

5. BRANDING OF INTANGIBLE CULTURAL HERITAGE FOR ECONOMIC DEVELOPMENT IN INDONESIA

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ABSTRACT

This paper examines efforts of safeguarding and protecting intangible cultural heritage (ICH) in Indonesia from an intellectual property (IP) perspective, especially on trademark protection through branding and co-branding initiatives. The paper discusses Indonesia's IP legal framework relevant to the protection of ICH and the initiative as an economic development tool. The paper also considers the impact of foreign access to Indonesia through specific activities and the paradox of considering the products of ICH as trade commodities and of ICH having a world heritage value. The paper uses and discusses branding and co-branding initiatives by the regional government of the Yogyakarta Special Province, as an example. The discussion covers the concept of safeguarding ICH, the mechanism for trademark license, and attempts by Yogyakarta regional government to implement an initiative for ICH safeguarding and economic development. It focuses on the branding and co-branding initiative of Yogyakarta's products, which constitute traditional knowledge and traditional arts or traditional cultural expressions in the region. The paper examines the benefits and challenges of ICH branding for economic development at regional and national levels, especially for local communities, traditional owners, as well as micro, small, and medium enterprises (MSMEs). Finally, it provides future directions for Indonesia on the issue. This paper constitutes the initial research findings of the author's PhD thesis. It covers the legal frameworks, impetus, administration, and implementation of ICH and IP regime in Indonesia.

Keywords: *branding, co-branding, economic development, intangible cultural heritage, intellectual property, Indonesia, Yogyakarta*

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1. INTRODUCTION AND CONTEXT

Foreign access to Indonesia has positive and negative effects. External influences get into Indonesia through tourism, trade, and cooperation in the form of arts, festivals and other activities. Such activities bring a positive impact as it enriches Indonesian society. Simultaneously, these activities challenge society to be more careful towards all external influences. Foreign access strengthens Indonesian people by demonstrating authenticity. As time goes by, frequent visitors to Indonesia desire to find out about the original work of a respective region.

Besides the positive effects, there are also adverse effects from foreign access to Indonesia. The issue which receives the most concern is value degradation. Generally, younger generations seem to have less concern with traditional works because they are more interested in modern and technology-based cultures. However, a finding in culture-based high schools shows that many teenagers learn traditional music or watch traditional leather puppet performance thoroughly and intensely discuss it.¹ This issue cannot be easily measured, as it might have risen out of the continuous news and posts shared on social media such that people think that their great value in society has declined.

Foreign access to Indonesia's market through international trade activity impact aspects of safeguarding Indonesian intangible cultural heritage (ICH). In this setting, there is a paradox between ICH as a world heritage value and products of ICH as trade commodities. As a world heritage value, ICH should be available to, and accessible by, diverse communities. ICH represents a nation's cultural identity,

¹ Interview with Dian L Pratiwi, Head of Division for Preservation and Cultural Value, Yogyakarta Regional Service Office for Culture (Yogyakarta, Indonesia 31 Aug. 2017).

which is the identity or feeling of belonging to a group.² It is part of a person's self-conception and self-perception and is related to nationality, ethnicity, religion, social class, generation, locality or any kind of social group that has its own distinct culture.³ As trade commodities, products of ICH need legal protection from exploitative international trade activities as a means of generating local and domestic economies.

ICH is universally recognised as a form of intellectual property (IP), but one that does not easily fit into the dominant IP regime. Furthermore, there are legal problems with obtaining IP rights in Indonesia, especially trademark for micro, small, and medium enterprises (MSMEs). Based on this background, it is important to identify positive initiatives and shortcomings and to find strategic solutions to the problems. The solutions aim to utilise the IP regime to protect ICH. The protection aspect of ICH by Indonesia includes preventive efforts and countermeasures of action. The mechanism for trademark registration and its license complies with the above efforts by the government for ICH protection. In addition to the protection aspect, there are development and utilisation aspects as well. All aspects aim to safeguard and protect ICH, and to improve local and domestic economies, in this case through trademark registration and the licensing of co-branding trademarks.

2. THEORETICAL FRAMEWORK

IP and ICH are always interrelated. However, the question remains, whether IP could be a tool to protect ICH, which is

a subject of research and debate at international levels. The debate due to conceptual differences between ICH and IP, and difficulties of imparting legal rights to communities who practising ICH.⁴ The difficulties in protecting IP of ICH results in vulnerability of ICH from unauthorised use, commercialisation and exploitation.⁵ Downes argues ICH might work within an IP system, modified or adapted to protect ICH and gain more benefits from its use.⁶ Geographical indications (GI) and trademarks have been discussed as options to create market incentives for local communities to produce traditional products based on their ICH.⁷ Zografos states Tunisia, in 1966, was the first country to introduce an article in its copyright law which incorporates protection of folklore as part of ICH.⁸ The author's moral rights are also used for protecting ICH.⁹ ICH is affected by the development of industries, thus creating cultural industries based on ICH in respective regions.

Economic development is progress in an economy or the qualitative measure of such, usually referring to the adoption of new technologies, transition from an agriculture-based to industry-based economy, and general improvement in living standards.¹⁰ From a policy perspective, economic development can be defined as efforts seeking to improve a community's economic well-being and quality of life by creating and retaining jobs and supporting or growing income and the tax base.¹¹ The scope of economic development includes the process and policies by which a nation improves the economic, political, and social well-being of its people.¹²

² Moha Ennaji, *Multilingualism, Cultural Identity, and Education in Morocco* (Springer Science & Business Media 2005) 19-23.

³ *ibid.*

⁴ Intangible Cultural Heritage Centre for Asia and Pacific, 'Safeguarding Intangible Cultural Heritage and Intellectual Property: Trends, Tasks, and Challenges' (Oct. 2010) 5 *ICH Courier*, 1.

⁵ *ibid.*

⁶ David R. Downes, 'How Intellectual Property could be a Tool to Protect Traditional Knowledge' (2000) 25 *Columbia J. of Env. L.* 253, 281.

⁷ *ibid.*

⁸ Daphne Zografos, 'The Legal Protection of Traditional Cultural Expressions: The Tunisian Example' (Mar. 2004) 7 *J. of World Intell. Prop.* 2, 241.

⁹ Downes (n 6).

¹⁰ Business Dictionary
<www.businessdictionary.com/definition/economic-development.html> accessed 5 Nov. 2018.

¹¹ *Ibid.*

¹² Arthur O'Sullivan and Steven M. Sheffrin, *Economics: Principles in Action* (Pearson Prentice Hall 2003).

Anholt states there are intertwining notions among IP, nation branding, and economic development,¹³ seconding his argument that cultural capital is one of the intangible assets possessed by every country and, as an asset, this capital needs a capacity to interpret into 'consistent economic performances.'¹⁴ Since the global economy is driven by 'services, intellectual assets, and "virtual" products,' the human capital of nations is an essential feature in economic progress.¹⁵ Intellectual capital has an important role in the modern economy by adding value to the product.¹⁶ The value to the product is performed by a distinctive and attractive brand, and a powerful and positive reputation of 'nation-brand.'¹⁷ For culture and heritage, especially, 'the intellectual capital of the nation's heritage, history, culture and geography is often well known but inefficiently or inadequately channel into "added value" for sellable assets.'¹⁸

Short mentions that 'a brand is the shared system of beliefs and values that define an organisation and attract others to it ... Branding is not just a logo ... It is about discovering what truly makes an area unique ... and then building a platform and strategy around it that nurtures that brand and attracts others who share that value and vision.'¹⁹ Co-branding is used as a marketing strategy aimed at capitalising on brand value.²⁰ More than one brand is linked through a co-

branding arrangement, and the effect of co-branding may give consumer more information on essential attributes and thus make the brands more attractive.²¹ An implementation of Short's statement to inspire economic development can be seen in 'place branding',²² where the motivation behind it is economic development.²³

There is usually a gap between policy and practicality in practice as public authorities do not optimise their place brand strategy, instead focusing too heavily on features unimportant to site selectors and authorities and, therefore, not maximising the brand's utility in attracting businesses, such as where the place brand strategies fail to meet the target audience's expectations.²⁴ The development of narratives, logos, and slogans is the most significant policy gap.²⁵ There are issues on finances and the quality of place.²⁶ Municipalities or regions must optimise their place brands by focusing on assets and reputation.²⁷ In the case of implementing ICH and place brandings, there is a concern about the protection of ICH where regions are defined by and used for the branding's economical operation.²⁸

¹³ Simon Anholt, 'Three Interlinking Concepts: Intellectual Property, Nation Branding and Economic Development' WIPO International Seminar on Intellectual Property and Development (2-3 May 2005) 1-6.

¹⁴ *ibid.* 1.

¹⁵ *ibid.*

¹⁶ *ibid.*

¹⁷ *ibid.*

¹⁸ *ibid.* 4-5.

¹⁹ Ryan Short, 'Branding is the New Economic Development' (*Forbes.com*, 31 Aug. 2018) <www.forbes.com/sites/forbesagencycouncil/2018/08/31/branding-is-the-new-economic-development/> accessed 5 November 2018.

²⁰ Russell Abratt and Patience Motlana, 'Managing Co-Branding Strategies: Global Brands into Local Markets' *Business Horizons* (Sept.-Oct. 2002) 44.

²¹ *ibid.*

²² The Place Brand Observer, '4 Place Branding Examples to Inspire Economic Development Professionals' <<https://placebrandobserver.com/place-branding-examples-economic-development-professionals>> accessed 5 Nov. 2018.

²³ The Place Brand Observer, 'Economic Development' <<https://placebrandobserver.com/category/economic-development>> accessed 5 Nov. 2018.

²⁴ Evan Cleave, Godwin Arku, Richard Sadler and Jason Gilliland, 'The Role of Place Branding in Local Regional Economic Development: Bridging the Gap between Policy and Practicality' (2016) 3 *Reg'l Studies*, *Reg'l Sci.* 1, 24.

²⁵ *ibid.*

²⁶ *ibid.* 25.

²⁷ *ibid.*

²⁸ *ibid.*

3. INDONESIA'S LEGAL FRAMEWORK ON ICH AND IP-RELATED ICH

Efforts in safeguarding and protecting ICH in Indonesia are carried out from legal protection and preservation perspectives. The background for such efforts is Indonesia has ethnic and cultural diversity, resulting in a range of intellectual works creating an abundance of ICH, which becomes an attraction for commercial use. The use shall, therefore, be regulated for society's interests. Indonesia's ICH legal framework contains safeguarding of ICH from the perspectives of non-IP and IP law. The two perspectives show two current primary systems for safeguarding: ICH protection under an IP system and ICH preservation and promotion under the other system from a cultural perspective. These approaches must be carried out together.

Table 1. Indonesia's Legal Framework on ICH and IP-related ICH²⁹

A.	Non-IP
1.	Ratification of the Convention for the Safeguarding of Intangible Cultural Heritage
2.	Retification of the Convention for the Protection and Promotion of the Diversity of Cultural Expressions
3.	Cultural Advancement Law
4.	Minister of Education and Culture Regulation on the Intangible Cultural Heritage of Indonesia
B.	IP
1.	Copyright Law
2.	Patent Law
3.	Trademark and Geographical Indication Law
4.	Design Law

At the national level, there has been ratification of the 2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage (2003 UNESCO Convention), the 2005 UNESCO Convention for the Protection and Promotion of the Diversity of Cultural Expressions, the enactments of the Cultural Advancement Law No. 5 of 2017, and the Minister of Education and Culture Regulation No. 106 of 2013 on the Intangible Cultural Heritage of Indonesia. Furthermore, there is ICH protection in articles of the Copyright, Patent, Trademark and Geographical Indication, and Industrial Design Laws.

The Minister of Education and Culture Regulation on the Intangible Cultural Heritage of Indonesia gives a definition of intangible culture and ICH. Intangible culture is 'everything results from action and thought, manifested in identity, ideology, mythology, concrete sayings in the form of voice, movement, or ideas contained in the thing, behaviour system, belief system, and culture in Indonesia.'³⁰ ICH is 'the result of practice, manifestation, knowledge, and skill expression, within the scope of culture, continuously passed down through generations by way of preservation and recreation, as well as a result of intangible culture after the establishment of intangible culture.'³¹

Both definitions cover the substantial meaning of 'traditional knowledge and traditional cultural expressions.' The Indonesia Bill of Law on Traditional Knowledge and Traditional Cultural Expression drafts a definition for traditional knowledge as an 'intellectual work related to technology, cosmology, value, teaching of art, order of society, taxonomy, grammar, and concept contained in words, produced by creation, creativity, invention, and innovation based on a respective society.'³² 'Traditional cultural expressions have been drafted as an intellectual work in the field of art bearing the element of traditional heritage resulting from, and developed and maintained by a certain community or society.'³³

²⁹ Constructed by the author.

³⁰ Regulation No. 106 of 2013, Intangible Cultural Heritage of Indonesia Minister of Education and Culture, art 1 para 1 (Indonesia).

³¹ *ibid*, art 1 para 2.

³² A Bill of Law version by the Directorate General of Intellectual Property (Indonesia).

³³ *ibid*.

Principally, traditional knowledge and traditional cultural expressions are ICH and fall into coverage of ICH under Article 2 of the 2003 UNESCO Convention. ICH could come from an individual, a group of people, or an *Adat* law (Indonesian customary law) community having the following criteria for depicting cultural identity in society: has an important value for nations and state; can be accepted by all Indonesian citizens; has cultural value which could improve the nation's conscience and unity; and has diplomatic value.

Within the IP regime, Indonesia introduced its first copyright law with Copyright Law No. 6 of 1982 (as amended). The Law was replaced with Copyright Law No. 19 of 2002, which in turn was substituted by Copyright Law No. 28 of 2014. Copyright Law of 2002 contained an essential IP-related ICH protection. Based on Article 10(2) of the Copyright Law of 2002, principally, the State is the copyright holder for folklore or traditional cultural expression and works of popular culture commonly owned as part of ICH. Article 10(3) of the Copyright Law of 2002 stipulated, '[T]o publish or reproduce the works as referred to paragraph (2), any person who is not the citizen of Indonesia shall, firstly, seek permission from the institution related to the matter.'

Article 38 of the current Indonesian Copyright Law of 2014 and its elucidation give a definition and scope of ICH. The Copyright Law of 2014 has both, greater coverage and articles that are more specific by using the term 'traditional cultural expression,' while the Copyright Law of 2002 regulated it under just one article, namely Article 10. However, the detail of Article 10 in the Copyright Law of 2002 was not retained within the Copyright Law of 2014, although there would have been merit in its inclusion. Article 10(2) of the Copyright Law of 2002 dealt explicitly with folklore and traditional creations by authors under communal ownership.

Article 10(3) of the Copyright Law of 2002 required a person who was not a citizen of Indonesia to seek permission from the related institutions to publish or reproduce work mentioned in Article 10(2). This requirement of permission can be an essential step in protecting ICH. Articles 40 and 59 of the Copyright Law of 2014 have additional matters not

stipulated in the Copyright Law of 2002, namely the regulation on modifying and compiling traditional cultural expressions. These articles illustrate one of the improvements in the Copyright Law of 2014 over its predecessor law. There is no discrimination or distinction between Indonesian nationals and foreigners regarding the use of traditional cultural expressions under the Copyright Law of 2014. This is awaiting operational regulation as provided in Article 38(4) of the Copyright Law of 2014.

Furthermore, Article 60(1) of the Copyright Law of 2014 provides that copyright on traditional cultural expressions held by the state as referred to in Article 38, paragraph (1) shall be valid indefinitely, provided the State is the copyright holder for traditional cultural expressions. This article retains validity of copyright as provided by Article 31(1)(a) of the Copyright Law of 2002, that copyright validity pursuant to Article 10(2) the copyright on works held by the State shall be valid without any time limit.

Article 38(2) of the Copyright Law of 2014 stipulates that the State shall preserve and protect traditional cultural expressions and that the State must establish a national inventory for traditional cultural expressions. Article 38(3) states that users of traditional cultural expressions shall consider living values in custodian community, who nurture, develop, and preserve traditional cultural expressions. Inventory obligation to the State is a new provision and awaits an operational regulation to be fully implemented. Regarding this matter, there is the challenge of dual claims by multiple countries for a single traditional cultural expression; therefore, countries shall discuss and compromise on this matter.

There is no provision on benefit sharing in the Copyright Law of 2014. However, Articles 87 to 93 of the Copyright Law of 2014 provide for the formation of the collective management society (CMS). Regarding Article 87(1), to claim economic right, the copyright holder shall become a member of the CMS. Provided the State is the copyright holder of traditional cultural expressions (Article 38(1)), the State shall become a member of the CMS before legally collecting royalties from the traditional cultural expressions' user. The user of traditional cultural expression shall make an agreement on benefit sharing with

its holder or custodian. A current challenge is the existing practice of free use of traditional cultural expressions in Indonesia, without royalties, and changing it will be a challenge.

The protection mentioned above has yet to make its implementation visible due to the absence of implementation regulations. The implementation regulation, as mandated by the Law in the form of government regulation, covers collective IP inventory which aims to provide defensive protection for ICH; classifications of traditional cultural expressions; and collective IP utilisation.

Regarding patents, Indonesia passed its first patent law being the Patent Law No. 6 of 1989. This law was superseded by Patent Law No. 14 of 2001, which in turn was replaced by the current Patent Law No. 13 of 2016. The Patent Law of 2016 gives a basis for the protection of traditional knowledge. There are disclosure requirements and benefit sharing structures under Article 9(b) of non-patentability, and Articles 9(d) and (e) of the Patent Law of 2016. These articles provide negative protection or defensive protection for traditional knowledge. Article 49 contains other relevant stipulations under the Law concerning a complaint against a patent application, as does Article 5(2), which states not all traditional knowledge can be used as prior art.

Although the government has incorporated a disclosure requirement clause in the Patent Law of 2016, it is hard to include substances which have already been agreed to in the international negotiation on ICH into the law. A challenge found that although the Patent Law of 2016 has regulated the disclosure requirement, the government has not been clear in implementing it due to the lack of an institution bearing the authority and responsibility of the Law's mandate.

Based on its primary function to protect IP in Indonesia, the Directorate General of Intellectual Property (DGIP) under the Ministry of Law and Human Rights of the Republic of Indonesia, follows IP international standard protection, which aims is to simplify the administration process. The basis for the rejection of an application is determined by the

substantive matter, and therefore, any administrative requirement which complicates the procedure may be eliminated. The universal requirements on patentability are now added with the disclosure requirement as an ICH protection clause.

From the administrative sector of the patent application, the inclusion of a disclosure requirement creates a further burden for the DGIP. The DGIP is in the process of drafting the Patent Law's implementation regulation regarding the cancellation and rejection of patent applications, which will enforce a disclosure requirement. Therefore, when the application does not contain the disclosure requirement, the application will be rejected; if the patent has already been given, the patent is cancelled.

Trademark law also has several stipulations relevant to ICH. The first trademark law in Indonesia was the Company Marks and Commercial Marks Law No. 21 of 1961 (as amended), which was replaced by the Trademark Law No. 15 of 2001. Recently, the Law was amended by the Trademark and Geographical Indication Law No. 20 of 2016. Article 72(7)(c) of the Trademark and GI Law of 2016 nullify a registered trademark if it is similar in its entirety to traditional cultural expression, ICH, or a name or logo of traditional use. Article 20 excludes ICH from the non-registerable mark, and Article 21 excludes ICH from rejected registration. Under Article 20(a), trademark registration shall be rejected provided registration would be likely to offend the public or a group; however, this is not easy to prove. These articles are not firm on providing preventive protection for ICH. With Article 76, the custodian of traditional cultural expressions should actively submit a claim for nullification of trademark registration.

The Trademark Law of 2001 was the first legal basis for GI protection in Indonesia. As an operational regulation to the Trademark Law of 2001, Government Regulation No. 51 of 2007 on Geographical Indication is still valid. GI contents have been given a significant portion in the current Law, especially for agricultural products which have unique and distinctive characteristics due to geographical conditions or human processing skills. Several ICH may be registered under GI. Despite existing notions for protecting ICH with GI, there is still the question of how far ICH can be protected

with GI in terms of traditional skills and traditional cultural expression elements. Under Article 53(3)(a), ICH in the form of handicraft goods can be protected as registered GI. Article 63 of the Trademark and GI Law of 2016 stipulates an unregistered sign which fulfils GI requirements can be protected as an appellation of origin, meaning such a sign does not have to be registered to get protection. However, this article still awaits an implementation regulation to significantly provide ICH protection under the GI system.

Industrial design protection through the Industrial Design Law No. 31 of 2000 was first introduced after Indonesia ratified the Agreement Establishing the World Trade Organisation in 1994. In the Industrial Design Law No. 31 of 2000, there is a relevant part for ICH, especially traditional cultural expressions. The Consideration part of the Law in paragraph (b) mentions such protection is 'stimulated by the diversity of the cultural and ethnic wealth of Indonesia, which is a source for the development of industrial design,' but there is no further relevant provision which can be used regarding ICH protection under the Law.

Current national and international issues shall be more focused on the recognition of cultural work's origin. The mention of origin can be considered as acknowledging the moral rights of cultural work or ICH holder. A neighbouring country of Indonesia used Indonesian *Reog* and *Pendet* dances in their national tourism promotions; occurrences which might happen again in the future.³⁴ Foreign parties may use Indonesian ICH and obtain economic benefits from such utilisation. The Indonesia Bill of Law on Traditional Knowledge and Traditional Cultural Expressions is supposed to be *sui generis* law in order to protect ICH in the IP realm. Supposing that IP legislation is used, it would not match IP criteria. The Bill of Law is a way to create increased legal protection for ICH; however, the Bill of Law has been pending for some time.

³⁴ Lisa Mapson, 'Reog Ponorogo' (*Inside Indonesia*, 23 Nov. 2010) <www.insideindonesia.org/reog-ponorogo> accessed 13 Nov. 2018. See also Tourism Indonesia, 'Protest over Malaysia's Claim over Old Balinese Pendet Dance' (Aug. 2009) <www.tourismindonesia.com/2009/08/protest-over-malaysia-claims-over-old.html?m=1> accessed 13 November 2018.

4. AN INITIATIVE MODEL IN SAFEGUARDING AND PROTECTING ICH BY THE REGIONAL GOVERNMENT: THE YOGYAKARTA EXAMPLE

The Yogyakarta Special Province is famous for its outstanding traditional and cultural heritage. Examples of Indonesian ICH in the region comprise oral traditions and cultural expressions, including language, performing arts, social practices, rituals and festive events, knowledge and practices concerning nature and the universe, and traditional craftsmanship. The protection of Yogyakarta products is emerging and essential since the products are often used in tourism and international trade.³⁵

The legal framework for safeguarding and protecting ICH in Yogyakarta's context is found in Law No. 13 of 2012 on Special Authority of Yogyakarta Special Province, Yogyakarta Provincial Regional Regulation No. 4 of 2011 on Cultural Value of Yogyakarta, and Yogyakarta Governor Regulation No. 10 of 2015 (Governor Regulation) on Yogyakarta Special Province's Brand/Logo of '*Jogja Istimewa*.' The background of the Governor Regulation of 2015 is that along with the enactment of Law No. 13 of 2012 on Special Authority of Yogyakarta Special Province, it provides the spirit of regional government in accordance with the vision and mission and creates an exclusive image of the region, as *Jogja Never Ending Asia* becomes *Jogja Istimewa*.

To have more concrete and specific implementation, Yogyakarta Governor Regulation of 2015 is followed up with Yogyakarta Governor Regulation No. 21 of 2017 on the Use of *JogjaMark*, *100%Jogja* and *JogjaTradition* Trademark as Local Product Co-Branding (Yogyakarta Governor Regulation on Co-Branding). Consideration of the regulation mentions that to improve the products' competitiveness, ICH of Yogyakarta, there needs to be

³⁵ Christoph Antons and William Logan, 'Intellectual and Cultural Property and the Safeguarding of Intangible Cultural Heritage' in Antons and Logan (eds), *Intellectual Property, Cultural Property and Intangible Cultural Heritage* (Routledge 2018) 1-2.

recognition, support, and legal protection towards the local product. Letter (a) of the regulation intends for there to be a regulation on the use of the trademarks as local product co-branding to manifest recognition and support, as well as legal protection.³⁶ With this regulation, the Governor of Yogyakarta Special Province restates his support towards efforts to protect MSMEs. Governor regulation as a type of legislation is chosen to legitimise support rather than using a regional regulation, which is more complicated and time consuming to pass.

Yogyakarta's concept on IP protection and ICH safeguarding is contained in Yogyakarta Governor Regulation of 2017. Yogyakarta co-branding is a product's sign and/or characteristics as shown together with other signs possessed by a product, and/or traditional knowledge, and/or traditional cultural expression in the Yogyakarta Special Province.³⁷ The sign is attached to 'local products,' which is any kind of product in the form of farming, natural, processed, handicraft, creative industry, and industrial products in the region.

The scope and program for safeguarding ICH by the regional Yogyakarta government consists of three aspects. The protection aspect comprises preventive efforts and countermeasures to actions that may cause damage, loss, or extinction of ICH through registration and establishment, including culture preservation, a culture heritage management program, and a national cultural heritage nominations program. The second development aspect includes efforts in work and expression, thus opening the possibility of ICH perfection constituting ideas, behaviour, and traditions in the form of change, addition, evaluation, replacement and renewal of ICH. This is achieved according to the prevailing values and norms of the owner community

without eliminating the original value contained so that it can, therefore, be adopted and included within the community. These efforts contain a local culture and art development program, and a history and values management program. The final utilisation aspect embraces the effort of ICH utilisation for the interests of education, religion, social, economics, science, technology, culture, and tourism. These efforts involve culture promotion, a partnership program at national and international levels and a safeguarding program. The basis of this concept is to settle the protection of ICH and, thereafter, protect its development. All aspects aim to protect and safeguard ICH in the region.

Regarding these three aspects, Yogyakarta initiates a model of safeguarding and protecting its potential with a concept of co-branding by establishing three co-brands covering local product and ICH in the region, namely:

- a. *JogjaMark* utilises Yogyakarta products, of which a part of or all of the materials come from outside Yogyakarta region, while the production or processing is conducted in the region, for example, t-shirt products and other handicrafts;
- b. *100%Jogja* utilises Yogyakarta products, of which all of the materials originate and the whole production and processing takes place within the region, for example, agricultural products; and
- c. *JogjaTradition* utilises Yogyakarta products which have the characteristics of traditional arts or traditional culture expression distinctive to the region, for example, traditional leather puppet shows.³⁸

Exclusive rights over the co-branding trademarks are held by Yogyakarta's regional government, from whom

³⁶ The rationale of Yogyakarta Governor Regulation No. 21 of 2017 is to build the reputation of local product, legal acknowledgement as well as protection of local product and ICH which are distinctive to a region (art 2(1)). It aims to improve the quality and competitiveness of a product and ICH distinctive to a region, to improve loyalty and trust of consumers or society, to grant legal protection and to prevent unhealthy competition, to give identity to local product and ICH distinctive to a region based on the

region's name, to build independent business in the region and to preserve ICH of the region (art 2(2)).

³⁷ Yogyakarta Governor Regulation No. 21 of 2017, The Use of *JogjaMark*, *100%Jogja*, and *JogjaTradition* Trademark as Local Product Co-Branding Yogyakarta, art 1 and app I (Indonesia).

³⁸ *ibid* art 4(1).

businesspersons, legal entities, or MSMEs receive a license to use the co-branded trademark.³⁹ Local businesses utilise the trademark and receive benefits from it. Users may obtain a license to Yogyakarta products from the Regional Working Unit (RWU), the regional government agency of Yogyakarta's regional government, which manages the field of trade and industry.

Regarding the legal structure of IP ownership by a public legal entity, Indonesian IP laws do not specifically mention the private legal entity as the IP rights owner, meaning the public legal entity can own IP rights. There has been a precedent on the ownership of a trademark by a public higher education institution. The use of a trademark by a higher education institution is, philosophically, a trademark used by a non-commercial institution, as education is a non-profit business. In actuality, many higher education institutions currently have a business unit which conducts business to gain profit.

The ICH protection is especially performed in the use of the *JogjaTradition* co-brand, which utilises local products that constitute or represent ICH of traditional knowledge and traditional cultural expressions in the Yogyakarta Special Province.⁴⁰ Traditional knowledge is 'an intellectual work related to technology, value, principle of art, society rule ... as produced by creation, creativity, invention, and innovation based on the society's tradition, and become the characteristics of the region.'⁴¹ Traditional cultural expressions are 'intellectual work in the field of art which contains the element of traditional heritage characteristics which are produced, developed, and maintained by the community or a respected society, and become the characteristics of the region.'⁴²

The utilisation of *JogjaTradition* co-branding is performed by Yogyakarta Regional Service Office for Culture (the Office for Culture), which determines whether a culture originated

from Yogyakarta in line with the requirements they set. It will only give a recommendation to local communities or traditional owners who apply for already-certified ICH or ICH which has been established, since Indonesia's ICH belongs to Yogyakarta. After obtaining a recommendation from the Office for Culture, the Yogyakarta Regional Service Office for Industry and Trade (the Office for Industry and Trade) will execute the use of *JogjaTradition* co-branding by providing a trademark license to the relevant parties. The product criteria having the characteristics of ICH distinctive to a region are:

- a. constituting cultural value;
- b. having values which improve self-awareness and nation unity;
- c. having a uniqueness, distinctiveness or specialty from a particular tribe and constituting part of a community;
- d. constituting a living tradition and collective memory related to the preservation of nature and environment, as well as giving an advantage to human and life;
- e. giving social, economic, and cultural impact, whose existence is endangered and needs to be preserved due to natural occurrence, natural disaster, social crisis, political crisis, and economic crisis;
- f. inherited and/or developed by one or more generations;
- g. having a particular pattern, whose characteristics can be identified;
- h. related to a particular geographical region and/or social group;
- i. not contrary to human rights and existing conventions; and/or
- j. supporting cultural diversity and natural preservation or sustainability.⁴³

Under this system, *JogjaTradition* co-branding is more transparent since it has clear requirements. In this way, the Office for Culture can supervise the protection and use of

³⁹ *ibid* arts 4(2) and 4(3).

⁴⁰ Daphne Zografos Johnsson, 'The Branding of Traditional Cultural Expressions: To Whose Benefit?' in Peter Dragos and Susy Frankel (eds), *Indigenous People's Innovation: Intellectual Property Pathways to Development* (ANU Press 2012) 147.

⁴¹ Indonesia (n 37) art 1 para 6.

⁴² *ibid*, art 1 para 7.

⁴³ *ibid*, art 7(1).

ICH in the Yogyakarta region. In cases where the ICH has not obtained a certified ICH status and does not have rights to use such co-branding, the office will assist with the process of obtaining ICH status, so long as the ICH fulfils the established criteria and requirements. Therefore, the registration of *JogjaTradition* co-branding trademark synergies with the program safeguarding ICH, as one of the utilisation programs, since the co-branding can only be used as a trademark for ICH that has been declared as Indonesian ICH by the Ministry of Culture and Education.

To utilise co-branding in the market, the Office for Industry and Trade will support co-branding initiatives with the concept of *Bela Beli Indonesia* movement, which aims at economic independence through a synergy between *to support* and *to buy* Indonesian products, especially those produced by MSMEs. Co-branding also becomes an assurance for consumers that the product is original or rooted in Yogyakarta tradition and culture. The Office for Industry and Trade collaborates with the Office for Culture to grant a license on *JogjaTradition* co-branding, thereby refining the procedure of granting license. The approval constitutes a set of certificates consisting of a certificate of domicile, formal declaration as ICH of Yogyakarta and Indonesia, and a letter of recommendation from the Office for Culture.

Despite the average understanding on IP within the regional government of Yogyakarta, there is a basic understanding of the essence of IP and and urge to protect ICH within the region. This understanding covers the improvement of the product's competitiveness and that ICH needs acknowledgement, support, and legal protection. Moreover, in generating such acknowledgement, support, and legal protection, the regional government regulates the use of the local product co-branding of Yogyakarta. *JogjaTradition* intends to build the reputation, recognition, and legal protection of ICH. The objectives of branding are to improve quality and competitiveness of ICH related products distinctive to Yogyakarta, improve loyalty and trust of consumers or society, as well as aim to grant legal

protection and prevent unfair competition. Branding also give identity to local products and ICH distinctive of Yogyakarta in Yogyakarta's name. Finally, it purports to build business independence in Yogyakarta and to preserve ICH.

Yogyakarta Governor Regulation on Co-Branding also anticipates or opens the possibility for use of co-branding in the creation of contemporary work. For example, contemporary *batik* can obtain *JogjaTradition* co-branding on the condition that its author or artist shall be able to explain that their work is still rooted in *batik's* past, with Yogyakarta's standard specialty.⁴⁴ Besides the Governor Regulation, mechanisms to attach a co-branding logo to already-certified ICH, such as ICH in the form of performing art, needs to be regulated.

Dissemination and training on IP for the co-branding initiative's benefit have also been intensified. Furthermore, the Office for Culture is currently preparing a review to integrate the concept of protection, development, and use of traditional work or IP-based ICH. Such a review is essential in answering the question of how IP can protect, maintain, and develop ICH or on how to meet both the IP and ICH concepts. IP has not been well-disseminated among Yogyakarta's regional government. The above-mentioned review will help officers in Yogyakarta regional government understand the requirements, function, and advantages of IP and which concrete form of IP can be proposed for the protection, development and use of ICH. There is a notion that the regional government will assist already-certified ICH to obtain IP protection even at the international level or if it covers wider range of society, such as with GI protection.

The Yogyakarta regional government has already created an ICH Expert Team to support and supervise the application of ICH in the region. The team has provided guidelines regarding the ICH proposal planning by the regional government for the upcoming five years, though the regional government has always checked on the

⁴⁴ As an icon of Indonesian ICH, *batik* has been added to the UNESCO Intangible Cultural Heritage of Humanity list in 2009.

completeness of the requirement, especially academic review. The team has an obligation to assist the Office for Culture to aim already-certified ICH, as every ICH has to be protected continuously. The Office for Culture also makes a roadmap for each ICH; outlining steps to be taken to ensure a certified ICH still lives and develops within society. There are similar offices and technical teams at regency or municipality levels to support all regional government policy on ICH.

With a strategy and system to protect ICH, the regional Yogyakarta government has successfully certified its ICH and formally declared its as Indonesia's ICH. Yogyakarta is, by far, at the top nationally, due to the regional government maintaining the sustainability of personnel and information for cultural affairs when there is a change of structure. Yogyakarta relies on culture, tourism, and education sectors for its resources; however, it is considered to have a lot of human resource experts on culture. In other provinces, the personnel who take care of cultural matters do not have an educational background and experience in the field of culture.

However, it is suggested that the actual problem or obstacle is not due to personnel's inability or limited funds. Instead, it is due to an ineffective system. The system in the government will run well if society understands, appreciates, and follows such a system. Basically, all a society wants to know is that there is only a single government; they do not want to think further. The government should make sure the society understands its program and policy regarding ICH. The government should also have been ready with a more-concrete matrix and action plan.

The biggest challenge in the process of establishing ICH status is review. The Office for Culture collected data in the form of theses and other scientific work to compose an academic review from many libraries and centres of study in higher education institutions. Gradually, Yogyakarta will construct a strategy on academic review composition systems to create a high quality and well-organised review. This is fortunate in that cultural affairs get special attention from the regional government. Meanwhile, other provinces do not always enjoy a similar benefit.

Procedures for trademark license applications are set out in Article 8 of Yogyakarta Governor Regulation of 2017 as follows:

- a. The application of *JogjaMark* and *100%Jogja* shall be addressed to the Head of Regional Working Unit together with following documents: Business Permit, Company Registration Statement, a stamped-statement letter saying that the production process is conducted in the region (for *JogjaMark*), a stamped-statement letter saying that the raw materials and production process are wholly conducted in the region (for *100%Jogja*), the sample of co-branding placement in the products for goods, the sample of co-branding placement in the products for goods (for *JogjaMark*), and the proof of product's standard, among others: Home Industry Product, *Hala* certificate, Indonesia National Standard or similar proof of the standard of the product.
- b. The application of *JogjaTradition* shall be addressed to the Head of RWU together with following documents: Letter of Domicile, Certificate Stipulating as Indonesia Intangible Cultural Heritage, and a Recommendation Letter from a Provincial RWU which manages culture.

Under Article 9 of the Governor Regulation, when the documents are complete, RWU conducts a site visit. When the documents are not complete, the Head of RWU shall return the documents to the applicant to be revised within a maximum of three working days following the receipt of the document. Under Article 10 of the Governor Regulation, the head may decide to reject or grant the license application for a maximum of 12 working days after the documents are complete. When the application is rejected, the head shall send notification and the reason of rejection in written form to the applicant. When the application is granted, the head issues License Approval, which shall be valid for the following three years.

The license extension application under Article 12 of the Governor Regulation shall be addressed to the Head of RWU a maximum of one month before the license expiration date. The application shall be accompanied with documents of License Approval and Periodical Reports from the past three years. The process of license extension shall

be finished in a maximum of six working days after the documents detailed under Article 12(2) are complete.

The provisions as regional legal framework may be sufficient to guarantee a minimum level of effective ICH protection. However, it is suggested that IP enforcement capacities building are not in line with ICH protection challenges in Indonesia. There are still several challenges, namely, limited public awareness and insufficient knowledge on the significance of IP, including local or traditional communities of the respected ICH, government officials, judiciaries, and the general public; inadequacy of the legislation not being drafted effectively; lack of human resources, funding and practical experience in the enforcement of IP for protecting ICH; and systemic problems resulting from insufficient coordination among government departments.

5. BENEFITS AND CHALLENGES

A. FOR THE LOCAL COMMUNITIES AND TRADITIONAL OWNERS

Local communities and traditional owners anticipate benefiting from co-branding initiatives by obtaining legal protection from trademarks licensing, increasing competitiveness, consumer loyalty or trust, enhancing local products reputation, and promoting local cultural industries. Benefits also include domestic and international recognition and support towards ICH protection strategy by the regional government, product acceleration, and prevention of unfair competition in the market. These benefits are expected to lead to economic development. From the perspective of consumer protection, there are also quality assurance and product standardisation. The initiative provides protection to MSMEs in the region.

Article 15 of Yogyakarta Governor Regulation on co-branding mandates society's role as taking part in dissemination, promotion and supervision activities over the use of a trademark as co-branding of the local product by way of conducting exhibition and filing a report of the breach of its use. The report shall be conducted under provisions where the complainant files the report form, complete with at least two pieces of evidence of the alleged

breach of co-branding use. Article 16 of the Governor Regulation includes sanctions under procedures of verbal notification, written notification, and license revocation. Furthermore, supervision and evaluation are conducted by the Regional Working Unit under Articles 16(1) and (2), which include written reports on the implementation of supervision and evaluation on the use of co-branding to the Governor annually (Articles 16(3) and (4)).

However, challenges are identified in obtaining licenses for a co-branded trademark from the perspectives of ICH local stakeholders. Enclosed documents for license application may not be easily fulfilled and validity terms for licenses may be too short. Some of the obligations may be difficult for an MSME, an individual, or a community to perform. These include specifically, requirements for accurate data and information of the requested-product or ICH; maintenance of a product's quality to comply with its standardisation or specialty; and the provision of periodical written reports every six months.

Collecting ICH data in a region may often be a problem. In 2013, the central government instructed the Office for Culture to collect and compile regional cultural work data and found the work was mostly ICH. A technical implementation unit under the Ministry of Education and Culture also collected data, but failed to complete the task due to a limited ministry budget. Besides, the data is being simply passed from one division to another, due to the absence of clarity on which sector should handle the matter.

In 2016, the Office for Culture created a new institution, the Division of Preservation and Cultural Value (the Cultural Division), which works on policy-related matters and performs the function of preparing upstream tools, while downstream function is performed by a technical implementation unit. The Cultural Division manages three sections, namely Cultural Heritage which takes care of tangible cultural heritage or cultural preservation; ICH; and value management. The workload and priority of these sections may be an issue in the practice to give approval or recommendation for co-branding applicants.

There is also a problem regarding the Cultural Division's work target in the form of values. In terms of funding and administration, the target results in something quantifiable. However, the definition of culture is quite extensive depending on the individual subject and culture covers a wide scope. In a discussion forum in Yogyakarta Regional Representative Assembly, extensive definition and cultural coverage becomes a particular problem. Cultural Division often has different perspectives from the assembly. There are also other interests, such as political interest, which may influence the issue.

Within Yogyakarta's local communities and traditional owners, there needs to be a thorough and detailed discussion on ICH criteria and IP protection, which will be applicable for ICH in the region. Supposing the ICH criteria do not fulfil the elements of IP protection, there needs to be a more suitable strategy. The establishment of creative work may be protected under IP regime, however, this is not the case for traditional work or ICH. The misapplication of IP on ICH will eventually bring loss to Yogyakarta. If a work is protected by IP, it is also subject to the duration of protection. After the duration of protection has elapsed, such work will belong to the public. In this scenario, Yogyakarta may lose control of the work's use.

From February to July 2018, there were 120 license applications, with 30 granted for *JogjaMark* and *100%Jogja* co-brandings. However, since the initiative is relatively new, in terms of economic and social development, it has not been yet demonstrated to improve business profitability and enable net job creation. At least, this shows public awareness and role of the regional government on IP and ICH protection, which has risen from time to time. It is expected in the future that the domestic and local business climate would improve as much a priority as safeguarding and protecting ICH in Indonesia.

There were no applications for *JogjaTradition*. The regional government presumes the public are hesitant to use *JogjaTradition* co-branding, as this is a new initiative, and

remains optimistic by promoting the initiative to MSMEs, local communities, and traditional owners. This dissemination is performed by the Office for Culture and the IP Centre in the Office for Industry and Trade. The office holds events and uses local and social media to provide an information service to society. The offices also facilitate MSMEs regarding funds; using the regional state budget and a thorough selection process, an applicant is exempted from the IP request fee or will receive a discounted fee. The regional government plans to take a proactive step by selecting several ICH to be part of a pilot project on *JogjaTradition* co-branding. However, this awaits further internalisation and coordination between the Office for Industry and Trade and the Office for Culture.

B. FOR THE COUNTRY AND AS AN EXAMPLE TO OTHER COMMUNITIES OR REGIONS

As well as for the local communities and traditional owners, the branding of ICH provides recognition, safeguarding and protection towards Indonesian ICH as a whole nation, and people. It promotes and supports creative industries, especially creative industries owned and operated by MSMEs. The branding of ICH also guarantees consumer's protection through quality assurance and products standardisation in national and international markets.

For the substantial issue, an issue happens when there is a similarity of culture between one province and another. For example, there are differences between Yogyakarta *batik* and Surakarta *batik*, or there are distinctions between Yogyakarta *lurik* and Central Java *lurik* on its history, philosophy, meaning, and ways of use.⁴⁵ This shows the importance of a well-researched ICH academic review in the national ICH examination, because the academic review point out the differences among similar ICH. ICH must fulfil criteria under the 2003 UNESCO Convention by, namely, being more than one generation old, have cultural supporters, and provide special characteristics with a sense of identity and continuity. Even though two cultures may be

⁴⁵ *Batik* and *lurik* are two famous traditional cloths produced in several regions in Java.

similar, they can be considered different as long as they live and develop within a completely different culture.

In 2017, there were more than 62 million MSMEs with more than 116 million workers in Indonesia and this figure contributed 97.02% to employment in Indonesia.⁴⁶ However, in the same year, it only contributed 14.17% to export, 58.18% to investment, and 60% to Gross Domestic Product.⁴⁷ MSMEs lack access to financing and most of them do not meet the legal requirements for business in Indonesia, such as having a business permit, paying tax and so forth. The mentioned shortcomings for the branding of ICH, public's IP awareness, and performances of MSME are similar in all regions across Indonesia. From an IP administration point of view, these facts are problems for IP awareness, registration, and licensing.

Public and government awareness and knowledge in protecting ICH have not spread evenly across all regions, resulting in a lack of cultural policy planning. There is also a limitation of personnel with cultural management and education backgrounds. Therefore, dissemination and capacity building are significant to solving the problem, especially in improving awareness of the region's interest.

Considering the duration of IP protection, there needs to be a review on which IP protection will be most suitable to protect a creation or a product. There should be a balance between individual interests and social interests in the IP system, where the granting of IP as individual rights shall be limited so that it does not create injustice towards social interests. After the IP protection has elapsed, the IP object belongs to the public, meaning that the public can access and utilise such work or invention without having to ask for permission and pay royalties. This is IP's social function.

Cultural owners tend to have ICH protection, which lasts forever. Moreover, it is known that there are several ICH

characteristics which are not suitable for IP protection, since the cultural owner wants to protect the inherent authenticity and meaning.⁴⁸ IP generally has limitations in protecting the meaning of such culture as it usually only protects the appearance of meaning contained in a culture. Nonetheless, the definition and meaning of culture beyond the object cannot be protected by IP. Protection towards the definition and meaning of culture shall be accommodated by other instruments or protection systems. Thus, careful policymaking is important to manage the region's cultural and IP assets.⁴⁹

One problem across all provinces is building the capacity of regional government personnel who administer cultural affairs and MSMEs, including the license approval mechanism for trademark evaluation, and implementation. Based on the Yogyakarta co-branding initiative, as processing time for license application can be rather quick, the system requires competent and experienced supervision of operations and personnel. There is also the challenge of capacity building of other stakeholders in all regions, such as the city branding council who look after the implementation and internalisation of such an initiative.

Another challenge is a major change to regional governments' structure. The officers who have expertise and used to work on cultural affairs have been moved to other divisions, thereby causing a failure in the ICH protection mechanism and showing the weakness of a change of structure and nomenclature in the government. In this instance, the pre-prepared program and policy cannot run well as they do not have sustainability due to the personnel change.

Furthermore, not every regional government has a division of business service and IP management. Such a division usually bears the function as the IP centre within the Office

⁴⁶ Ministry of Cooperatives and Small and Medium Enterprises of the Republic of Indonesia (*Sandingan Data UMKM 2012-2017*) 1-2.

⁴⁷ *ibid.*

⁴⁸ Eunju Ko and Seulgi Lee, 'Cultural Heritage Fashion Branding in Asia' in Arch G. Woodside (ed), *Tourism Sensemaking: Strategies to Give Meaning to Experience (Advances in Culture, Tourism and*

Hospitality Research, Volume 5) (Emerald Group Publishing Limited, 2011) 89-109. See also Fan Yang, *Faked in China: Nation Branding, Counterfeit Culture, and Globalisation* (Ind. U. Press 2015).

⁴⁹ Johnsson (n 40) 163.

of Industry and Trade, a technical service unit of the Ministry of Industry in the central government. As the IP centre, it does not have a specific program on IP, since its program follows those of the Office of Industry and Trade. Several regions in Indonesia have a kind of IP centre within different offices; however, this depends on the respective regional governments' will to create nomenclature, as well as having an IP centre within their structure.

Joining the Yogyakarta co-branding initiative, the regional government of Central Java has implied that it wants to follow Yogyakarta's step, while the Directorate General of Intellectual Property of Indonesia has also stated its support. The Temanggung and Surakarta/Solo regions of the Central Java province have taken preliminary steps to initiate the branding of ICH in *Temanggung Tradition* and *Solo the Spirit of Java*.

6. CONCLUSION AND FUTURE DIRECTIVES

Culture has a dynamic nature. The impacts of external access to Indonesian ICH is unavoidable in the digital era of the Internet, information technology, and social media. As a country which nurtures ICH, Indonesia has to give cultural access to the wider community. Creations and innovations arising out of ICH in the future should also be useful to society; however, ICH that generates income should also benefit the society it nurtures. The most important thing is to find a balance between the interests of the ICH owner and public access. This balance can be generated and accommodated under national and regional laws.

Indonesia's legal frameworks on IP regarding ICH provide certain legal protection, especially on copyright, patent, trademark and GI, and industrial design. However, there are still issues and challenges for protection and its implementation. The initiative of using trademarks for local product co-branding to safeguard Indonesian ICH embraces protection, development, and utilisation aspects. ICH branding and co-branding initiative not only provide the IP protection aspect part of ICH, but also preventive efforts through ICH registration and establishment covering development and utilisation aspects. All aspects aim to protect and safeguard ICH in respective regions.

The initiative of using trademarks for local product branding and co-branding to safeguard ICH and for economic development appears achievable, although it is still in the initial stage of implementation. There is a lot more to do, especially in strengthening co-branding strategies to create jobs and generate income. The initiative can provide a good model for Indonesia and other regions in the country to facilitate and show evidence of positive IP to protect and promote cultural assets and cultural industries. The co-branding initiative articulates IP protection for Indonesia's ICH, empowers the respective society, and thus enables society to benefit from the utilisation of IP.

All ICH stakeholders should work collectively to focus on the benefits of the initiatives. The government should increase focus on working operationally on internal challenges. It should conceptualise the construction of local values acknowledged by peoples in respective regions, into branding and co-branding strategies. Likewise, policymakers should also be more critical and thorough in determining policy in respective regions. Policymaking must, therefore, be conducted in a more careful manner and there needs to be a case-by-case approach towards policies to understand the benefits and challenges for every region. Future directives of continuous dissemination are essential elements to accomplish the initiative to increase IP awareness of the public and on how IP protection benefits society and increases good governance.

BIBLIOGRAPHY

Abratt R and Motlana P, 'Managing Co-Branding Strategies: Global Brands into Local Markets' *Business Horizons* (September-October 2002).

Anholt S, 'Three Interlinking Concepts: Intellectual Property, Nation Branding and Economic Development' WIPO International Seminar on Intellectual Property and Development (2-3 May 2005).

Antons C and Logan W, 'Intellectual and Cultural Property and the Safeguarding of Intangible Cultural Heritage' in Antons and Logan (eds), *Intellectual Property, Cultural Property and Intangible Cultural Heritage* (Routledge, 2018).

Business Dictionary

<www.businessdictionary.com/definition/economic-development.html> accessed 5 November 2018.

Cleave E, Arku G, Sadler R and Gilliland J, 'The Role of Place Branding in Local Regional Economic Development: Bridging the Gap between Policy and Practicality' (2016) 3 *Reg'l Studies, Reg'l Sci.* 1.

Downes, DR, 'How Intellectual Property could be a Tool to Protect Traditional Knowledge' (2000) 25 *Columbia J. of Env. L.* 253.

Ennaji M, *Multilingualism, Cultural Identity, and Education in Morocco* (Springer Science & Business Media 2005).

Intangible Cultural Heritage Centre for Asia and Pacific, 'Safeguarding Intangible Cultural Heritage and Intellectual Property: Trends, Tasks, and Challenges' (Oct. 2010) 5 *ICH Courier* 1.

Interview with Pratiwi DL, Head of Division for Preservation and Cultural Value, Yogyakarta Regional Service Office for Culture (Yogyakarta, Indonesia, 31 Aug. 2017).

Johnsson DZ, 'The Branding of Traditional Cultural Expressions: To Whose Benefit?' in Peter Dragos and Susy Frankel (eds), *Indigenous People's Innovation: Intellectual Property Pathways to Development* (ANU Press 2012).

Ko E and Lee S, 'Cultural Heritage Fashion Branding in Asia' in Arch G. Woodside (ed), *Tourism Sensemaking: Strategies to Give Meaning to Experience (Advances in Culture, Tourism and Hospitality Research, Volume 5)* (Emerald Group Publishing Limited 2011).

Mapson L, 'Reog Ponorogo' (*Inside Indonesia*, 23 November 2010) <www.insideindonesia.org/reog-ponorogo> accessed 13 November 2018.

Ministry of Cooperatives and Small and Medium Enterprises of the Republic of Indonesia (*Sandingan Data UMKM 2012-2017*).

O'Sullivan A and Sheffrin SM, *Economics: Principles in Action* (Pearson Prentice Hall, Upper Saddle River, New Jersey 2003).

Short R, 'Branding is the New Economic Development' (*Forbes.com*, 31 August 2018)

<www.forbes.com/sites/forbesagencycouncil/2018/08/31/branding-is-the-new-economic-development/> accessed 5 November 2018.

The Place Brand Observer, '4 Place Branding Examples to Inspire Economic Development Professionals' <<https://placebrandobserver.com/place-branding-examples-economic-development-professionals>> accessed 5 November 2018.

The Place Brand Observer, 'Economic Development' <<https://placebrandobserver.com/category/economic-development>> accessed 5 November 2018.

Tourism Indonesia, 'Protest over Malaysia's Claim over Old Balinese Pendet Dance' (Aug. 2009) <www.tourismindonesia.com/2009/08/protest-over-malaysia-claims-over-old.html?m=1> accessed 13 November 2018.

Yang F, *Faked in China: Nation Branding, Counterfeit Culture, and Globalisation* (Indiana University Press 2015).

Zografos D, 'The Legal Protection of Traditional Cultural Expressions: The Tunisian Example' (Mar. 2004) 7 *J. of World Intell. Prop.*