

INDONESIA

Government Regulation Regarding Geographical Indications

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CHAPTER I GENERAL PROVISIONS

Article 1

In this Government Regulation:

1. A Geographical Indication shall mean a sign which indicates the place of origin of goods, which due to its geographical environment factors including natural factors, human factors, or their combination, give specific characteristics and qualities on the goods produced therein.
2. Application shall mean the application for registration of a Geographical Indication submitted in writing to the Directorate General.
3. Applicant shall mean a party who files the application.
4. Producer shall mean party who produces goods.
5. Consultant of Intellectual Property Rights shall mean a person who has expertise in the field of intellectual property rights and specifically provides services in filing and arrangement for the application for Patent, Trademark marks, Industrial Design and other fields of Intellectual Property Rights, including the Geographical Indications and shall be registered as a Consultant of Intellectual Property Rights in the Directorate General.
6. Proxy shall mean the consultant of intellectual property right.
7. Filing date shall mean the date of receipt of an application, which has fulfilled the administrative requirements.
8. Day shall mean working day.
9. Book of Requirements shall mean a document containing information on the description concerning the qualities and specific characteristics of a good that can be used to differentiate one goods from other goods of the same category.
10. User of Geographical Indication shall mean the producers of goods in accordance with the relevant Books of Requirements and registered at the Directorate General.
11. Directorate General shall mean the Directorate General of Intellectual Property Rights under the Department presided over by the Minister.
12. Minister shall mean the Minister, whose scope of duties and responsibilities cover in the field of intellectual property rights; including the Geographical Indication.

CHAPTER II SCOPE OF GEOGRAPHICAL INDICATIONS

Part One General

Article 2

(1) A sign as referred to in Article 1 paragraph (1) shall be a name of the place or region, or any other particular signs which indicates the place of origin where a good is produced that is protected by the Geographical Indication.

(2) The goods as referred to in paragraph (1) include agricultural products, processed products, handicrafts, or any other goods complying with the provision of Article 1 paragraph (1).

(3) A sign as referred to in paragraph (1) shall be protected as a Geographical Indication after having registered in the General Register of Geographical Indications at the Directorate General.

(4) A registered Geographical Indication cannot fall into the public domain.

(5) A sign as referred to in paragraph (1) can only be used on goods which comply with the Book of Requirements.

Part Two Geographical Indications which cannot be registered

Article 3

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

- a. Contradicts with laws and regulations, religious morality 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 usefulness.
- c. Constitutes the name of local geographical that already has been used as the name of a plant variety, and used for the same plant variety; or
- d. Has become generic.

Part Three Period of Protection of Geographical Indication

Article 4

A registered Geographical Indication shall be protected as long as the specific characteristics and qualities which have been the basis for the protection of Geographical Indications still exist.

CHAPTER III PROCEDURE OF APPLICATION

Article 5

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

(2) The format and content of the application Form as referred to in paragraph (1) shall be decided by the Directorate General.

(3) The applicant as referred to in paragraph (1) shall consist of:

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

Article 6

(1) The application as referred to in Article 5 shall contain the following administrative requirements:

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

(2) The Application as referred to paragraph (1) 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.

(3) The application as referred to paragraph (1) shall be furnished with a Book of Requirements consisting of:

- a. Name of the Geographical Indication for which the application for registration is filed;
- b. Name of goods protected by the Geographical Indication;

- c. Description on the specific characteristics and qualities distinguishing certain good from other good of the same category, and describing the relation to the region where the good is produced;
- d. Description of the geographical environment and the inherent natural and human factors which as a unity give effect on the quality or characteristics of the goods produced;
- e. Description of the boundaries of region and/or regional map of the area that is covered by the Geographical Indication;
- f. Description of the history and traditions related to the use of Geographical Indication to designate the goods produced in that area including the description of the recognition by the relevant public of the Geographical Indications;
- g. Description of the production process, processing, and process of making which is used as to allow any producer in the region to produce, process, or make the relevant goods;
- h. Description of the methods used to control the quality of goods produced; and
- i. The labels which is used on the goods and having contains the Geographical Indication.

(4) The description on the region boundaries and/or a regional map covered by the Geographical Indication as referred to in paragraph (3) letter (e) shall have a recommendation from the relevant authorities.

CHAPTER IV PROCEDURE OF EXAMINATION

Part One Administrative Examination

Article 7

(1) The Directorate General shall conduct an administrative examination on the completeness of requirements of the application as referred to in Articles 5 and Article 6 within a period of 14 (fourteen) days from the date of receipt of the application.

(2) In case the Application has fulfilled the requirements as referred to in Article 5, Article 6 paragraph (1), Article 6 paragraph (2) letter (b), and Article 6 paragraph (3), the Directorate General shall allocate a Filing date.

(3) Where there are deficiencies on the requirements as referred to in paragraph (2), the Directorate General shall notify in writing the Applicant or his proxy to complete the requirements within a period of 3 (three) months at the latest from the date of the receipt of notification.

(4) In case of failure to complete the requirements within the period as referred to in paragraph (3), the Directorate General shall notify in writing the Applicant or through his proxy, that the Application is deemed withdrawn, and publish it on the Official Gazette of Geographical Indication.

(5) In case of the Application is deemed withdrawn as referred to in paragraph (4), then the fees already paid to the Directorate General shall not be refundable.

Part Two Substantive Examination

Article 8

(1) Within the period of 1 (one) month as of the fulfillment date of the completion of requirements as referred to in Article 7 paragraph (2), the Directorate General will forward 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 as of the receipt date of the application as referred to in paragraph (1).

(3) The substantive examination as referred to in paragraph (2) shall be conducted based on Article 1 paragraph (1), and Article 3 and Article 6 paragraph (3).

(4) In the case of the Geographical Indication Experts Team considers that the application has fulfilled with the provisions on registration as referred to in paragraph (3), the Geographical Indication Experts Team shall submit the proposals to the Directorate General that the Geographical Indication be registered in the General Register of Geographical Indication.

(5) The substantive examination as referred to in paragraph (2) shall be subjected to the payment of fees.

(6) The fee for substantive examination as referred to in paragraph (5) shall be paid before the end of publication period of the application.

(7) In case of failure to pay the fee for substantive examination is not paid within the period as referred to in paragraph (6), the Application is deemed withdrawn.

Article 9

(1) In case the Geographical Indication Experts Team approves the registration of the Geographical Indication can be registered as referred to in Article 8 paragraph (4), the Geographical Indication Experts Team shall propose to the Directorate General to publish the relevant information related to the Geographical Indication, including the Book of Requirements in the Official Gazette of Geographical Indication within a period of 30 (thirty) days as of the receipt date of the proposal from the Geographical Indication Experts Team.

(2) In case the Geographical Indication Experts Team states that an application shall be refused, the Directorate General shall within a period of 30 (thirty) days as of receipt date of the proposal from the Geographical Indication Experts Team, the Directorate General shall notify in writing the Applicant or through his proxy, by mentioning the reasons thereof.

(3) within a period of 3 (three) months as of receipt date of the notification of refusal as referred to in paragraph (2), the applicant or his proxy may respond to the refusal by stating the reasons.

(4) In case of the applicant or his proxy does not respond to the refusal as referred to in paragraph (3), the Directorate General shall make decision on the refusal of the application and notify this decision to the applicant or by his proxy.

(5) In case of the Applicant or his Proxy submits responses to the refusal as referred to in paragraph (3), the Directorate General shall within period of 30 (thirty) days as of the receipt of such response forward the response to the Geographical Indication Experts Team.

Article 10

(1) The Geographical Indication Experts Team shall conduct re-examination and propose a decision within a period of 3 (three) months as of the receipt of responses as referred to in Article 9 paragraph (5).

(2) In case of the Geographical Indication Experts Team approves the response as referred to in Article 9 paragraph (3), the Directorate General shall publish the Geographical Indication and the Book of requirements, based on the proposed decision as referred to in paragraph (1), in the Official Gazette of Geographical Indication.

(3) In case of the Geographical Indication Experts Team could not approve the response as referred to in Article 9 paragraph (3), the Directorate General shall make decision on the refusal of the application.

(4) The Directorate General shall within a period of 30 (thirty) days notify in writing the decision on refusal as referred to Article 9 paragraph (4) and Article 10 paragraph (3) to the Applicant or through by his proxy, by mentioning the reasons thereof.

(5) In case of an application is refused, all fees already paid to the Directorate General shall not be refundable.

(6) The Applicant or his proxy may submit an appeal petition to the Trademark Appeal Commission within a period of 3 (three) months as of

the receipt date of the notification on the decision on refusal as referred to paragraph (4).

(7) The fees for filing an appeal petition to the Trademark Appeal Commission shall be paid when filing of such petition for appeal.

Part Three Publication

Article 11

(1) The Directorate General shall within a period of 10 (ten) days from the approval date of the Geographical Indications for registration or refused, the Directorate General shall publish the decision in the Official Gazette of Geographical Indication.

(2) In case of the Geographical Indication is to be registered as referred to in paragraph (1), the publication in the Official Gazette of Geographical Indication shall contain the Application number, full name and complete address of the Applicant, full 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 as referred to in paragraph (1), the publication in the Official Gazette of Geographical Indication shall contain the Application number, full name and complete address of the Applicant, full name and complete address of the Proxy, and name of the Geographical Indication for which the application being applied for registration.

(4) The publication as referred to in paragraph (2) shall be made for 3 (three) months.

Part Four Opposition and Rebuttal

Article 12

(1) During the period of publication as referred to in Article 11 paragraph (4), in relation Geographical Indication published as referred to in Article 11 (2), any party may file a written opposition to the Application to the Directorate General in 3 (three) copies with a payment of fees.

(2) The opposition as referred to in paragraph (1) shall mention the reasons furnished with sufficient evidence that the Application shall not be registered or be refused based on this Government Regulation.

(3) The opposition as referred to in paragraph (1) may also be submitted in relation to the boundary of area or region covered by the Geographical Indication for which the application for registration is filed.

(4) In case of the opposition as referred to in paragraph (2) and/or paragraph (3), the Directorate General shall within a period of 14 (fourteen) days as of the date of receipt opposition, send a copy of such the opposition to the Applicant or his proxy.

(5) The applicant or his proxy shall be entitled to file a rebuttal to the opposition as referred to in paragraph (4) to the Directorate General within a period 2 (two) months as of the receipt date of copy of the opposition.

Part Five Substantive Re-examination

Article 13

(1) In the case of a rebuttal as referred to in Article 12 paragraph (5), the Geographical Indication Experts Team shall conduct the substantive re-examination of the Application Geographical Indication by taking into account the rebuttal.

(2) The substantive re-examination as referred to in paragraph (1) shall be accomplished within a period of 6 (six) months as of at the expiry date of the filing of rebuttal as referred to in Article 12 paragraph(5).

(3) In case there is no opposition as referred to in Article 12 paragraph (1), the Directorate General shall make registration of Geographical Indication in the General Register of Geographical Indication.

(4) In case the result of the substantive re-examination as referred to in paragraph (1) and paragraph (2) indicate that the opposition can be accepted, the Directorate General shall notify in writing to the applicant or through his proxy that the Geographical Indication is refused.

(5) Within a period of 3 (three) months as of the receipt of the decision on refusal as referred in to paragraph (4), the applicant or his proxy may file appeal to the Trademark Appeal Commission.

(6) In case the result of the substantive re-examination as referred to in paragraph (1) and paragraph (2) reveal that the opposition could not be accepted, the Directorate General shall register the Geographical Indication in the General Register of Geographical Indication.

(7) Within a period of 30 (thirty) days as of the decision on substantive re-examination, the Directorate General shall publish the decision in the Official Gazette of Geographical Indication.

Part Six Geographical Indication Experts Team

Article 14

(1) The Geographical Indication of Experts Team is non-structural bodies which undertakes evaluation of the Book of Requirements, and provide consideration/recommendations to the Directorate General in relation to the registration, amendment, cancellations, and/or control of the national Geographical Indications.

(2) The members of the Geographical Indication Experts Team as referred to in paragraph (1) shall consist of experts having expertise in the field of Geographical Indication and come from:

- a. representatives of the Directorate General;
- b. representatives of the ministries in charge of agriculture, industry, trade, and/or other relevant ministries;
- c. representatives of institutions or agencies authorized to carry out supervision and/or controlling the quality of goods; and/or
- d. Other competent experts.

(3) The members of the Geographical Indication Experts Team as referred to in paragraph (2) shall be constituted and dismissed by the Minister for a period of 5 (five) years.

(4) The Geographical Indication Experts Team shall be chaired by a chairman elected from and by the members of the Geographical Indication Experts Team.

(5) In conducting the duties and functions as referred to in paragraph (1), the Geographical Indication Experts Team shall be assisted by the Technical Evaluation Team whose membership is based on expertise.

(6) The Technical Evaluation Team as referred to in paragraph (5) shall be established by the Directorate General based on the recommendation from the Geographical Indication Experts Team.

CHAPTER V THE USE AND CONTROL OF GEOGRAPHICAL INDICATIONS

Part One User of Geographical Indication

Article 15

(1) Any Producers interested in the use of the Geographical Indication shall apply as the User of Geographical Indication to the Directorate General with a payment of fee in accordance with laws and regulations.

(2) The producers as referred to in paragraph (1) shall fill out the declaration form as specified by the Directorate General furnished with recommendations from the competent technical authority.

(3) Within a period of 30 (thirty) days after completing the requirements as referred to in paragraph (2), the Directorate General shall register the User Producer of the Geographical Indication in the General Register of Users of Geographical Indication and publish his/her names and relevant information in the Official Gazette Indication geographical.

Part Two Control of User of Geographical Indication

Article 16

(1) Any party may submit the results of his/her observation on the User of Geographical Indication to the competent authorities with a copy to the Directorate General that the information covered in the Book of Requirements concerning on the goods protected by the Geographical Indication is not fulfilled.

(2) The results of observation as referred to in paragraph (1) shall contain the evidence and reasoning thereof.

(3) Within a period of 7 (seven) days as of the receipt of result of observation as referred to in paragraph (1), the Directorate General shall submit the control findings to the Geographical Indication Experts Team.

(4) Within a period of 6 (six) months as of the receipt of the result of observation as referred to in paragraph (3), Geographical Indications Expert Team examine the result of observation and convey the result of examination to the Directorate General, including any act that should be taken by the Directorate General.

Article 17

(1) Within a period of 30 (thirty) days as of the receipt of the result of examination as referred to Article 16 paragraph(4), Directorate General shall make decision on the acts to be taken, including to cancel the registered User of Geographical Indication.

(2) In case the Directorate General decides to cancel the registered User of Geographical Indication, the registered User of Geographical Indication is removed from the General Register of Users of Geographical Indication and further declared not entitled to use the Geographical Indication.

(3) Any objection on the cancellation of a registered User of Geographical Indication as referred to paragraph (2) may be filed through a Commercial Court maximum within 3 (three) months as of the date of receipt of the cancellation decision.

(4) Within a period of 30 (thirty) days as of the decision on cancellation decision as referred to paragraph (2), the Directorate General shall publish that decision in the Official Gazette of Geographical Indication.

Article 18

(1) The deletion of the use of registered Geographical Indication may be filed at on the initiative of a User of the registered Geographical Indication User.

(2) In case the deletion as referred to in paragraph (1) is filed, then the registered User of Geographical Indication User will be removed from the General Register of Users of Geographical Indication and then they are declared ineligible use the Geographical Indication.

(3) Within a period of 30 (thirty) days as of the decision for deletion as referred to in paragraph (2), the Directorate General shall publish that decision in the Official Gazette of Geographical Indication.

Part Three Control of Use Geographical Indication

Article 19

(1) The Geographical Indication Experts Team shall organize and monitor the control the use of Geographical Indication in the territory of the Republic of Indonesia.

(2) In performing its duties and responsibilities as referred to in paragraph (1), the Geographical Indication Experts Team may be assisted by the a Technical Controlling Team consisting of technical experts in the fields of certain goods to give consideration or carry out controlling duty.

(3) Technical Controlling Team as referred to in paragraph (2) may be from:

- a. institutions competent to conduct control both at the regional and central levels; and/or
- b. private institutions or non-government institutions acknowledged as an institution competent to carry out inspection/control related to the goods protected by the Geographical Indication.

(4) List of institutions and agencies already acknowledged as referred to in paragraph (3) shall always be updated and monitored accordingly by the Geographical Indication Experts Team.

(5) The list of institutions and agencies already acknowledged as referred to in paragraph (3) shall be accessible to the public and used as a reference for the Users of Geographical Indication.

(6) Technical Controlling Team as referred to in paragraph (2) shall be established by the Directorate General based on the recommendation from the Geographical Indication Experts Team.

CHAPTER VI FOREIGN GEOGRAPHICAL INDICATIONS

Article 20

(1) Any Application filed by an applicant residing or having permanently domicile outside the territory of the Republic of Indonesia shall be filed through their Proxy in Indonesia or through the diplomatic representatives in Indonesia of the countries of origin of the Geographical Indication.

(2) The application as referred to in paragraph (1) can only be registered if the Geographical Indication has gained recognition and/or been registered in accordance with the provisions prevailing in its country of origin.

(3) The provisions on the examination to the completeness of administrative requirements of the Application as referred to in Article 7 shall also apply to on foreign Applications.

(4) In case of a foreign application which has fulfilled the requirements provisions as referred to in paragraphs (1), paragraph (2) and paragraph (3), the Directorate General shall decide that the application can be approved for registration and make the publication as referred to Article 11.

(5) The Directorate General shall refuse any foreign Application in case of failure to meet the requirements as referred to in paragraph (1), paragraph (2), and/or paragraph (3).

(6) The refusal as referred to in paragraphs (5) shall be notified to the applicant through his proxy or his diplomatic representative in Indonesia within a period of 30 (thirty) days as of the date of decision on refusal.

(7) Provisions on procedure of publication, opposition, and rebuttal as well as application for appeals petition in this Government Regulation shall apply on mutatis-mutandis to the foreign Application.

(8) The foreign application which has been registered shall be provided with protection in accordance with the provisions of this Government Regulation.

CHAPTER VII AMENDMENT AND TERMINATION OF PROTECTION

Part One Amendment to and Withdrawal of Application

Article 21

(1) Amendment of an application as referred to in Articles 6 and Article 20 can only be submitted as long as the application has not been published in the Official Gazette of Geographical Indication as referred to in Article 11.

(2) The withdrawal of the application as referred to in Articles 6 and Article 20 may only be made before the Directorate General makes decision to register the Geographical Indication.

(3) In case the application is withdrawn as referred to in paragraph (2), all fees that have been paid to the Directorate General cannot be refundable.

Part Two Amendment of Book of Requirements After Registration

Article 22

(1) An Applicant may file a request for amendment of the Book of Requirements in accordance with development of science and technology or a change of geographical boundaries.

(2) The request for amendment of the Book of Requirements as referred to in paragraph (1) shall be filed in writing to the Directorate General furnished with the reasons and amendments.

(3) In case the request for amendment the Book of Requirements as referred to in paragraph (1) can be accepted, the Directorate General shall publish the amendment of the Book of Requirements in the Official Gazette of Geographical Indication.

(4) The amendment to the Book of requirement shall comply with the provisions on the publication as referred to in Article 11, as well as opposition and rebuttal as referred to in Article 12.

(5) In the event the Directorate General refuses the request for amendment application of the Book of Requirements, the Applicant or his Proxy may file appeal petition to the Trademark Appeal Commission.

(6) The appeal as referred to in paragraph (5) may be filed within a period of 3 (three) months as of the receipt of the decision refusal.

Part Three Termination of Protection of Geographical Indication

Article 23

(1) Any parties, including the Geographical Indication Experts Team may submit to the Directorate General a result of the observation that specific characteristic and/or the quality based on which the protection of Geographical Indication has been conferred no longer exist.

(2) In case the result of observation as referred to in paragraph (1) are not from the Geographical Indication Experts Team, the Directorate General shall forwarding these observation to the Geographical Indication Experts Team within a period of 30 (thirty) days as of the receipt of the result of observation.

(3) Within a period of 6 (six) months as of the receipt of the result of observation as referred to paragraph (2), the Geographical Indication Experts Team shall examine and inform its decision as well as measures that shall be taken to the Directorate General.

(4) Within a period of 30 (thirty) days as of the receipt of the decision as referred to paragraph (3), the Directorate General shall take into account the decision of the Geographical Indication Experts Team and the acts to be taken, including to cancel the Geographical Indication.

(5) In case of cancellation of the Geographical Indication, the Directorate General shall notify in writing to the applicant or his proxy as well as all Users of Geographical Indication as referred to Article 15 paragraph (3), or through his Proxy within a period of 14 (fourteen) days as of the receipt of the decision.

(6) Within a period of 30 (thirty) days as of the decision on cancellation as referred to paragraph (5), the Directorate General shall publish the decision in the Official Gazette of Geographical Indication.

(7) The publication as referred to in paragraph (6) shall state the cancellation of the Geographical Indication as well as the termination of the use by Users of the Geographical Indication.

(8) Objection to the cancellation of Geographical Indication as referred to in paragraph (5) can be filed to the Commercial Court within 3 (three) months as of the receipt of the decision on cancellation.

CHAPTER VIII APPEAL PETITION FOR GEOGRAPHICAL INDICATION

Article 24

(1) An applicant or his proxy may file an appeal petition to the Trademark Appeal Commission against the refusal of an Application as referred to in Article 9 paragraph (4), Article 10 paragraph (3), Article 13 paragraph (4) and Article 22 paragraph (5).

(2) An appeal petition as referred to in paragraph (1) shall be filed in writing to the Trademark Appeal Commission within a period as referred to in Article 10 paragraph (6), Article 13 paragraph (5) and Article 22 paragraph (6), and it will be subjected to the payment of fee.

(3) The provisions on petition for appeal for geographical Indication shall be applicable on mutatis mutandis to the provisions in of Articles 29, Article 30, Article 31, Article 32, Article 33 and Article 34 of the Law No. 15 of 2001 regarding on Marks as well as and the Implementing Regulation thereof.

CHAPTER IX INFRINGEMENT AND LAWSUIT

Part One Infringement of Geographical Indication

Article 25

Infringement of Geographical Indications shall include:

- a. use of Geographical Indication for commercial purposes, directly or indirectly for the goods failing to meet the Book of Requirements;
- b. use of a sign of Geographical Indication for commercial purposes, directly or indirectly on goods which are protected or not protected with a view to :
 1. indicating that the goods' quality is equitable to the goods with those protected by the Geographical Indication;
 2. gaining profit from such use; or
 3. gaining profit from the reputation of the Geographical Indication;
- c. Use of a Geographical Indication that may mislead the public in relation to the geographical origin of the goods;
- d. Use of Geographical Indication illegally although the place of origin of the goods is stated;
- e. imitation or other abuse that may be misleading in relation to the place of origin of the goods or its quality of the goods reflected from the statement contained on:
 1. on packaging or wrapping;
 2. information in advertisements;
 3. information in the documents concerning the goods; or
 4. information potentially misleading about its origins in case the goods is in package; or
- f. Other acts potentially misleading the general public about the true origin of the goods.

Part Two Lawsuit

Article 26

(1) The filing of a lawsuit against infringement as referred to in Article 25, shall be filed in accordance with the provisions of Article 57 paragraph (1) and Article 58 of Law Number No. 15 of 2001 regarding on Mark.

- (2) The lawsuit as referred to in paragraph (1) may be filed by:
- a. Every producer entitled to use the geographical Indication;
 - b. An institution representing the society; or

c. An institution that is given the authority to do so.

(3) Provisions on the procedures for filing a suit for Geographical Indication shall apply on mutatis mutandis to the provisions of Article 80 of Law Number 15 of 2001 regarding on Marks.

CHAPTER X FORMER USER OF GEOGRAPHICAL INDICATION

Article 27

(1) In the case of the use of a sign as referred to in Article 56 paragraph (8) of Law Number 15 Of 2001 regarding on Mark, if prior to or upon on the date submission of application for registration of a Geographical Indication for identical or similar type of goods there is sign already used in good faith by other parties who are not entitled to use the Geographical Indication, the other party may use such sign for a period of 2 (two) years from the date of its registration of the sign is registered as a Geographical Indication provided that the other party shall declare the truth regarding of the place of origin of goods and warrant that the use of the sign will not mislead the registered Geographical Indication.

(2) In case of a sign as referred to in Article 56(8) of Law Number 15 of 2001 regarding on Marks has been registered or used as a mark prior to or upon the date of application for registration of a Geographical Indication for identical or similar type of goods, and such the sign is then declared registered as a Geographical Indication, then the use of the sign as a mark in good faith by the other parties who are not entitled to use the Geographical Indication shall remain be allowed provided that the other party shall declare the truth of regarding the place of origin of goods and warrant that the use of the mark will not mislead the registered Geographical Indication.

CHAPTER XI CLOSING PROVISIONS

Article 28

This Government Regulation shall be effective as of the date of promulgation.

For public cognizance, it is instructed to promulgate this Government Regulation by inserting the same in the Official Gazette of the Republic of Indonesia.