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The Legal Protection on Geographical Indications in Jayapura

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Abstract
Jayapura has potential change to get intellectual property rights, particular geographical indication. The type of research used is empirical legal research because it is motivated by the thought that law cannot be separated from people's lives in the form of values and attitudes/behaviors that are carried out (law is not autonomous), so that in the view of empirical science, a normative approach is used to examine problems related to the protection of indications. Geographically in Jayapura Regency, Papua, how does the law exist in people's lives.The results of the study reveal that an effort to map geographical indications is carried out to determine the boundaries of cases of violations of geographical indications so that the holders of geographical indications can file lawsuits against users of geographical indications without rights, in the form of compensation payments and termination. Use and destruction of geographical indication labels that are used without rights through registration and publication. Geographical indications are protected as long as the reputation, quality and characteristics that are the basis for the protection of geographical indications are maintained for an item. And the protection will be removed if these provisions are not met, and/or conflict with state ideology, legislation, morality, religion, decency and public order. Therefore, the mapping of geographical indications must be arranged in a geographical indication document that can be verified. Identified procedures for submitting geographical indications and procedures for registering geographical indications. Legal protection of geographical indications can be carried out in the form of preventive and repressive measures. Preventive action is prevention through refusal of registration and repressive payment of compensation.
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1. Introduction

Indonesia has abundant natural wealth including natural resources and as an archipelagic country which has abundant of traditional knowledge, traditions, and culture, as well as tropical climate that produces various kinds of products which have significant economic potential. Geographical Indications as one of the Intellectual Property which have a potential owned by Indonesia. Therefore, it must be protected and used optimally.

Since the Government Regulations No. 51 of 2007 regarding on Geographical Indication is taken into effect, which are the starting point of protection regarding the Geographical Indication in Indonesia, finally by giving thanks to the Almighty God for his blessings and gifts, the Directorate General of Intellectual Property can play a role in efforts to protect the Geographical Indications in Indonesia.

Indonesia as an archipelagic country which has abundant of traditional knowledge, traditions, and culture, also tropical climate has a various product which has a big economic potential. Geographical Indications as one of Indonesia Intellectual Property, therefore it must be protected and used optimally.

Geographical Indications is a sign which indicates the origin of a goods because of the geographical environment factors, including nature, human, or combination of both factors, it is giving a certain characteristic and quality on the produced goods.

As one of the countries which ratified TRIPs agreement, Indonesia has sorted this international agreement through the Law No. 15 of 2001 concerning on Trademarks which has amend trough the Law No. 20 of 2016 concerning on Trademarks and Geographical Indication. On Article 56 of the Law No. 15 of 2001, it is stated that Geographical Indication shall be protected as a sign which indicates the place of origin of goods, which due to its geographical environment factors, including the factor of the nature, the people or the combination of the two factors, gives a specific characteristics and quality on the goods produced therein.

The sign which is protected as Geographical Indication is an identity which showed where's the origin or a certain place, and those places showed a quality and characteristic of a product.

Geographical Indication is a sign used on a goods which have a specific geographic originality and quality, or reputation based on its origin. Generally, geographical indication is a name of place of the origin of a goods. The agriculture goods sometimes have a quality which formed from the production place and influenced by the specific local factors such as climate and soil. The function of a sign as a geographical indication is a matter of national law and consumer protection. Geographical Indication is a sign which shows where the goods' origin which related to the quality, reputation or other characteristics that are in accordance with the geographical origins of the goods. To be protected by the laws, geographical indications need to be registered to the

Directorate General of Intellectual Property of Indonesia.

Geographical Indications gives a protection to the sign which identify a certain region of a country or an area within the region as the origin of a goods, where the reputation, quality, and characteristic of the goods is determined by the related geographical factors. The geographical indication which protected as a sign which showed the origin of the goods because the geographical environment factors, including nature, humans, or combination of both factors, also giving a certain characteristic and quality on the goods which produced.

But the characteristic of a geographical indication product is not always affected by the nature factors. Human factors can also affect the characteristics of a product. As an example, Papua Batik craft, such the holder of rights to the trademark, rights on the geographical indication, they could ban others from using the same geographical indications. Violations of this rule can cause the holder of Geographical Indication Rights to sue other parties for compensation.

Different from trademark rights which can be owned by a person, the ownership of Geographical Indication is not an individualistic right. Geographical Indication rights are more communalistic, owned by the community of certain areas. But the registration process can be represented by the authorized institution. The registration then submitted into Directorate General of Intellectual Property of Indonesia, Department of Justice, and Human Rights.

In the Province of Papua, there's a lot of natural resources, including Papua Geographical Indication which got a lot of attention from the local government because it has the potential to be commercialized and needed to be protected. Papua Geographical Indication is also a national potential which can be a superior commodity, both for domestic and international trade. Therefore, this article will focus on how the geographical indication mapping at Jayapura and how the legal protection towards the Papua Geographical Indication on Jayapura.

2. Research Method

This research used an empirical legal research method, which was done in the Papuan Province especially on Jayapura. The method used to collect the data by library and field study. All the data which was collected was then analyzed descriptively through four stages which are collection, reduction, presentation, and conclusion of the data, so that the research could disclose the problem which will be studied thoroughly.

3. Result

3.1 The Effort on Mapping the Geographical Indication.

The effort on mapping the geographical indication could be known from the registration of geographical indication as stated on the Article 56 through Article 63 the Law No. 20 of 2016.

Application of Geographical Indications cannot be registered if it:

contradicts to State ideology, laws and regulations, morality, religion, decency, and public order;

misleads or deceives the public concerning reputation, quality, characteristics, source of origin, manufacturing process, and/or its usage; and

constitutes a name that has been used in plant variety and used for similar plant variety, unless any additional term to indicate factors of similar geographical indication.

Application of Geographical Indications is refused if:

the Document Describing Geographical Indications is not verified; and/or

it has substantial similarity with a registered Geographical Indication.

Regarding the refused as stated in Article 56 (2) can be appealed to the Trademark Appeals Commission. The provision regarding on appeal as stated on the Article 28 through Article 32 applied in *mutatis mutandis* for the appeal request as stated on the paragraph (1).

The substantive examination on Geographical Indication which done by the expert team of Geographical Indication. The provision regarding on trademark substantive as stated on the Article 23 through Article 26 also applied in *mutatis mutandis* for the substantive examination as astated on the paragraph (1)

The Expert team of Geographical Indications as stated on the Article 58 (1) is an independent team to do an evaluation regarding the Description of Geographical Indication Documents and give a considerations/recommendation to the minister related to the registration, change, revocation, and/or supervision of national Geographical Indication.

The members of the Geographical Indication Expert Team, as stated on the Paragraph (1) number a maximum of 15 people consisting of expert who have skills in the field of Geographical Indication who come from:

Representative from ministry;

Representative from the ministry handling matters in agriculture, industry, trades, and/or other relevant ministries;

Representative from authorized agencies or institutions to supervise and/or assess quality of goods; and/or

Other competent experts.

The Expert team of Geographical Indication as stated in Paragraph (2) is appointed and discharged by the

minister for a tenure of 5 years. The team is led by a chairman which elected from and by the team members. In performing its duties and functions as referred to in section (1), the Expert Team of Geographical Indications is assisted by a technical team for assessment of which membership is based on expertise.

Further provisions regarding terms and procedures for Geographical Indication registration and appointing members, organizational structure, tasks and functions of the Expert Team of Geographical Indications as referred to in Article 56 to Article 59 are regulated by a Government Regulation.

Geographical Indication are protected as long as the reputation, quality, and characteristics are maintained which are the basis for providing the protection to the goods. The Geographical Indications can be cancelled if:

does not comply with the provisions as referred to in section (1); and/or

violates the provisions as referred to in Article 56 section (1) point a.

The Expert Team of Geographical Indications on its own initiative or report from the society conducts research on reputation, quality, and characteristics of registered Geographical Indications and report it to the Minister.

If the Minister accepts the report as referred to in section (1) from other than the Expert Team of Geographical Indications, the Minister forwards the report to the Expert Team of Geographical Indications not later than 30 (thirty) Days as from the date of receipt of that report.

Within a period of not later than 6 (six) months as from the date of receipt of that report as referred to in section (2) the Expert Team of Geographical Indications conducts examination and notifies the decisions as well as steps to be taken to the Minister.

If the decision states that Geographical Indications comply with the provisions for cancellation as referred to in Article 61 section (2), not later than 30 (thirty) Days as from the date of receipt of that decision as referred to in section (3) the Minister exercises the cancellation.

If the Minister stipulates the decision to cancel Geographical Indications, the Minister notifies the Applicant or his/her Proxy in writing and to all Users of Geographical Indications, or through their Proxies not later than 14 (fourteen) Days as from the date of receipt of that decision.

Within a period of not later than 30 (thirty) Days as from the decision to cancel Geographical Indications as referred to in section (5) the decision is published in the Geographical Indication Gazette. The publication as referred to in section (6) must state the cancellation of Geographical Indications and termination of right to use Geographical Indications by any User of Geographical Indications.

Any opposition to the cancellation of Geographical Indication as referred to in section (5) may be filed with the Commercial Court not later than 3 (three) months as from the date of receipt of that decision to cancellation.

Indication of source is protected without any compulsory registration or declaratively as a sign indicating the true origin of goods and/or services and use in a course of trade. Indication of source constitutes indications of origin of certain goods and/or services that are related indirectly to nature factors. Further provisions regarding the indication of source as referred to in Article 63 and Article 64 are regulated in a Ministerial Regulation.

Infringement of Geographical Indications comprises:

the use of Geographical Indications, either directly or indirectly, on goods and/or products that are not compliant with Document Describing Geographical Indications;

b. the use of certain Geographical Indication logo, either directly or indirectly, on goods and/or products whether protected or not protected for the purposes of:

indicating that certain goods and/or products are equal in terms of quality to the protected goods and/or products as Geographical Indications;

generating profit from the usage; or

generating profit from the reputation of the Geographical Indications.

the use of Geographical Indications that potentially mislead the public concerning geographical origins of the goods;

the use of Geographical Indications by non-Users of registered Geographical Indications

counterfeiting or abusing that may mislead in respect of the place of origin of goods and/or products or quality of the goods and/or products on its:

wrapping or packaging;

description on advertisement;

description in the document concerning the goods and/or products; or

misleading information in relation to the origin of certain packaging.

other acts that are misleading general public regarding the truth of the origin of the goods and/or products.

The infringement as referred to in Article 66 may be filed a lawsuit. The lawsuit as referred to in section (1) may be carried out by:

any entitled producer to use Geographical Indications; and/or

any entity representing the public in certain geographical area and granted the authority.

In the event that before or during application for registration of Geographical Indications, a sign is used in good faith by other parties who is not entitled to register in accordance with the provisions as referred to in Article 53

section (3), that party having good faith may continue to use the sign for a period of 2 (two) years as from the date of registration as Geographical Indications.
In the event that the sign as referred to in section (2) has been registered as Trademark, the Minister cancels and deletes the Mark registration for all types of goods or partially after a period of 2 (two) years as from the date of registration of the sign as Geographical Indications.
The cancellation and deletion of Mark registration as referred to in section (2) are notified in writing to the Mark owner or his/her Proxy with a reason thereof. The cancellation and deletion of Mark registration as referred to in section (2) are recorded and published in the Trademark Gazette.
The cancellation and deletion of Mark registration as referred to in section (2) terminate legal protection on the Mark for entirely or partially similar kind of goods. Objection against the cancellation and deletion as referred to in section (2) may be filed to the Commercial Court. The decision of the Commercial Court as referred to in section (6) may be appealed to the Supreme Court.
The owner of the Right on Geographical Indications may file a lawsuit against any unlawful user of Geographical Indications to claim for damages and terminate the use as well as destroy the label of Geographical Indications which is unlawfully used.
To prevent more losses on the party whose right is infringed, the judge may order the infringer to cease the manufacturing, reproduction, as well as order to destroy the label of Geographical Indications which is unlawfully used.
Fostering on Geographical Indications is carried out by the central government and/or local government according to its authority. The fostering as referred to in section (1) comprises:
preparation to comply with requirements of Application for Geographical Indication;
Application for registration of Geographical Indication;
utilization and commercialization of Geographical Indications;
dissemination and awareness on protection of Geographical Indications;
mapping and inventorying potential Geographical Indication products;
training and mentoring;
monitoring, evaluation, and fostering;
legal protection; and
facilitating development, processing, and marketing goods and/or products of Geographical Indications.
Controlling of Geographical Indications is carried out by central and local government according to their respective authority. The controlling as referred to in section (1) may also be carried out by the public. The controlling as referred to in section (1) and section (2) is carried out to:
secure reputation, quality, and characteristics to serve the grounds for issuing Geographical Indications; and
prevent unlawful use of Geographical Indications.
The results of controlling as referred to in section (2) are submitted to the right holder of Geographical Indication and/or the Minister. Further provisions regarding the controlling as referred to in section (1) to section (4) are regulated in a Ministerial Regulation.

3.2 Preventive and Repressive Legal Protection on Geographical Indications.
Theoretically, the form of legal protection is divided into two form which are:
Preventive protection; and
Repressive protection.
Preventive protection is legal protection is in form of prevention. The protection gives an opportunity to the community to raise an objection *(inspraak)* for his opinion before the government decision takes a definitive form. So that this legal protection is intended to prevent a dispute and has a big meaning for the government act which is based on the freedom of action. And with the existence of preventive legal protection, it pushes the government to be more careful on taking decision which related with the *freies ermessen* principle, and community could file their objection or be requested for its opinion about that plan of the decision.
Repressive legal protection is used to resolve a dispute if it occurs. Currently, there are various bodies that partially handle legal protection for the community, which are grouped into two bodies, which are:
The court in the scope of General Courts; and
Government agencies which are administrative appeal institutions.
Handling legal protection for the community through government agencies which are administrative appeal institutions is a request for an appeal against a government action by a party who feels disadvantaged by the government action. The government institutions change and even cancel those government actions.
On the laws and regulations, it has been determined the form of protections which given to the community due to the misunderstanding by other parties, both are ruler, entrepreneurs and people who have a better economic that the victimize parties. In principle, the legal protection of the weak party is always related with the protection of the rights from the weak party or victim.

Philosophically, through The Law No. 13 of 2003 regarding on Manpower is to protect the manpower which is in the weak position. Therefore, through this law it will give protection on the same right and obligation for the worker and employer. On this regulation, it is regulating the form of protection which given to the workers, namely:

Basic rights for the workers to negotitate with the employer.
Occupational Health and Safety.
Women worker, children, and people with disability.
Salary.
Well-being, and
Social Security.

Generally, the theory of legal protection is a theory which is related to providing community services. law as a tool of social engineering. Human interest is a demand which is protected and fulfilled by human on the field of law.

Roscou Pound divide the human interest which protected by the law into three forms, namely:
Public Interest.
Social Interest.
Private Interest.
Public interest, including:
The interest from nation as a legal entity on maintain its identity and substance; and
The interests of the nation to protect the community interest.
There are six social interest which protected by the law which are:
Social interest for public safety, such as

Safety;
Health;
Wellfare; and
Guarantee for transactions and income.

Interest for social institutions, which covers the protection on the field of:

Marriage;
Politic, such as freedom of speech; or
Economy.

Social interest towards depravity, such as:

Corruption;
Gambling;
Blasphemy;
The invadility of transactions that are contraty to the good moral;
The rule which restricts the act of trust member.

Social interest in social source maintenance, such as rejecting legal protection for the abuser of rights.
Social interest in general progress, such as protection on

Ownership;
Free trade and monopoly;
Industrial independence;
New invention.

Social interest on human live individually, such as protection on:

A decent life;
Freedom of speech; and
Choosing a position

There are three private interests which needed to be lawfully protected, such as:
Interest of personality, which covers the protection of:

Physical integrity;
Freedom of will;
Reputation;
Guarantee of personal confidentiality;
Freedom to practice one's religion; and
Freedom of speech.

Interest in household relation (interest in domestic), such as:

Protection for marriage;
Demand for family maintenance;
Legal relation between parents and children.

Interest of substance. Covers the protection of:

Property
Freedom on preparing the testament;
Industry and contract independence; and
Legal expectations of obtained profits.

The advantage with the classification of legal interest is divided into three because:
Law as the social interest instrument.
Helping on creating the premise which unclear to be clear; and
Make the legislators aware of the principles and values which are related to every specific problem.
Law as protection for human interest is different with others norm. Because the law contains orders and/or prohibitions also dividing rights and obligations.
On its function as protection for the people, the law has its own purpose. The law has an objective to be achieved. The main objective of the law is to create an orderly social order, create an order and balance. By achieving order on society, it is hoped that the human interest will be protected. In achieving its objective, the law oversees to divide the rights and obligations between individuals in the community, dividing the authority and arranging how to solve a legal problem and maintain legal certainty.
There are three things which could be analyze from the viewpoint of Sudikno Mertokusumo, which are:
Legal function;
Legal purpose; and
Task.
An orderly society is a society which is orderly, polite, and obedient to various laws and regulations which lied and developed on community. An order is a state whereas the community lived in order. Balanced is a state in society where's the community lived on a balanced life and proportional means there's no community which is differentiate with others.
The main duty of law is:
Dividing between rights and obligations between person in society;
Dividing authorization;
Organize on how to solving legal problems;
Maintain the legal certainty.
The importance of protecting international human rights. International protection means protection which is directly into the individual which done by the institutional on the international community. This such protection is based on international convention, international customary law, or international law principles. Seen from its objective to do the protection, an international protection could be divided into three main categories, which are anticipatory or preventive, curative or mitigative, and recovery or compensatory.
There are three things which studied by Antonio Fortin, which are:
Form of international protection;
The basis on international protection; and
The objective of international protection.
The form of international protection is directly done to the individual. The organization which has done the international protection is an international institution such as UNHCR.
The basis on international protection on human rights, such as:
International convention;
International customary law.
From the history of its formulation and the establishment of precepts in the preamble of the 1945 Constitution of the Republic of Indonesia, Pancasila is the basis of the state in terms of ideology and philosophy of life. In other words, Pancasila is the state ideology or Pancasila as the state's philosophy of life.
As an ideology or philosophy of life, Pancasila is being the guidance for behavior of state life. the series of 5 Pancasila principles is a series that is the basic idea of the Republic of Indonesia and reflects the protection of human rights.
In terms of time, the formulation and legitimation of the 1945 Constitution of Republic of Indonesia was carried out before the United Nation Declaration on Human rights. Thus, if we trace the history of the 1945 Constitution, it appears that there was original thinking about human rights. What is means by the original thinking is based on the traditional background of Indonesia society's own life.
After through the long discussion then on 18 August 1945, the 1945 Constitution of Republic of Indonesia is taking effect and the Article concerning on Human Rights were on Article 27 through Article 34 (before amendments).
The principle of legal protection for society towards the act of government is based from the concept of recognition and protection on humans rights because according to its history on the west, the concept of recognition and protection on human rights is directed to the limitation and assignment of obligation to the society and government. As for Indonesia itself, in an attempt to create the principles of protection for society

based on Pancasila, is started by the analysis of concept and declaration of human rights or the Universal Declaration of Human Rights which are the universal standard for Human Rights. The universal characteristic of the declaration is seen from its formula which are:

All the article on the declaration is always stated with a word which have universal means such as "everyone, no one, men, women";

The validity is not limited on certain state;

The declaration is not only an appeal to the nation but to every individual and every community institution;

The United Nation on defending human rights to create world peace are not only limited to the United Nations members.

The special position of the government, especially because of the special qualities attached to it, which are not possessed by the ordinary people, has led to long-standing differences of opinion in the history of legal thought, namely regarding whether the state can be sued or not in front of a judge. The government, on carrying out its duty, needs freedom to act and have a special position compared to ordinary people. The issue of suing the government is seen as the hardest part of civil law and state administrative law. Theoretically, Kranenburg explains in chronological order that there's seven concepts regarding on a problem is a state could be sued in front of the judge. Which are *first*, the concept of a state as a power institution is related to the concept of law as a will decision realized by power, stating that there is no state accountability; *second*, the concept which differentiate a state as the ruler and state as fiscus. As a ruler, a state cannot be sued and also as a fiscus the state could be sued; *third,* a concept that puts forward the criteria of rights, whether a right is protected by public law or civil law; *fourth,* a concept that puts forward the criteria of legal interest which violated; *fifth,* the concept that based on an unlawful act as the basis on suing the state. This concept does not matter whether what is violated is a public law or a civil law regulation; *sixth*, the concept which dividing between function and implementation. The function cannot be sued, but the implementation which create a disadvantage could be sued; *seventh,* the concept which put forward a basic assumption that a state and its instrument which are obliged in their actions, whatever the aspect (public or civil law), which pay attention to normal human behavior. The justice seeker could sue a state and its institutions so that they could act normally. Every act which changes its normal behavior and creates a disadvantage could be sued.

From a various concept which stated by a scholar, then there's an assumption that a state as institution have two legal standing, which are as the public legal entity and as a group of position *(complex van ambten)* or a permanent working environment. Both as a public legal entity or as a group of positions, the legal act of a state or position is done through its deputy, which is the government.

Related with the position of government as the representative of public legal entity which can do a legal act on the field of civil such as buy and sell, lease, create contract, and others, then it is possible to create a government action which appear to contrary with the law *(onrechmatige overheidsdaad).* Related with the act of the government which contrary with the law it is said that *"De burgerlijke rechter is-op het gebied van de onrechtmatige overheidsdaad-bevoedg de overheid te veoordelen tot betaling van schadevergoeding. Daarnaast kan hij in veel gevallen de overheid verbieden of gebieden bepaalde gedragingen te verrichten"* means the civil judge regarding unlawful acts by the government have the authority to sentence government to pay compensation. Besides, the civil judge on several things could issue a prohibition or order for government to do certain acts.

An unlawful act which done by government referred on an Article in Civil Code which also applied for person, which is on the Article 1365 of Civil Code stated that "A party who commits an illegal act which causes damage to another party shall be obliged to compensate therefore". The regulation on Article 1365 has undergone a shift in its interpretation, as seen on several jurisprudence. On a big line, this shift of interpretation is divided into two periods, which are before 1919 and after 1919. On a period begore 1919, the provision on Article 1365 is interpret narrowly with its elements: *first,* unlawful act; *second,* the loss occurs; *third*, causal relation between an act against the law and disadvantage; *fourth,* the perpetrator fault. According to the interpretation, it seems that the act against the law is the same as the act against with the law and regulations *(onrechmatigedaad is onwetmatigedaad).* The interpretation of act against law is the same as the act against the law and regulation which is caused by legalism which is dominant in that period. Legalism sees that a law is only what showed on the regulations, outside the laws and regulations seen as no law. This narrow interpretation toward the element of acts against the law is resulting in the limitation of legal protection which will be given to the community of the state.

After 1919, the criteria for act against law is as follows: *first,* interfere others right; *second,* contradict with the legal obligation of the perpetrator; *third,* contradict with morality; *fourth,* contradict with propriety, thoroughness and prudence which must be owned by a person on society with others or with others asset. With this expansion of interpretation, then the legal protection which is given to society is also expanding. This expansion of interpretation on the practice on court shows a difficulty. According to Indroharto, this difficulty is arise because the way government participates in social interactions is carried out in very specific way, while the standard of

proprietary that it wants to apply can actually only apply 100% to interactions between members of the community and it is difficult to say that the norms have grown and developed between citizen and the government.

In Indonesia there's two jurisprudence of Supreme Court which showed a shift on its criteria for act against law by the ruler: *first,* the Supreme Court verdict on the Kasum case (verdict No. 66K/Sip/1952), where in this case the Supreme Court opinion said that an unlawful act occurs if there is an arbitrary act by the government or an act that does not have sufficient public interest factors; *Second:* the Supreme Court verdict on the Josopandojo case (verdict No. 838K/Sip/1970), which on this case, supreme court opinion said that the criteria of *onrechmatie overheidsdaad* is a laws and regulations and formal regulations which applied, the decency in society which needed to be obeyed by the ruler, and the policy action from the government not including the competence of the court. This Supreme Court Verdict is obviously showed that the criteria of act against law by the ruler is: a) the act of the ruler is against the laws and regulations and formal regulations which applied; b) the act of the ruler which violate the interest on the society which must be obeyed.

The legal protection for society towards the legal act by the government in its capacity as the representative from the public legal entity, is done through the regular court. The position of government or state administration in this case is not different with a person or civil legal entity, which inline, so that government could be the defendant also litigant. On this context, the equality before the law principle is one of the elements of state law which implemented. In other words, civil law gives the same protection both for government and for person or civil legal entities.

4. Conclusion

According to the analysis above, it can be concluded that:

An effort on mapping the geographical indication is done to knows the border of violation on geographical indication case so that the holder of geographical indication rights could file a lawsuit against the user of geographical indication which doesn't have a right to use, in form of compensations and termination. The usage and eradication of geographical indication label which used without a right through registration and publication.

The geographical indications are protected as long as the reputation, quality, and characteristics are maintained which are the basis for grating geographical indication to an asset. And the protection will be cancelled if these provisions are not met and/or conflicted with state ideology, legislation, morality, religion, decency, and public order.

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