



GEOGRAPHICAL INDICATIONS PROTECTION SYSTEM

INDONESIA



OCTOBER 2015



Receipt of the application:

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 characteristics and quality on the goods produced therein.

A sign shall be a name of place or region, or any other particular signs which indicates the place of origin where a good is produced that is protected by Geographical Indication.

The good may be agricultural products, foodstuffs, handicrafts, or any other goods complying with the provision paragraph 1.

A registered Geographical Indication cannot fall into the public domain.

A sign as referred to paragraph 1 shall only be used on goods which comply with the Book of Requirements.

Geographical Indications Ineligible for Registration

A Geographical Indication shall not be registered if the sign which is being applied for registration

- a. Contradicts with laws and regulations, religious moral values, ethics or public order;
- b. Misleads or deceives the public as to the characteristics, natures, quality, place of origin, production process of the good and/or its use.
- c. Constitutes the name of local geography that has been used as the name of a plant variety, and used for the same plant variety;
- d. Has become generic.

Application for registration

An application shall be filed in writing in the Indonesian language by the applicant or through his proxy at the Directorate General by filling a form in 3 (three) copies to the Directorate General.

The format and content of the form shall be decided by the Directorate General.

The applicant shall consist of:

- a. An institution that represents the community in the area where the good is produced, which consist of:
 1. parties who undertake business on goods of natural products, or natural resources;
 2. producers of agricultural products;
 3. persons who make handicrafts, or industrial products; or
 4. trades who sale the goods;
- b. An institution that is given the authority to do so; or
- c. A group of consumers of the goods.



The application shall contain the following administrative requirements:

- a. Day, month, year;
- b. Complete name, nationality, and address of applicant;
- c. Complete name and address of proxy, if the application is filed through a proxy.

The application shall be accompanied by:

- a. A special power of attorney, if the application is filed through a proxy; and
- b. Receipt of payment of fee.

The application shall be furnished with a Book of Requirements consisting of:

- a. Name of the Geographical Indication being filed for registration;
- b. Name of good covered by the Geographical Indication;
- c. Description of the specific characteristics and quality which differentiate the particular good from other goods of the same category, and explain the relation with the place by origin where the good is produced;
- d. Description of the geographical environment and the natural and human factors which as a unity give effect on the on quality or characteristics of the good produced;
- e. Description of the boundaries of region and/or map of the area that is covered by the Geographical Indication; (in this case shall have a recommendation from by the relevant authority)
- f. Description of the history and tradition in relation to the use of Geographical Indication to designate the good in that area including a description of the recognition by the relevant public of the Geographical Indication;
- g. Description of the production process, processing, and process of making which is used as to allow as to allow any producer within the region to produce the relevant good;
- h. Description of the method used to examine the quality of good produced; and
- i. Label which is used on the good and contains the Geographical Indication.

Examination

Administrative examination

- (1) The Directorate General shall conduct an administrative examination on the completeness of application requirements within a period of 14 (fourteen) days from the date of receipt of the application.
- (2) Where an Application has fulfilled the requirements the Directorate General shall allocate a Filing Date.



- (3) Where there are deficiencies on the completeness of requirements, the Directorate General shall notify in writing the Applicant that such deficiencies be remedied within a period of 3 (three) months at the latest from the date of receipt of notification.
- (4) In case of such deficiencies have not been fulfilled within the period referred, the Directorate General shall notify in writing the Applicant or through his proxy that the Application is deemed withdrawn, and publish it in the Official Gazette of Geographical Indication.
- (5) In case of the Application is deemed withdrawn, all fees that have been paid to the Directorate General cannot be reimbursed.

Substantive examination

- (1) Within the period of 1 (one) month at the latest from the date of the completion of requirements, the Directorate General shall transmit the application to the Geographical Indication Experts Team.
- (2) The Geographical Indication Experts Team shall conduct a substantive examination on the Application within a period of 2 (two) years at the latest from the date of receipt of Application as referred to in previous paragraph.
- (4) In the case of the Geographical Indication Experts Team considers that the Application has complied with the registration requirements, the Geographical Indication Experts Team shall propose to the Directorate General that the Geographical Indication be registered in the General Register of Geographical Indication;
- (5) The substantive examination shall be subject to the payment of fee.
- (6) The fee for substantive examination shall be made before the end of publication period of the Application.
- (7) In case the fee for substantive examination is not paid the Application shall be deemed withdrawn.

Registration and Opposition

Registration

- (1) The Directorate General shall within a period of 10 (ten) days at the latest from the date of decision that the Geographical Indication can be registered or refused publish the decision in the Official Gazette of Geographical Indication.
- (2) In case of the Geographical Indication has been approved to be registered as referred to in the previous paragraph, the publication in the Official Gazette of Geographical Indication shall contain the number of Application, full name and complete address of the Applicant, name and address of the proxy, filing date, relevant Geographical Indication, and abstract of the Book of Requirements.
- (3) In case of the Geographical indication is refused, the publication in the Official Gazette of Geographical Indication shall contain the number of Application, full name and complete address of the Applicant, full name and complete address of the proxy, and name of Geographical Indication being applied for registration.
- (4) The publication shall be undertaken for 3 (three) months.



Opposition

- (1) During the period of publication, any party may file an objection to the Application to the Directorate General in writing and in 3 (three) copies with a payment of fee.
- (2) The objection shall contain the reasons accompanied by sufficient evidence that the Application shall not be registered or shall be refused based on this Government Regulation.

Term of Protection

A registered Geographical Indication shall be protected as far as the specific characteristics and quality which have been the basis of the grant of the protection still exist.

Contact

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