



Legal Protection Against the Use of Brand Names for Geographical Indications on Trusmi Cirebon Batik

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Abstract. The importance of conducting this research is because there is an allegation of violation of the law against the object of Geographical Indication registered as a brand name by an entrepreneur using the name "Batik Trusmi" because it contains things related to geographical indications such as the place of origin of goods, production area, type of goods and character owned by a place. The purpose and purpose of this study is to research an alleged violation in the naming of a registered trademark because it uses a name that is identical to a geographical indication with logical legal reasons and grounds based on a legal perspective, analyzing the certainty of legal protection for the name "Batik trusmi" which is used as a trademark through legal discovery based on the perspective of existing legal regulations, and provides important information to see the facts through the legal science possessed by the author. The method used in this study is normative juridical to examine the problem of trademark infringement with normative research, and the material collection technique used is a literature study including laws, scientific articles, doctrines, etc. The study's results elaborated on the problem that, based on the legal sources collected, the naming of trusmi batik as a registered trademark is contrary to a general naming and a geographical indication naming. It was found that the trusmi batik artisan community has sought a form of protest against the naming of trusmi batik through trademarks in familial ways but has not met maximum results.

Keywords: Batik Trusmi, Law Violation, Brand, Geographical Indication

INTRODUCTION

From 1972 to 2009, the Indonesian government succeeded in bringing batik as part of the world heritage.¹ Trusmi Batik is a cultural heritage with high historical and artistic

¹ Lutfi Maulana Hakim, "Batik as the Cultural Heritage of the Nation and the Nation Brand of Indonesia," *Nation State Journal of International Studies* 1, no. 1 (2018): 61–90, <https://doi.org/10.24076/nsjis.2018v1i1.90>.

value. Originating from the Cirebon area, it has become an important icon in Indonesia's cultural wealth. However, with the development of the batik industry and global trade, protecting the Trusmi batik brand name and its use in the context of geographical indications (IG) is becoming increasingly relevant.

The use of the name batik trusmi has the potential to protect geographical indications. The potential for geographical indications is an item/product that, due to geographical, environmental factors including natural, human factors, or a combination of the two, gives a certain reputation to the goods produced, which has the potential to be protected by geographical indications and has not been registered as a geographical indication (IG), the use of trusmi batik handicrafts is intended for the interests of The ownership is communal for the benefit of the community in general, not the interest of private ownership This is as reflected in article 4 of Government Regulation number 56 of 2022 concerning the types of communal intellectual property, including that at point e it is stated that the potential geographical indication is (KIK), KIK itself article 1 number 1 is explained as intellectual property whose ownership is communal and has economic value. If it is considered that trusmi batik is a cultural heritage of handicrafts through creativity that is distinctive, inherited from generation to generation, becoming a characteristic of the region and its society as a field of regional economic income, then it is not surprising that trusmi batik is a pride as well as an object or sign that indicates a useful function for the community because that is why its ownership is communal, so from this aspect it provides a boundary space for those who want to Seeking personal profit by utilizing the name of a Trusmi batik as a business brand, introduction of famous products, etc. That is what gives rise to imbalance and injustice for the community who has preserved, sought a life from the batik handicraft, introduced to the eyes of the world so that the norms that have been running so much are just broken, the three elements are considered as community rules that have been embedded and maintained consistency and their nature is comprehensive can offend the feelings of the community group, ethics or politeness that is common in society, The peace and welfare of the community were also shaken. This means that part of the habits of the community related to trusmi batik then alludes to the values of norms, ethics, and general decency in society is something that is contrary to public order. The next source of problems began with PT. Trusmi Batik uses a name that is identical to the geographical origin of a product such as the name of a place where Trusmi is juxtaposed with the name of Batik which is a generic naming or the common name of the name of the

handicraft product. The use of a name in which the principle of territory is placed followed by a generic name used in the brand as personal property is not allowed.

The use of private brands that are marked as a sign of public ownership has the potential to be a geographical indication. One example of a case occurred at PT Toarco Jaya, which produces arabica coffee in the Toraja area, South Sulawesi. PT TOARCO registered the trademark with the Directorate General of Intellectual Property Rights; this condition occurs within the jurisdiction of the State of Indonesia so that this settlement can be reviewed based on the applicable laws and regulations in Indonesia, especially the Law on Trademarks and Geographical Indications which was just passed in 2016.² In one of the cases of Toraja Arabica Coffee. After being registered as a Geographical Indication of Toraja Arabica Coffee on October 9, 2013, PT. Toarco Jaya. It can still use the registered trademark of Toarco Toraja Coffee, which has not been crossed out and deleted by the Minister until now. The Toarco Toraja Coffee Brand can only be used until a maximum of October 2018. This can be seen on PT's official website. Toarco Jaya [www. keycoffee. Co. JP](http://www.keycoffee.co.jp).³

A sign of weakness in the protection of Geographical Indications that adhere to the first-to-file system if viewed from the many geographical indications that have not been registered until now, there are only about 146 Geographical Indications which are dominated by agricultural and plantation products and processed, the rest are still many that are not registered as geographical indications, this dilemma is the basis for strengthening the protection of all natural and human resources in Indonesia as a potential Geographical indications can still be protected even though there is no registration yet. The government must play a role, the community with everyday legal awareness to know intellectual property so that it does not lose and be used by other parties.

Legal protection of the name of Batik Trusmi plays an important role in maintaining regional cultural heritage as well as the integrity and authenticity of products. The threat of counterfeiting and unauthorized use can damage the reputation, quality, and characteristics and reduce the economic and cultural value of Trusmi batik, which can eliminate the potential of the product/goods from the protection of the Geographical Indication. Therefore, it is important to identify the right legal framework to effectively

² Devica Rully Masrur, "Legal Protection of Geographical Indications That Have Been Registered as Trademarks Based on National Legal Instruments and International Law," *Lex Jurnalica* 15, no. 2 (2018): 194–206.

³ Masrur.

protect the name of this batik trusmi until it is appropriate for the wearer. Regarding cultural heritage/cultural wealth, according to Rebecca Clements, cultural wealth is a must that a country of origin must protect. The RC's opinion is supported by international law recognizing the theory.⁴

While Geographical Indications aim to protect the uniqueness and quality of products associated with a particular geographical location, trademarks associated with the name of a Geographical Indication can be a source of conflict. The weak protection of geographical indications in Indonesia has been used by other parties to register the names of indigenous Indonesian products, which are then commercialized to obtain economic rights. From this description, this study is intended to analyze the problems that arise about how is the Form of Legal Protection of Geographical Indication Against the Name of a Brand registered as Batik Trusmi Cirebon? and what are the legal remedies of the Batik Artisan Community against other parties for the use of registered trademarks that have geographical indications?

METHOD

The research method used in the study is normative juridical. In this context, the study aims to describe the applicable laws and regulations by legal theories and positive legal application practices related to the brand name of batik trusmi.

Techniques for collecting legal materials, Literature Studies, and interviews.

DISCUSSION

Form of Legal Protection of Geographical Indication Against the Name of a Brand Registered as Batik Trusmi Cirebon

Trademark rights are exclusive rights granted by the state to the owner to use the trademark or permit others to use it.⁵ The granting of special rights by the state has the consequence that to obtain it must go through a registration mechanism so that the nature

⁴ Fontian Muzil Imas Rosidawati, *TRADITIONAL KNOWLEDGE & INTELLECTUAL PROPERTY RIGHTS Protection of Traditional Knowledge Based on the Principle of Justice Through the Sui Generis Intellectual Property System* (Bandung: PT Refika Aditama, 2018).

⁵ Nur Hidayati, "Legal Protection on Registered Brands," *Variety of Humanities Development Journals* 11, no. 3 (2011): 174–81, https://d1wqtxts1xzle7.cloudfront.net/42726748/paper_6_des_2011-libre.pdf?1455638459=&response-content-disposition=inline%3B+filename%3DPerindungan_Hukum_pada_Merek_yang_Terda.pdf&Expires=1710976413&Signature=RHEyDO2jYRx7gaQ6tFmQs5590UiDu9W4LDjWSZxhHujLE.

of registration is compulsory (compulsory).⁶ However, most countries have set limits on what can be registered as a brand, generally to be perceived or shown by images or writing.

Trusmi batik itself is taken from the name of Trusmi village, Plered District, Cirebon Regency. The distinctive feature of Trusmi Batik is divided into two types. The first motif is the palace motif, taken from the palace ornaments, building elements and objects around the palace. Another motif is a coastal motif that displays flora and fauna from land and sea and chooses bright colors.⁷

This is because Cirebon has two palaces, namely the Kasepuhan Palace and the Kanoman Palace, which is said to be based on the history of these two palaces. Several Classic Cirebonan batik designs are still being worked on by some of the people of Trusmi village, including Mega Mendung, Paksinaga Liman, Patran Keris, Patran Kangkung, Singa Payung, Singa Barong, Banjar Balong, Ayam Alas, Sawat Penganten, Katewono, Gunung Giwur, Simbar Menjangan, Simbar Kendo, and others.⁸

As the development of batik to become one of the national icons will certainly have attraction and economic value, it is used by some people to produce batik and sell it. Still, in this case, there will be competition between business actors. With a lot of competition, business actors must maintain the value, reputation, and quality of a product by providing a differentiating power from other business actors. This distinguishing power is manifested in a trademark. One of the business actors who registered their trademark is PT BT Batik Trusmi which first registered its trademark through a legal consultant to register its products under the name "BATIK TRUSMI", but what has become a polemic in the community is that the use of a name on a brand for the potential for Geographical Indications is a complex problem because it is contrary to public order and morality as stated in article 20 letter an of Law number 20 of 2016, Trusmi batik itself is a characteristic of local community batik crafts, meaning that batik is owned by the community, not owned by individuals or individuals, or more specifically, it is owned in general (communal ownership). Trademarks proven to be generic cannot go through the substantive examination stage in trademark registration. A public domain means that a

⁶ Zaenal Arifin and Muhammad Iqbal, "Legal Protection of Registered Brands," *Journal of Ius Constituendum* 5, no. 1 (2020): 47, <https://doi.org/10.26623/jic.v5i1.2117>.

⁷ Galih, "One of the Cultural Icons of Cirebon," West Java Provincial Tourism and Culture Office, 2022, <https://disparbud.jabarprov.go.id/batik-trusmi/>.

⁸ Arwanto Arwanto, "Ethnomathematical Exploration of Trusmi Cirebon Batik to Uncover Philosophical Values and Mathematical Concepts," *Phenomenon : Journal of Mathematics and Natural Sciences Education* 7, no. 1 (2017): 40–49, <https://doi.org/10.21580/phen.2017.7.1.1493>.

work cannot be used for the benefit of private ownership by registering it with Intellectual Property Rights but can be used in general and by anyone. The explanation is based on Article 20 point a of Law number 20 of 2016 concerning Trademarks and Geographical Indications. Also, in article 53 of law number 20 of 2016 concerning Trademarks and Geographical Indications, the explanation of a geographical indication that is only owned communally cannot be used or registered by individuals.

Batik itself is included in work produced from handicrafts; for this reason the legal rules that have been explained support the role of batik to be included in the geographical indication regime as supported by the data collected, which are as follows:

Trusmi Batik as a Potential Geographical Indication:

The name of the product is Trusmi Batik, with the geographical boundaries of Trusmi Kulon Village, Weru District, Cirebon Regency; a type of textile item, Trusmi batik was originally told through pupu 41-42 Kitab Purwaka Caruban Nagari. Cirebon City is also known for Trusmi batik made in Trusmi village in a hereditary heritage. Trusmi batik has different motifs, namely small and the basic colors used are ivory yellow, light brown, and gray. Meanwhile, the batik pattern used has the terms megamendung, wadas semirang, and taman arum. The so-called batik is a work of art on fabric made using batik wax as a color barrier. It has special characteristics, such as a distinctive pattern and color. The motif of Trusmi Batik is called the mega cloud motif, a motif shaped like a clumpy cloud that usually forms a frame in the main image. Each of these motifs is an expression of inner experience that has its meaning. The characteristic of each motif is that there are small stripes called units that symbolize the subtlety of human feelings with variations in the pattern. Also, the primary colors used are light or bright colors such as red, ivory yellow, light brown, gray, sky blue, and extinct green. The materials used in making Trusmi batik include mori cloth, batik wax, dyes, auxiliary materials, or additives. Meanwhile, the tools used include kenceng, kempongan wood, boards, gawangan, kanco, canting, tubs made of bricks, tubs made of wood, plorodan, drying nets.

The manufacturing process is:

1. The preparation stages are cutting the fabric, washing the mori, putting it in the kettle, washing it with soda ash, assessing the mori, and emplinging.
2. The stages of making batik patterns are Merengreng, Ngisen-iseni (Batik Filling), Walling, and Ditus.

3. The Finishing Stage is coloring, and removing the wax.⁹

The name of the area/place can be used in the geographical indication regime based on the regulations of Law no. 20 of 2016 Article 1 number 6 and article 56 also trips, and the IPR module issued by the directorate general of intellectual property as follows:

Article 1 number 6

"Geographical Indication is a sign that indicates the area of origin of an item and product that, due to geographical, environmental factors including natural factors, human factors, or a combination of the two factors, gives reputation, quality, and certain characteristics to the goods and products produced." Signs that indicate the area of origin, one of which is the name of a place. If a product to be registered suggests the area of origin because of geographical factors such as nature, humans, and a combination of both that show quality and characteristics, then it is included in the geographical indication.

Name of Geographical Indication: Judging from the naming of geographical indications, the name of the geographical indication is the name proposed by the applicant, but there are several provisions regarding the name of the geographical indication, including:

1. Not the name of the variety;
2. A geographical indication name is the name of the product followed by a geographical name; The name of the geographical indication is not a new name for the product, the name is closely related to the reputation/popularity of the product originating from an area, by mentioning that the name of the geographical indication has been automatically directed to a certain geographical area;
3. The name of the geographical indication should not be too long;
4. Memorable;
5. Do not include the name of the administrative boundary, for example District, Regency or Province.¹⁰

Therefore, it is concluded that the name of Trusmi Batik consists of a product name followed by a geographical name and then indicates the area of origin because geographical factors such as nature, humans, and a combination of both show quality and

⁹ Imas Rosidawati, *TRADITIONAL KNOWLEDGE & INTELLECTUAL PROPERTY RIGHTS Protection of Traditional Knowledge Based on the Principle of Justice Through the Sui Generis Intellectual Property System*.

¹⁰ Ministry of Law and Human Rights Directorate General of Intellectual Property, "Advanced Intellectual Property Module in the Field of Trademarks and Geographical Indications," *Ministry of Law and Human Rights Directorate General of Intellectual Property*, 2020, 1–122.

characteristics as a characteristic of intellectual property in the geographical indication regime.

The characteristics of communal ownership owned by Batik Trusmi are characteristic of geographical indications, encouraging the community and local governments to have legal awareness in the knowledge of geographical indications so that they can then register after obtaining an announcement, the purpose of the announcement of the application for geographical indication as information and a legal sign of ownership. This protection is valid if the reputation, quality, and characteristics are still in possession and by the requirements when applying for registration.¹¹

However, the protection that adheres to the first-to-file system above has a weak side if viewed from the many geographical indications that have not been registered in 2024. Only about 146 Geographical Indications are dominated by agricultural and plantation products and processed products; the rest are still many that are not registered as geographical indications.¹² The impact of the weak protection of the first-to-file system is that only registered geographical indications are protected by the government, so many parties can take advantage of geographical indication names and products that have not been registered as trademarks.

For example, the use of private brands marked as a sign of public ownership has the potential to be a geographical indication; one example of a case that occurred at PT Toarco Jaya, which produces Arabica coffee in the Toraja area, South Sulawesi. PT TOARCO registered the trademark with the Director General of Intellectual Property Rights. This condition occurs in the jurisdiction of the State of Indonesia, so this settlement can be reviewed based on the applicable laws and regulations in Indonesia, especially the Law on Trademarks and Geographical Indications, passed in 2016.¹³ In one of the cases of Toraja Arabica Coffee. After being registered as a Geographical Indication of Toraja Arabica Coffee on October 9, 2013, PT. Toarco Jaya. It can still use the registered trademark of Toarco Toraja Coffee, which has not been crossed out and deleted by the Minister until

¹¹ Ministry of Law and Human Rights, Directorate General of Intellectual Property.

¹² BPHN, "Na_Ruu_Merek," no. 1994 (2014): 1–71, https://www.bphn.go.id/data/documents/na_ruu_tentang_merek.pdf.

¹³ Masrur, "Legal Protection of Geographical Indications that Have Been Registered as Trademarks Based on National Legal Instruments and International Law."

now. The Toarco Toraja Coffee Brand can only be used until a maximum of October 2018. This can be seen on PT's official website. Toarco Jaya [www. keycoffee. Co. JP](http://www.keycoffee.co.jp).¹⁴

The legal basis is as regulated by article 68, paragraphs 1 and 2, which explains that if the application for registration of a geographical indication has been used in good faith by another party who does not have the right to register, then the party in good faith can still use the mark for two years from the time it is registered if in the case it is registered as a trademark by another party. The Minister cancels and crosses out the trademark registration of all or part of the same type of goods for two years from registration. The implication of not removing a registered trademark is that it creates legal uncertainty and injustice from who has the right to wear and register the mark or name and take economic and moral benefits. Suppose a geographical indication is still registered as a brand. In that case, this violates the principle of justice for people entitled to obtain and use geographical indications to create social welfare.¹⁵

It is not only based on Indonesian law that ratifies the trip agreement, but it will be clearer about the protection of a trust batik name if viewed from international conventions. In trips, the meaning is also explained, namely:

Geographical Indications regulated in the Indonesian trademark law adopt the definition of Geographical Indication contained in Article 22 paragraph (1) of the TRIPS Agreement, where there are several vital elements of Geographical Indication, namely, the word "indication" does not have to refer to the name of a place but can also include the name of the product associated with a place such as Batik is the name of the product and Trusmi is the name of the place which if combined is associated with a product name and place, then Batik Trusmi is a Geographical Indication and cannot be used/patented on the Brand. Although TRIPS, has regulated geographical indications, article 24 tends to provide limitations on protection against geographical indications other than wine and alcoholic beverages only limited to misconceptions and unfair competition, it is also mentioned in article 22 paragraph (3) protection is only given by rejection if the trademark deceives the actual place of origin of the goods and then the trademark contains a geographical indication, trips itself is weak in providing protection for geographical indications judging from the two articles giving strong confidence to provide a new concept in the legal protection of geographical indications, in another matter with Indonesia as a member

¹⁴ Masrur.

¹⁵ Masrur.

through the Paris Convention which has undergone several revisions including one of the Lisbon convention dated October 31, 1958, it is very unfortunate that Indonesia has not ratified the Lisbon agreement until now, In fact, this agreement is very supportive of the protection of geographical indications.¹⁶ The reason is clear that the Lisbon agreement is used for the protection of the naming of origin related to the geographical value of a country, region or locality that shows the quality and characteristics of a product that is caused exclusively and essential due to its geographical location, meaning that this agreement aims to facilitate the protection of geographical indications through a single registration system at the WIPO international bureau.¹⁷ As initiated by WIPO, the geographical indication protection system certainly needs to increase the protection of geographical indication goods domestically and abroad; actions need to be ratified by Indonesia to benefit and protect the communal community system. Among the protection features in the Lisbon Agreement are:

1. Protection is left to the country of origin;
2. Refusal of international registration in each member country can only be carried out within one year from the date of registration;
3. A designation that has been given protection in a country cannot be considered generic anymore as long as it is protected as an original designation;
4. Protection must be provided against wrongful taking of rights or counterfeiting even if the origin of the product is indicated to be accurate;
5. Previous use of naming by a third party may be continued for a temporary period not exceeding two years (in line with Article 68 of Law No. 20 of 2016).
6. New treaty members have one year to establish that all internationally registered original designations cannot obtain protection in their country of origin.

Legal Remedies of Batik Artisans Against Other Parties for the Use of Registered Trademarks That Have Geographical Indications

Based on Law Number 20 of 2016 concerning Trademarks and Geographical Indications, the concept of trademark ownership in Indonesia contains the principle of "First to File" as well as occurs in geographical indications, which means that trademark

¹⁶ Rimba Supriatna Neni Sri Imaniyati, Asep Hakim Zakiran, Jejen Hendar, Ahmad Faizal Adha, *INTELLECTUAL PROPERTY LAW Intellectual Property, Intellectual Property Rights, Copyrights, Patents, and Trademarks*, Pert Edition (Jakarta: Kencana, 2024).

¹⁷ Masrur, "Legal Protection of Geographical Indications that Have Been Registered as Trademarks Based on National Legal Instruments and International Law."

protection will arise if the trademark owner has registered it first with the Directorate General and Intellectual Property Rights through an institution representing the geographical area or by the district/city local government. Laws and regulations on trademarks in Indonesia require the trademark owner to obtain legal protection and as a basis to prevent other parties from illegally using the registered trademark.¹⁸ In the Trademark and Geographical Indication law, there is an effort by the Geographical Indication Protection Society (MPIG) to reject the use and ownership of a Geographical Indication registered as a trademark. Efforts that can be made include:

1. Through the registration of geographical indications used to file a lawsuit, canceling, or deleting a registered trademark.
2. An application for interim determination based on article 94 of the Trademark Law through a commercial court judge who issues a court provisional determination by attaching preliminary solid evidence as a provisional allegation before the subject matter is submitted to the court as a dispute, and then the judge will process and decide whether there is a violation or not by being given 30 days. This mechanism is referred to through article 50 of the TRIPS as *Injunction*.
3. Litigation through the commercial court, the procedure of which is regulated in article 85 of the law on Trademarks and Geographical Indications Number 20 of 2016, by filing a lawsuit can be a lawsuit for removal, compensation, or cancellation of the brand. The cancellation is in articles 66 and 76 while the deletion in article 72 paragraphs 6 – 9.
4. Non-Litigation (Mediation) Based on Article 93 of the Law on Trademarks and Geographical Indications Number 20 of 2016 with a settlement mechanism through the Law on Arbitration and Alternative Dispute Resolution Number 30 of 1999.¹⁹

The explanation of solving problems in the field of intellectual property has been mentioned above. The attention to Cirebon transmitted batik by the batik artisan community called P3BC (Cirebon Batik Artisans and Entrepreneurs Association), which is a group of people who unite themselves in protecting, managing, preserving, utilizing, and developing batik as an intangible cultural heritage. Because trust batik exists, it Cultural heritage and has been passed down from generation to generation and preserved by the community. It has become a characteristic that cannot be used and registered through

¹⁸ Volume Number et al., "Rio Law Journal," 2024, 53–59.

¹⁹ B A B III, "A Sony Keraf," n.d., 51–66.

individuals but must be through community groups and or local governments because of its communal nature. If registration occurs through an individual and is not in the type of intellectual property related to communal intellectual property. So there is a conflict between intellectual property that is personal such as brands, patents and copyrights with geographical indications. The designation for individual or private registration must be a work that is based on the results of the creator's ideas or thoughts and does not involve processes or objects related to cultural heritage or have become a sign of public property. Meanwhile, it is better to designate registration by community groups or local governments, it must be a type of intellectual property that is communal in nature which is generally an inherent part of the community as a typical regional object, for example in trusmi batik. In its development, Trusmi Batik is a common name that has been introduced from generation to generation and has the weight of reputation, quality, and characteristics that are categorized as objects of geographical indication, so it is important for the community through P3BC to protect Trusmi Batik as a right that must be given a geographical indication. The complexity of trade in the field of batik and the vital role of the reputation of a product is an opportunity for business actors to obtain a reputation and product quality through personal intellectual property registration. However, it can be said that it should not be contrary to the Law because it will harm and reduce intellectual property rights in other fields. With this development, many business actors have registered their businesses with various names, such as Khafiyani batik, Batik EBE, Batik Salma, Batik Katura. These names are registered as a trademark that does not include a regional name or a common name. Conflicts arise when the name of the product next to it is placed with the name of the region registered as a trademark. The conflict that takes place between the community of batik craftsmen who feel that the conflict arises when the view of the wider community regarding trusmi batik is focused on the central batik shop owned by individuals, when in fact trusmi batik is part of their cultural heritage which in the sense that trusmi batik covers all many parties and what is called trusmi batik is batik that comes from the trusmi area with its characteristics, So it is not focused on one individual ownership, but common ownership, not as a collective brand, but rather communal wealth in geographical indications. The background of the problem from the results of the interview on August 23, 2023 was explained by the resource person related to the history, chronology of the problem, and the efforts made by community groups in

dealing with the situation and finding a solution based on the results of the interview as follows:

Mr. Caturah and his daughter, the owner of the Katura Batik business and respected as an elder by the Trusmi Community, explained in an interview that Trusmi Batik has deep historical roots. In the 14th century, Trusmi batik originated from the Cirebon Sultanate, a cultural heritage of values and symbolism. The name "Trusmi" itself refers to the words "Terus" and "Nyemi" which means "to re-bloom", describing the area that used to be a reed forest that continues to grow back.

Trusmi Batik is famous for its richness of motifs, including 420 motifs with their respective meanings. The motifs are divided into two main types: palace motifs and coastal motifs. Coastal motifs include a variety of flora, fauna, and objects from land and sea, such as mega clouds and lions. Trusmi's typical batik techniques, including the Cirebon Merawit technique, have been registered in the Geographical Indication and are awaiting approval.

Although Trusmi batik products are not exported directly, they have penetrated the international market through direct visits from foreign buyers such as Japan, the Netherlands, Germany, and France. The production of written batik in Batik Katura is carried out by 30 craftsmen, with a process that takes 1-6 months for each batik fabric. The Trusmi batik industry is supported by P3BC (Cirebon Batik Artisans and Entrepreneurs Association), which is active in product promotion and events such as Fashion Shows to commemorate Batik Day.

However, there is a controversy regarding using the name "Trusmi" as a batik brand. The locals do not agree with this use, and the community does not want to accept it but does not want to take risks either. They do not accept but have not sued the term, mediation efforts through batik artisans with the owner of BT Batik Trusmi so that they do not use the name trusmi to be the label. Efforts made to address these objections have also been sought through consultation with IP experts and through the local government, but to change this has not yielded results. However, the impact is financially detrimental, although there is a feeling that the market and income can be affected because it shuts down the market and other stores and the income is not the same as before, it is also possible that people who do not know batik trusmi only know the BT Batik trusmi store, so there is its own prominence. Although there has been no lawsuit filed, there have been discussions, negotiations between P3BC and the West Java Batik Foundation by inviting BT Batik Trusmi as well, but those present are envoys, not the owners. This situation still

shows the complexity and dynamics in this valuable batik industry, there is an approach from Batik Trusmi to the artisan community by sharing necessities every month to anticipate turmoil from the community.²⁰

Based on the explanation above regarding several forms of dispute resolution, the appropriate alternative for resolving violations committed by the Japanese and Dutch parties is to use the mediation process. The holder of a geographical indication's rights may warn another party who uses a geographical indication label without rights. This mediation process runs without coercion and is not formal. The results of this mediation are a win-win solution, which means that no party is harmed, there are always benefits, and the benefits that result in both parties still having a good relationship are achieved using a cooperative attitude.

CONCLUSION

Batik Trusmi from Cirebon has characteristics as an object of Geographical Indication (IG), which describes a sign that indicates the area of origin of the product and gives the product a particular reputation, quality, and characteristics. Based on the Trademark and Geographical Indication Law No. 20 of 2016, a product or name related to a geographical indication should not be registered as a trademark if the name or product has a strong association with a certain geographical area and is owned communally by the community. In the context of Batik Trusmi, although PT BT Batik Trusmi has registered its brand, there is a debate about whether Batik Trusmi should be given the status of a geographical indication, not as a trademark. Geographical indications provide broader protection for the name and specific characteristics of a product originating in a particular region, while trademarks only protect the commercial identity of the product. We need a deeper understanding of the law and a registration process that is by the applicable provisions so that Trusmi Batik can be officially recognized as a geographical indication and obtain the necessary protection.

Overall, legal protection of the geographical indication of Trusmi Cirebon Batik is a crucial step to preserving the cultural and economic heritage of the local community. This protection requires the full support of the community, government, and relevant institutions to ensure that this cultural wealth remains protected and preserved for future generations. Efforts that can be taken by artisans through deliberation or mediation have not yet reached

²⁰ "Interview 'History of Batik Trusmi, Chronology of Problems, Efforts to Solve Problems'" (n.d.).

the litigation step because of the lack of access to information. The solution offered by Bt Batik Trusmi concerns social responsibility.

BIBLIOGRAPHY

Laws and Regulations

Law No.20 of 2016 concerning Trademarks and Geographical Indications

Government Regulation of the Republic of Indonesia No. 56 of 2022 concerning Communal Intellectual Property

Law of the Republic of Indonesia No.30 of 1999 concerning Arbitration and Alternative Dispute Resolution

Book

Imas Rosidawati, Fontian Muzil. *Traditional Knowledge & Intellectual Property Rights Traditional Knowledge Protection Based on the Principle of Justice Through the Sui Generis Intellectual Property System*. Bandung: PT Refika Aditama, 2018.

Ministry of Law and Human Rights, Directorate General of Intellectual Property. "Advanced Intellectual Property Module in the Field of Trademarks and Geographical Indications." *Ministry of Law and Human Rights Directorate General of Intellectual Property*, 2020, 1–122.

Neni Sri Imaniyati, Asep Hakim Zakiran, Jejen Hendar, Ahmad Faizal Adha, Rimba Supriatna. *Intellectual Property Law Intellectual property, intellectual property rights, copyrights, patents, and trademarks*. Edisi Pert. Jakarta: Kencana, 2024.

Journal

Arifin, Zaenal, and Muhammad Iqbal. "Legal protection of registered trademarks." *Journal of Ius Constituendum* 5, no. 1 (2020): 47. <https://doi.org/10.26623/jic.v5i1.2117>.

Arwanto, Arwanto. "Ethnomathematical Exploration of Trusmi Batik Cirebon to Uncover Philosophical Values and Mathematical Concepts." *Phenomenon : Journal of Mathematics and Natural Sciences Education* 7, no. 1 (2017): 40–49. <https://doi.org/10.21580/phen.2017.7.1.1493>.

Judge, Lutfi Maulana. "Batik as the Cultural Heritage of the Nation and the Nation Brand of Indonesia." *Nation State Journal of International Studies* 1, no. 1 (2018): 61–90. <https://doi.org/10.24076/nsjis.2018v1i1.90>.

Hidayati, Nur. "Legal protection on registered trademarks." *Variety of Humanities Development Journal* 11, no. 3 (2011): 174–81. https://d1wqtxts1xzle7.cloudfront.net/42726748/paper_6_des_2011-libre.pdf?1455638459=&response-content-disposition=inline%3B+filename%3DPerlindungan_Hukum_pada_Merek_yang_Terd_a.pdf&Expires=1710976413&Signature=RHEyDO2jYRx7gaQ6tFmQs5590UiDu9W4LDjWSZxhHujLE.

iii, b a b. "a Sony Keraf," n.d., 51–66.

Masrur, Devica Rully. "Legal protection of geographical indications that have been registered as trademarks under national legal instruments and international law." *Lex Juristica* 15, no. 2 (2018): 194–206.

Number, Volume, February-July Issn, Rahayu Lela Kusuma, Sumardi Nasution, and Fajaruddin Manurung. "Rio Law Journal," 2024, 53–59.

Internet

BPHN. "Na_Ruu_Merek," no. 1994 (2014): 1–71. https://www.bphn.go.id/data/documents/na_ruu_tentang_merek.pdf.

Galih. "One of the cultural icons of Cirebon." West Java Provincial Tourism and Culture

Office, 2022. <https://disparbud.jabarprov.go.id/batik-trusmi/>.

Interview

Caturah, interviewed by Faiz Saefullah, August 2023, "History of Batik Trusmi, Chronology of Problems, Efforts to Solve Problems"