
Implementing Comprehensive Protection of Geographical Indications and Communal Intellectual Property for Local Products: Case Studies in Muna Island, Bali Island and Sumba Island of Indonesia

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Résumé

Geographical Indication (GI) protection system in Indonesia is established in accordance with the reputation, quality, and characteristic requirements of the TRIPS system in combination with the environmental factor/s' requirements of the Lisbon system. As a result, GI in Indonesia is regarded as one of the most demanding IP subject matters because of its complex requirements. Although GI system has been very valuable to protect and enhance a number of premium products of Indonesia, the requirements have also led to the inability of many local products to gain community-based Intellectual Property protection.

In this regard, Indonesia has endorsed a sui generis protection system of Communal Intellectual Property. Government Regulation Number 56 Year 2022 about Communal Intellectual Property constitutes 5 (five) regimes, those are: Geographical Indication Potentials (GIP), Indication of Sources (IS), Traditional Cultural Expressions (TCEs), Traditional Knowledge (TK), and Genetic Resources (GR). Requirements to obtain the protection of Communal Intellectual Property are easier and more flexible than the registered GI. For Communal Intellectual Property regimes, registration is not mandatory.

In order to investigate and evaluate the development of community based Intellectual Property protections in Indonesia, field studies have been conducted in different provinces of Indonesia, including Muna Island of South East Sulawesi Province, Bali Island of Bali Province, and Sumba Island of East Nusa Tenggara Province, from March until September 2024. Methods used in the field studies were focused group discussion and interview.

Results of the field studies show that local products in those islands, especially traditional clothes, would be best enhanced if the protection used for their community-based products is not solely based on the protection of registered GI system, but in combination or in complementary with one or several subject matters of the Communal Intellectual Property protection system.

In this regard, overlapping is not an issue. Communal Intellectual Property in Indonesia has been established based on an Intellectual Property concept of inclusive right to support

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the protection of GI system. So, the system of registered GI can be strengthened by or co-exist with the protection of the Communal Intellectual Property, according to the best interests of the local communities in the geographical origins.

Mots-Clés: Geographical Indication, Communal Intellectual Property, Local Products