same description with the statement in Section 56 (2) of Trademark Act. But this decree put new detailed description about a book requirement which needs to be prepared by the applicant.

As mentioned in section 5 (3) applicant for GI protection includes:

- (1) An institution that represents the people in the area producing natural product or natural process, produce agricultural product, and make handicraft product;
- (2) An institution with an authority to do so
- (3) A group of consumers of national product

Application of GI protection shall be conducted by an applicant by filling a form or through his proxy at the DPIGR. An applicant shall be filed in writing in Indonesian language then to be submitted to the DPIGR. The application shall contain the following details:

- (a) Name and address of the applicant
- (b) Complete name and the address of the proxy (if the application through a proxy)
- (c) Special power of attorney, in case of application is filed through a proxy
- (d) The filling date of the application
- (e) Recommendation from relevant government institution
- (f) The Book of Requirement (BoR)
- (g) Receipt of application cost

Maximum within 14 days after the application date an administrative checking will be carried out and the result will be informed to the applicant soon. If there is (are) incomplete requirement(s), the applicant must do the completion within 3 months. If within the provided period there is no response from the applicant, it is assumed that the application has been cancelled by the applicant.

Geographical Indication Expert Team (GIET) will conduct substantive examination/checking maximum within 2 years after the date of completion of administrative requirements. The checking is done by visiting the production area and along the supply chain of the product to confirm the BoR. If the BoR confirms to the actual field condition, the GIET will provide a recommendation letter to the DGIPR to consider the issue of certificate of GI protection. Within three 3 months before issuing GI protection certificate, there will be a public announcement.

Based on section 12 a written opposition and rebuttal dealing with issuing of GI, protection

can be submitted by any parties but it must be completed by proof of evidence. Within 14 days after the date of submission of the objection, the DPIGR will provide written information to the applicant, which then his written response should be received maximum within two months. Section 14 stipulates that a GIET will be created and will be in charge of the substantive examination of the application. Section 16 describes that GIET will control the use of GI, while the DPGIR of Ministry of Justice will be responsible of the administrative examination.

As mentioned on section 20, foreign products can also be registered to Indonesia when application is made by producers or operators holding legitimate interest or by any representative administration or authorities of the foreign country of Indonesia. To be admissible for registration a foreign GI product as referred the products must have been recognized and/or registered in accordance with the provisions of the country origin.

Registered Geographical Indication shall be protected against any:

- (1) Direct or indirect commercial use of a registered GI in respect of goods not complying with the book of requirements
- (2) Direct or indirect commercial use of a registered GI in respect of goods covered as well as not covered by the registration to the extent that those goods are comparable to those covered under registered GI or to the extent that this use benefits or could benefit from the reputation of the geographical indication
- (3) Commercial use of a registered GI which misleads the public to the true origin of the good
- (4) GI use in respect of accompanied by an

expression such as "style", "type", "method", "manner", "imitation", or translation of such expressions, or similar expression

- (5) Other false or misleading indication as to provenance, origin, nature or essential qualities of the good appearing on packaging or wrapping, in advertising materials or on documents concerning the good, as well as the packing of the product in a container liable to convey a false impression as to its origin
- (6) Other practices likely to mislead the general public about the true origin of good

3. Summary

1. Indonesia has a great potential of Geographical Indication; nevertheless, the number of registered GI is still low. The reasons of this low number of GI will be figured out in further research to find out potentials and challenge of GI in Indonesia.
2. Indonesia needs to have a precise system which in order to regulate GI because even though Indonesia basically chooses sui generis system, it is not fully separated from trademark system to anticipate overlapping regulations.

[Notes]

- ¹ Researcher is currently enrolled as a doctoral candidate in Kanazawa University and an Indonesian Directorate Higher Education Scholarship awardee.
- ² WTO surveys of national laws identified 23 national definitions applied to this area see annex B to the WTO: Review under section

24.2 of the application of the provision of the section of the TRIPS Agreement on Geographical Indication, 24 November 2003 (IP/C/W/253/Rev.1). Ibid, p 3.

- ⁱ Gangjee Dev, *Relocating the Law of Geographical Indications*, Cambridge University Press, London, 2012, p 1.
- ⁱⁱ Bernard O' Connor, *The Law of Geographical Indications*, Cameron May Ltd, 2007, p.21
- ⁱⁱⁱ Ibid, p.27
- ^{iv} WIPO Intellectual Property Handbook Part I, Geographical indication and TRIPS: 10 years later, WIPO Publication No. 489 (E), 2004, p1.
- ^v Ibid, p 1. Any sign, even geographical, may not be considered as a geographical indication if it does not fulfill these three conditions.
- ^{vi} In some countries services also included, for example in Azerbaijan, Bahrain, Croatia, Jamaica, Saint Lucia, Singapore and others.
- ^{vii} At least 160 countries provide protection of geographical indication legally as describe in the WIPO Intellectual Property Handbook Part II.
- ^{viii} <http://www.wto.org>.
- ^{ix} <http://www.wipo.int/treaties>.
- ^x Hereafter Trademark Act
- ^{xi} French Agriculture Research Centre or International Development
- ^{xii} Indonesian Coffee and Cocoa Research Institute.
- ^{xiii} www.dgip.go.id, The list of Registered GI accessed on February 20, 2014.
- ^{xiv} Based on research of Indonesian Swiss Intellectual Property project on 2012 at least Indonesia has 69 potentials of GI.
- ^{xv} www.dgip.go.id, The Map of Registered GI, accessed on February 20, 2014
- ^{xvi} Based on The Trademark Act No. 15/ 2001 and The Governmental Decree No. 51/ 2007, WIPO Intellectual Property Handbook Part II, Geographical indication and TRIPS: 10 years later, Geographical Indication in 160 Countries around The World. WIPO Publication No. 489 (E), 2004, p56 – 58.
- ^{xvii} Section 23 of Decree No. 51 of 2007 prohibit the

use of words such as like, as like as, similar and etc. which lead confusedness among consumers.

^{xvii} It is commonly happen in Indonesia, some acts cannot be effectively implemented since there is a clausal that is requested by the act state that some of regulation of it will be formulated in a specific governmental decree or presidential decree.

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