

Legal Protection of Geographical Indications for Grobogan Batik

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Abstract. This article aims to find out the obstacles faced in the effort to register Geographical Indications for Batik Grobogan and to find out the role of the Grobogan Regency Government in encouraging efforts to protect Geographical Indications against Batik Grobogan. This preventive legal protection is important to provide legal certainty for Batik Grobogan in a dispute. In contrast, repressive legal protection exists after violating the rule of law to resolve disputes by litigation (law) and non-litigation (arbitration and alternative dispute resolution). Some inhibiting factors include craftsmen and/or people who lack information and knowledge regarding the protection of Geographical Indications. Thus, the government, through the Department of Industry and Trade (Disperindag), is expected to be more aggressive in encouraging efforts to protect Geographical Indications by conducting socialization and assisting the Geographical Indications protection registration process.

Keywords: Geographical Indications, Legal Protection, Intellectual Property Rights, Batik Grobogan, Indonesia.

1 Introduction

Indonesia is a country that has quality natural resources and human resources with an abundant population. This wealth of resources has resulted in plant and biological cultivation, a geographical feature where the potential is located. So far, Indonesia has exported agricultural, forest, fishery, and industrial products.

One of the most well-known human resources in Indonesia is batik. Batik is a work of Indonesian culture that is admired by the world. Batik is also a cultural heritage of high value because the process of making batik has been done traditionally since historical times until now.

In the national economic growth, the batik industry plays an important role. This sector, dominated by Small and Medium-sized Enterprises (SMEs), can provide large amounts of foreign exchange through exports [1] [2]. At the end of 2017, at the opening of the exhibition and the declaration of the Indonesian Shopping Center Management Association (APPBI) at the Jakarta Textile Museum, Gati Wibawaningsih as the Director-General of SMEs of the Ministry of Industry (Kemperin), said that "The national batik industry is

comparative and competitive in the international market. Indonesia is the market leader who dominates the world batik market." The Ministry of Industry noted that until October 2017, the export value of batik and batik products reached US\$ 51.15 million, an increase from US\$ 39.4 million in the first half of 2017. The main market destinations are Japan, the United States, and the European continent [3].

Grobogan batik has the potential to go through registration because it has different characteristics from other types of batik. There are various kinds of Grobogan batik motifs namely pajale (rice, corn, and soybeans), pring sapur, api abadi mrapen, Simpanglima Purwodadi, gandri, boyong grobog [4,5]. However, Grobogan Batik has not yet been registered as a Geographical Indication. Because in the protection system for Geographical Indications in Indonesia, it appears that the protection system adopted is a constitutive system specifically for Geographical Indications. That is, registration is the primary condition of protection. However, the number of batik that has been or will be registered as a Geographical Indication is still very small, while the batik that has been circulating in the community is very large [6].

Some of the new Grobogan batik motifs are copyright protected but do not yet have Geographical Indication protection. The development of Grobogan Batik has been supported and promoted by the Department of Industry and Trade (Disperindag), Cooperatives Office (Dinkop) and MSMEs, Grobogan Batik Craftsmen Association, Economic Section of the Regional Secretariat, PKK (Pemberdayaan Kesejahteraan Keluarga) of Grobogan Regency. Bappeda of Grobogan Regency through the Economic and Resource Development Forum (FPESD/Forum Pengembangan Ekonomi Dan Sumber Daya).

Geographical Indications are part of Indonesia's intellectual property rights and are regulated in Article 1 paragraph 6 of Law No. 20 of 2016 concerning Marks and Geographical Indications, Geographical Indication is a sign that indicates the area of origin of an item and/or product due to a combinator of geographical and environmental factors (natural factors and human factors) that gives reputation, quality, and certain characteristics to the goods or products produced [7][10].

In addition to Geographical Indications, Intellectual Property Law in Indonesia also includes Patents, Trademarks, Industrial Designs, Layout Designs of Integrated Circuits, Trade Secrets, Plant Variety Protection (PVT), Copyright and Related Rights, Communal Intellectual Property, namely Geographical Indications and PTEBT (Traditional Knowledge and Traditional Cultural Expressions/Pengetahuan Tradisional Dan Ekspresi Budaya Tradisional).

Geographical indications differ from other intellectual property rights aspects such as patents, trademarks, copyrights, or industrial designs. Geographical indications as an applicant are institutions tasked with representing the community in areas that produce goods, while local government agencies are authorized at both the provincial and district levels. Geographical Indications is not limited to food products. Still, it can also be in the form of processed products, handicrafts, or goods that carry the name of the region of origin and also have natural characteristics [11][15].

Therefore, it is necessary to study further the obstacles to registering the Geographical Indications of Grobogan Batik and the role of the district government. Grobogan in encouraging efforts to Protect Geographical Indications for Grobogan Batik so that the authors raised the title. of "Protection of Geographical Indications Against Grobogan Batik" by raising problems including what are the obstacles in the effort to register Geographical Indications against Grobogan Batik and how is the role of the Grobogan Regency Government in encouraging efforts to protect Geographical Indications against Batik Grobogan.

This study aims to find out the obstacles faced in the effort to register Geographical Indications for Grobogan Batik and to know the role of the Grobogan Regency Government in encouraging efforts to protect Geographical Indications for Grobogan Batik.

2 Methods

The method used in this research is juridical empirical approach, namely by solving research problems by examining secondary data and then primary data in the field [16]. Descriptive-analytic is the specification of the data used, namely describes the data obtained from interviews, documents, field notes, and observations. Based on the survey results, the data is then linked between the legislation and the implementation that occurs in the community or in the field.

The data used are primary data obtained based on the results of interviews, namely how to obtain information by way of direct question and answer to predetermined informants or sources, which in this study was carried out with resource person Rina Dyah Wulandari as Head of Department of Industry and Trade of Grobogan Regency (Disperindag) Grobogan Regency and Nunung Wijayanti as the owner of Joint Business Group (KUB/ Kelompok Usaha Bersama) Flamboyan in Pulorejo Village, Purwodadi District.

Secondary data also includes legal research, the first in the form of primary legal materials obtained from several related laws and regulations, the second secondary legal materials in the form of materials related to primary legal materials and can help analyze and understand primary legal materials such as scientific papers, books, reports, articles, papers and research results, and the last is tertiary legal material namely materials that provide information on primary and secondary materials such as legal dictionaries, Indonesian language dictionaries, and website addresses.

The legal materials are then used as supporting data obtained through library studies, which can be obtained by studying the literature written by legal experts and legislation related to the objects and problems studied.

3 Result

The research location taken by the author is located at Jalan Ahmad Yani No. 357 Kuripan, Purwodadi District, Grobogan Regency. There are about 30 Batik Joint Business Groups (KUB) with a total of 350 craftsmen. They have been fostered and supported by their development by relevant stakeholders such as the Office of Cooperatives, Small and Medium Enterprises (DINKOPUMKM/ Dinas Koperasi dan UMKM), the Industry and Trade Office (Disperindag) It was formed based on Regional Government Regulation No. 15 of 2016 concerning Formation and Structure of Regional Apparatus, Regulation of the Regent of Grobogan No. 69 of 2016 concerning Position, Organizational Structure. Main Duties, Functions, Job resol 10 Som regar of In prote the pr Descriptions and Work Procedures of the Industry and Trade Office of Grobogan Regency [17].

One of the Batik Joint Business Groups (KUB) in Grobogan is KUB Flamboyan which was founded by Nunung Wijayanti and is located at RT 03/RW 01 Pulorejo Village, Kec. Purwodadi Kab. Grobogan. In 2010, the owner and ten colleagues participated in batik training and comparative training in Yogyakarta, Solo, and Pekalongan under the facilities of the Industry and Trade Office of Grobogan Regency. Since then, KUB Flamboyan has

provided batik training to several women's groups in the Grobogan area, especially in the community where they live.

KUB Flamboyan starts the batik-making process by drawing on the fabric, printing, coloring, color-locking, rinsing, squeezing, rinsing, aerating, ironing, and packaging. Some batik motifs in KUB Flamboyan Grobogan are the Simpang Lima motif, Pajale (rice, corn, soybeans), and the Boyong Grobogan carnival.

KUB Flamboyan may apply for Geographical Indications registration as an institution representing the community in a certain geographical area that cultivates goods and/or regional products in the form of handicrafts. In addition to the Flamboyant KUB, the provincial or district/city government may also apply for the registration of Geographical Indications based on Article 53 paragraph (3) of Law No. 20 of 2016 concerning Marks and Geographical Indications.

There are several requirements so that Batik Grobogan can be registered as a Geographical Indication according to article 3 of the Regulation of the Minister of Law and Human Rights Number 12 of 2019 concerning Geographical Indications, namely:

1. The Applicant submits an Application to the Minister.
2. The Application is submitted by filling out a form in Indonesian by the Applicant or his Proxy.
3. Applications are subject to a fee.
4. The Application Form, as referred to in paragraph (1), shall at least contain:
 - a. The date, month, and year of the Application;
 - b. Name and address of the Applicant;
 - c. Full name and address of the Proxy if the Application is submitted through a Proxy;
 - d. Name of Geographical Indication;
 - e. Name of goods; and
 - f. Translation, transliteration, and labeling of Geographical Indications.
5. The Application must attach:
 - a. Proof of payment of the Application fee;
 - b. 2 (two) pieces of Geographical Indication Label, uk. the smallest is 2 x 2 cm and the largest is 9 x 9 cm;
 - c. Abstract or summary of Document Description of Geographical Indications;
 - d. Photocopy of certificate or valid documentary evidence regarding registration in the country of origin if it is an Application for Geographical Indications from abroad;
 - e. Power of Attorney, if the Application is submitted a proxy;
 - f. Document Description of Geographical Indications; and
 - g. Electronic documents for letters b-f.
6. Document Description of Geographical Indications in paragraph (4) letter f consists of:
 - a. Data on the Applicant for Geographical Indications for which registration is requested;
 - b. Name of Geographical Indication for which registration is being applied for;
 - c. Name of a product protected by Geographical Indication;
 - d. A description of the characteristics and qualities that distinguish certain goods from other goods belonging to the same category;

- e. A description of the geographical environment as well as natural factors and human factors which form an integral part in influencing the quality or characteristics of the goods produced:
- f. Description of regional boundaries and/or maps of areas covered by Geographical Indications:
- g. A description of the history and traditions related to the product of Geographical Indications, including recognition from the public regarding the Geographical Indications:
- h. A description of the production process, processing process, and related goods manufacturing process:
- i. A description of the method used to check the quality of the manufactured goods;
- j. Labels used on goods with Geographical Indications.

Batik Grobogan is formed with written batik, which is the result of the batik-making process whose technical patterns are directly written by the batik maker. To write it, use a canting made of copper equipped with a bamboo handle. As a result, Grobogan batik has a characteristic motif in the form of plant and/or plant motifs (soybean, bamboo, teak, and corn). In addition, the coloring is brighter, and there are more gaps in the batik process so that batik cloth is not full of patterns like batik cloth from other regions.

The famous Grobogan batik in 1938 tends to use the Laseman motif [18]. However, more plant motifs have been developed, such as soybeans, corn, rice, and bamboo. Grobogan batik is also produced using selected raw materials and techniques. The selection of raw materials is significant because it is closely related to the results and quality of the final product. Batik is made from selected fabrics, namely primisima cloth and remasol dyes.

In the making Batik, Grobogan starts the process by drawing on the cloth, followed by the canting process using wax/night, coloring using remasol (synthetic) and removing wax, dipping the cloth in dye, then boil the cloth to remove the wax, and wash the cloth. The unique effect of batik is that the fine cracks in the wax allow the dye to seep in small amounts. To resist heat and wax, the fabrics used to make batik are usually made of strong materials, such as cotton, poplin, voile, and pure silk.

The inhibiting factor for registration to obtain the protection of Geographical Indications for Batik Grobogan requires long requirements and preparations such as strengthening community organizations as producers of goods protected by the Geographical Indication regime and preparation of requirements booklets and increasing production scale.

Barriers were also found from the community or batik craftsmen who just waited and were passive. Until now, the craftsmen were just waiting for the government's efforts to socialize to provide legal protection. In addition, Regional Government of Grobogan, through the Department of Industry and Trade (Disperindag), does not consider the importance of protecting Geographical Indications for Grobogan Batik.

Article 70 of Law Number 20 of 2016 concerning Marks and Geographical Indications has regulated the development of central and/or regional governments through their respective authorities on Geographical Indications, including:

1. Preparation for the fulfillment of the requirements of the Application for Geographical Indications:
2. Application for Geographical Indications Registration:
3. Socialization and understanding of the protection of Geographical Indications:
4. Commercialization and Utilization of Geographical Indications;

5. Mapping and inventory of potential Geographical Indication products;
6. Coaching, monitoring, evaluation;
7. Legal protection; and
8. Mentoring and training;
9. Facilitate the development, processing, and marketing of Geographical Indications goods and/or products.

Until now, there has been no action from the Grobogan Regency government regarding the development of Geographical Indications. Rina Dyah Wulandari, from Disperindag, said that so far, there is no legal protection for the Geographical Indications of Batik Grobogan because. In 2011, there has been a copyright registration. Until now, there has not been any socialization to business groups with Batik Grobogan. There are several efforts that Disperindag of Grobogan Government in the future, namely:

1. Conducting socialization of Geographical Indications to the public. Socialization as a bridge to the success of the intellectual property system, the government must actively provide insight for the community of batik craftsmen.
2. Helping KUB Flamboyan and/or other KUB in Kab. Grobogan to register Geographical Indications. Also, assist in the special field of managing Geographical Indications to the community of batik craftsmen.

Grobogan Batik will be protected by Geographical Indications if registered first. The application for the registration of Geographical Indication is submitted in writing in Indonesian by the Applicant or can be represented by his proxy by filling out a form and along with proof of payment to the Director General of Intellectual Property Rights.

With the Geographical Indication for Batik Grobogan, legal protection can be created in the form of preventive legal protection and repressive legal protection [19].

Preventive legal protection is provided by the government intended to prevent violations and provide signs or limitations in implementing obligations. In preventive legal protection, legal subjects can raise objections or opinions before the government decides. The goal is to provide legal certainty for Grobogan Batik in the event of a dispute.

Repressive legal protection is a legal protection that is emphasized after violating existing legal rules to resolve disputes. Resolving violation disputes related to the use of Geographical Indications without rights can be achieved in 2 (two) ways, namely litigation (law) and non litigation (arbitration and alternative dispute resolution) [20].

4 Conclusion

Grobogan Batik, as a superior product of Grobogan Regency, has the potential as a Geographical Indication. Until now, it has not been registered with the Directorate General of Intellectual Property (DJKI/ Direktorat Jenderal Kekayaan Intelektual). However, several inhibiting factors were found, starting with craftsmen and/or the public, who lacked information and knowledge regarding the protection of Geographical Indications

There is also a role from the government through the Department of Industry and Trade (Disperindag) in encouraging efforts to protect Geographical Indications by conducting socialization and assisting the registration process for the protection of Geographical Indications. Without the registration of Geographical Indications, Batik Grobogan will not get legal protection in the form of preventive and repressive measures.

This preventive legal protection guarantees legal certainty for Batik Grobogan in the event of a dispute. In contrast, repressive legal protection exists after violating the rule of law to resolve disputes by litigation (law) and non-litigation (arbitration and alternative dispute resolution).

There are several suggestions that can be made by the Regional Government. First, Grobogan, through the Disperindag, seeks all forms of registration of Geographical Indications considering that regional products of Batik Grobogan have the potential to be registered and obtain the protection of Geographical Indications. It is expected that the community as producers of Geographical Indications can contribute to regional economic development. Not only does it have for Batik products, but the government can make an inventory of other typical Grobogan products to be registered as Geographical Indications.

The community and the government of Grobogan Regency are expected to be able to realize the implementation of the registration of Geographical Indications for Grobogan Batik to coordinate with each other. Besides that, and the community is always encouraged to pay attention to business risks before trading batik, especially to anticipate if there are unexpected cases.

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