

Innovation and Entrepreneurship in Southeast Asia: The Role of Geographical Indications

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Abstract: The Southeast Asian economies have been highly proactive in developing Geographical Indicators (GIs) within their jurisdictions. For instance, Thailand developed its “One Tambon One Product” (OTOP) project to support community co-operatives in *tambons* (sub-districts) and villages throughout Thailand. The aim was to increase village incomes and preserve local wisdom. This followed Japan’s One Village One Product (OVOP) program. This was followed by its “One Province, One GI” to encourage each of its 76 provinces and Bangkok to develop at least one GI product. The aim was to increase village incomes and preserve local wisdom. Subsequently, the Lao People’s Democratic Republic (PDR) established its One District One Product (ODOP) program. In addition, local communities throughout most of the eleven Southeast Asian Nations, often with the support of external development agencies, have protected their products using GIs or Trademark legislation. The number of domestic GIs registered within the eleven Southeast Asian nations as of April 2024 was Cambodia with seven, Indonesia with 127, Lao PDR with six, Malaysia with 79, Thailand with 194, and Vietnam with 94. These cover both agricultural and non-agricultural products, with the majority in each jurisdiction being the agricultural sector. This paper outlines the legislative framework of GI protection of products from the above jurisdictions and how the legislation has provided a framework for local entrepreneurs and communities to develop and protect local products, thus improving the quality of life of those local communities, whether as producers or providers of labour. Cambodia and Lao PDR have also followed a different path to registering GIs as they are parties to the World Intellectual Property Organisation’s Geneva Act, which provides a one-stop shop for registering GIs. Products protected by the relevant legislation include agricultural products, products derived from agricultural products, cooked food, handicrafts, and woven cloth, including associated designs and pottery methods and designs. Three examples are provided in detail: Kampot Pepper – Producers return to ancestral lands after 40 years of civil war and unrest; Bolaven Coffee – International development agencies support small landholders to form a co-operative to support the development of their community; and Mak Mao Berry Juice – One man’s 30-year passion to commercialise a local product.

Keywords: Community development, Geographical indications, innovation, Legislation, Traditional knowledge

1. Introduction

This paper focuses on implementing and promoting Geographical Indications (GIs) in Southeast Asia. Initially, it provides a strategic overview of the approach of the ten nations to adopting and promoting GIs. This is followed by an analysis of the types of products registered in each jurisdiction. As will be seen this also includes handicrafts. Three examples of successful commercialisation of GI products are provided.

One of the key innovation initiatives of the ten-member Association of Southeast Nations (ASEAN) has been the promotion of GIs to foster community development. For instance, Thailand’s “One Tambon One Product” (OTOP) project, launched in 2001, to support community co-operatives in *tambons* (sub-districts) and villages throughout Thailand. The aim was to increase village incomes and preserve local wisdom. The inspiration was Japan’s One Village One Product (OVOP) program (Food and Agriculture Organization, 2023). Subsequently, the Lao PDR established its One District One Product (ODOP) program (Khaosan Pathet Lao, 2014). Thailand followed up its OTOPT program with its “One Province, One Geographical Indication” program to encourage each of its 76 provinces and Bangkok to develop at least one GI product (Department of Intellectual Property, 2013). With the registration of the “Ekkarat Drum” or “Klong Ekkarat” of An Thong province, on 22 June 2021, its goal was achieved (Nishimura & Asahi, 2021).

According to the World Trade Organisation (WTO), of which all ten members of ASEAN are members, geographical indications are “indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristics of the good is essentially attributable to its geographical origin” (*TRIPS Agreement (as amended)*, art 22(1)). Member states are required to provide legal means for interested parties to prevent use of a designation or presentation of a good that “misleads the public as to the geographical origin of the good” (art 22(2)(a)).

The World Intellectual Property Organization (WIPO) has identified three primary modalities for the protection of GIs (World Intellectual Property Organization, 2024):

- *sui generis* systems which are established [by a country] to “apply specifically and exclusively to GIs”;
- “collective marks and certification marks”;
- “modalities focusing on business practices (such as laws relating to the repression of unfair competition or consumer protection)”.

Most ASEAN economies use the *sui generis* system approach for registering domestic and foreign GIs. This may entail GI-specific legislation or specific requirements within broader intellectual property (IP) protection legislation. In addition, Cambodia and Lao PDR are parties to the *Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications*, which allows for registration of GIs in its International Register, which allows for registration in the territory of the other parties to the *Geneva Act* provided it complies with the requirements of the foreign party (art 6). Countries not party to the *Geneva Act* must register their products in each of the desired foreign jurisdictions per the foreign jurisdiction's requirements.

Currently, Cambodia, Indonesia, Lao PDR, Malaysia, Thailand, Singapore and Vietnam offer protection under a *sui generis* law on GIs, with the law applicable to both agricultural and non-agricultural in all jurisdictions other than Singapore (ASEAN, 2020, p. 2). Singapore specifies the categories of goods it protects in its GI legislation. Brunei Darussalam, Myanmar and the Philippines protect GIs as “collective marks and/or certification marks under their trademark system” (ASEAN, 2020, p. 2). The Geographical Indication Legislation of the ASEAN member states is listed in Table 1.

Table 1: Geographical indication legislation of the ASEAN Member States

Country	Legislation
Brunei Darussalam	Trade Marks Act (rev ed 2000)
Cambodia	Law on Geographical Indications, 2014
Indonesia	Law on Trademarks and Geographical Indications
Lao PDR	Law on Intellectual Property (Amended), 2017
Malaysia	Geographical Indications Act 2002
Myanmar	Trademarks Law 2019
Philippines	Intellectual Property Code
Singapore	Geographical Indications Act
Thailand	Protection of Geographical Indications Act (2003)
	Ministerial Regulation of Geographical Indications (2003)
Vietnam	Law on Intellectual Property 2005
	Law amending the Law on Intellectual Property 2009

Source: The authors

Registration of a Geographical Indication requires the applicant to provide comprehensive information concerning the product. An example is Koerintji Cinnamon from Indonesia, which had been exported and traded internationally by the Dutch since 1895 (ARISE+ Indonesia, 2022). It is claimed that 85% of cinnamon in the global market is from Indonesia, with the most premium quality being Koerintji Cinnamon, which the communities have produced for generations with traditional knowledge on cultivating the product resulting in its unique qualities and taste (ARISE+ Indonesia, 2022). As an example, a summary of the details of its registration is provided in Table 2.

Table 2: Summary of registration details of Koerintji Cinnamon

Property	Description
Product	Koerintji Cinnamon is produced from the variety of <i>Cinnamomum burmannii</i> grown and cultivated by the local Kerinci community in the southern part of Sumatra, Indonesia.
Certificate Number	ID G 000 000 043

Property	Description
Geographical Coverage & Origin	Kabupaten Kerinci is located on a plateau area surrounded by hills and is connected to the Bukit Barisan mountain range. Koerintji Cinnamon trees grow on hills across 12 districts (named in the registration).
Official GI Lodger & Community	“The Masyarakat Perlindungan Indikasi Geografis Kayumanis Koerintji Jambi (MPIG-K2J) is the official GI lodger of Koerintji Cinnamon and represents farmers’ groups and local co-operatives, consisting of artisans, collectors, individual farmers, members of co-operatives and traders” (ARISE+ Indonesia, 2022).
Unique Physical Specifications – Dried Hard Barks	Quality grades are classified as follows: <ul style="list-style-type: none"> • KM (thickness >5mm, age: 30 years and above) • KF (thickness 3-5mm, 20-30 years) • KS (thickness 2-3mm, 10-20 years) • KA (thickness 1-2mm, 6 years) • The more mature the tree, the higher the price.
Unique Physical Specifications – Cinnamon Sticks	Sticks or quills are obtained from 8-10-year-old bark of Koerintji Cinnamon. The bark is sun-dried for up to 4 days and then air-dried at room temperature of 26°C. After the drying process is completed, bark is cut into specific lengths and/or ground into coarse or fine powder. Koerintji Cinnamon sticks or quills have a thickness between 1mm and 3mm and of 8-10 years of age, grouped into two grades: <ul style="list-style-type: none"> • VAA has a double roll at each end and a diameter of 6-10 mm • VA has a single roll at each end and a diameter of 10-15 mm
Protected Name & Reputation	Koerintji Cinnamon / Kayumanis Koerintji
Correct Labelling	“The protected name of “Koerintji Cinnamon” can only be strictly used for the authentic and pure composition of 100% Koerintji Cinnamon – cinnamon sourced, grown and produced exclusively in the geographical coverage and origin defined in the GI Book of Specification. Mixed cinnamon cannot be sold using this name. However, the name of Koerintji Cinnamon may appear on the ingredient list as part of recipes or mixtures whereby the percentage/content of Koerintji Cinnamon must be clearly stated on the labelling” (ARISE+ Indonesia, 2022).
Traceability & Origin	Product packaging containing the composition of authentic 100% Koerintji Cinnamon must, by law, include in the labelling: <ul style="list-style-type: none"> • Official Indonesian GI logo • Registered GI product logo • Correct GI name: Koerintji Cinnamon / Kayumanis Koerintji • GI Code of Origin: Product traceability or lot code with prior approval from MPIG-K2J

Source: ARISE+ Indonesia (2022) with editing by the authors.

The Geneva-based Organization for an International Geographical Indications Network (oriGIn) (2024) has identified what it considers to be the “benefits for producers and consumers”:

- Protection of geographical names shows that GIs “can create wealth and add value in developing countries”;
- GIs generally are based on minimum innovation, and developing countries have a rich history of traditional knowledge; they are well-placed to transfer such knowledge into marketable products with possible international market reach;
- Poor countries have a competitive labour advantage, particularly in agriculture and handicrafts;
- There can be spillover benefits to the economy;
- A GI can only be produced in its designated area, which provides its specific characteristics, restricting the ability of big corporations to exploit the GI holders;
- A GI provides “collective” rather than “individual” rights, meaning both the community and small producers can benefit;
- A collective approach generates economies of scale for small producers and
- “GIs are a light monopoly” in that it is a monopoly over a geographical name and not an exclusive right over a product.

2. Geographical Indications within Southeast Asia

2.1 Domestic GI Registrations

Unfortunately, details of the number of GIs in each jurisdiction depend on when the GI data is posted online. For instance, the ASEAN GI database is only updated periodically. To ensure that the data are as complete as

possible, the data source with the most domestic registrations for a particular country was used, as shown in Table 3 below. Data for registration of foreign products has been excluded.

As will be seen, 509 domestic GIs have been registered. As Brunei Darussalam and Singapore are very small nations, it is unsurprising that there are no registered domestic GIs. On the other hand, Singapore has registered a significant number of foreign GIs. Whilst Myanmar has the requisite legislation, the current political situation, which, to all intents and purposes, amounts to civil war, precludes any meaningful development.

Fresh fruit and vegetables are by far the most popular GIs. Even within one country, a generic fruit type, such as mangoes, may be granted a number of registrations as each particular geographical area produces a fruit with different identifiable characteristics. This means that the registration process must be rigorous, and the local growers' committee must be diligent in certifying the products in its area.

Thailand has the highest number of rice and sago registrations, with Indonesia having the highest number of coffee registrations by far. Surprisingly, Indonesia, once called the "Spice Islands", is only just ahead of Vietnam for the number of spice and salt registrations.

It is important to note that GI registrations are not restricted to agricultural products, as they also include a significant number of fabric and handicraft registrations. Such products have particular traditional regional designs and use traditional processes.

Table 3: Domestic Geographical Indications registered in the ASEAN Members States

Member	Total Domestic GIs	Fruit & Vegetables	Rice & Sago	Coffee	Tea	Wine & Spirits	Juice & Honey	Spices & Salt	Cacao	Seafood	Processed Food & Meat	Palm & Rice Sugar	Fabrics	Handicrafts	Gems & Pearls	Tobacco	Miscellaneous
Brunei Darussalam	-	-															
Cambodia ¹	7	1				1	2			1	1	1					
Indonesia ²	127	17	8	49	1		1	15	1	3	1	3	15	6	1	3	3
Lao PDR ¹	6	-	1	1	2								2				
Malaysia ¹	79	16	2	1	2	2	1	5	1	14	11		7	16			1
Myanmar	-	-															
Philippines ¹	2	1											1				
Singapore	-	-															
Thailand ³	194	103	20	8	1	2	1	6		10	8	1	15	15	2		2
Vietnam ¹	94	38	10	3	3		2	13		8	7	1	1	4		2	2
Total	509	176	41	62	9	4	6	41	2	36	28	6	41	41	3	5	8

Source: ¹Organization for an International Geographical Indications Network (2024); ² Directorate General of Intellectual Property (2024); ³Department of Intellectual Property (2023). Compilation and grouping of GIs by the authors.

2.2 Examples of GI Products

This section details three GI products to show the different motivations behind the development of an industry and the registration of a GI.

2.2.1 Kampot Pepper – producers return to ancestral lands after 40 years of civil war and unrest

Cambodia recorded Kampot Pepper as the first GI registered via the Geneva Act of the Lisbon System of the World Intellectual Property Organization (WIPO, 2021). Pepper production in Cambodia commenced as early as

the 13th Century. Following the conflict in Indonesia between the Sultan of Aceh and the Dutch Army in 1873-1874, some production moved to Kampot (Kampot Pepper Promotion Association (KPPA), 2024). With the French colonialists arriving at the end of the 19th Century, production increased to 8,000 tonnes yearly. Then it stabilised at around 3,000 tonnes per year. It was considered to be of exceptional quality, particularly by the Chefs of France (KPPA, 2024).

From 1975, with the arrival of the Khmer Rouge and the subsequent civil war, production ceased, and the poles of pepper essentially disappeared. At the end of the 20th Century, families returned to their ancestral lands and commenced pepper production (KPPA, 2024). Kampot Pepper is grown exclusively in the provinces of Kampot and Kep and was registered domestically in 2010. The pepper's growing requirements and physical and organoleptic characteristics are detailed in ARISE+ (2019, pp. 39-45). Figure 1 shows the poles of Kampot pepper.



Figure 1: Poles of pepper plants at E Che Ngov Heng Food Production Company in Ta Ang Village, Kampot City

The Department of Intellectual Property considered that the impact of registration was significant (WIPO, 2021). The average farm-gate price rose from USD 7.50/kg in the year before domestic registration to USD 22.70/kg ten years after registration. For 2019, 2020 and 2021, the production of the members of the KPPA has been around 100 tonnes per annum (KPPA, 2024).

A study highlighting the role of contract farming and the role of the Kampot Pepper Agricultural Co-operative and the Kampot Pepper Promotion Association is described in detail in Thorng & Chao (2016).

2.2.2 Bolaven Coffee – International development agencies support small landholders to form a co-operative to support the development of their community

The Bolaven Plateau is a fertile rolling upland in southern Laos (Encyclopaedia Britannica, 2011). It is a significant basaltic lava intrusion at an average elevation of 1,000 metres. It is in the path of the June-to-November southwest monsoon, resulting in an average rainfall of 4,000 mm. The conditions are favourable to the production of high-quality coffee beans. Figure 2 shows a small coffee roasting oven on one of the plantations.



Figure 2: Coffee roasting oven at village on Bolaven Plateau west of Paksong

There is a mix of smallholders and commercial operations. The major co-operative consists of 1,855 smallholder families whose plantations had an average size of 3 hectares (Bolaven Plateau Coffee Producers Co-operative, 2016). The co-operative (CPC) is involved with all stages of the supply chain, from planting to the marketing of Bolaven Coffee. The objectives of the co-operative are to represent the coffee producers at both domestic and international levels for all coffee-related activities, provide technical assistance, and support all aspects of marketing and promotion (CPC 2024).

CPC is also very active on Facebook, with regular posts in Lao and English (Bolaven Plateau Coffee Producers Co-operative, 2024b).

2.2.3 Mak Mao Berry Juice – One man's 30-year passion to commercialise a local product

Mr Khanop Wannawong is of tribal heritage and lives in the Phu Phan hills of Sakon Nakhon Province in northeastern Thailand. He has spent over 30 years developing the cultivation of Mak Mao berries. His garden has around 31 different cultivars of Mak Mao berry trees with a Sakon Nakhon variant that has earned a GI mark (Mishra, 2023).



Figure 3: Dry pressing Mak Mao berries to produce Mak Mao juice

Sakon Nakhon is an undulating and wavy plain around 172 m above sea level. The Phu Pan ridge in the south and west of the province forms the great basin landscape. The province has three seasons: summer, rainy, and winter. Summer is very hot, and the annual average rainfall across the province is around 1,700 mm. With the climate and the nourishing soil, the wild berry Mak Mao Berry grows (from Sakon Nakhon Mak Mao Club banner at Wannawong orchard).

The Geographical Indication is defined by the Thai Department of Intellectual Property (Thai IP) as follows:

“Sakon Nakhon Mak Mao Berry Juice is a sweet and sour with a bitter taste of astringent juice. It is produced from large-size Mak Mao Luang fruit by passing it through a [cold] pressing process to separate the Mak Mao juice from the pulp. Ready-to-drink Mak Ma Berry Juice and Concentrated Mak Mao Berry Juice are produced by selecting only fresh and perfect fruit. Its manufacturing place is Sakon Nakhon province” (from the Thai IP banner at Wannawong orchard).

The number of producers has always been small; now, only four produce GI-certified Mak Mao Juice. Wine is also produced but does not have a GI mark.

Production is very labour-intensive, so the quantity of juice produced is relatively small.

Many studies have been undertaken on the benefits of drinking Mak Mao juice (e.g. Jorjong, Butkhup, & Samappito, 2015).

2.3 The Power of GI Products in Regional Development

Obtaining GI registration is just the beginning. For instance, the Department of Intellectual Property of Thailand has identified the following benefits from registration of a community product as a GI:

- Protection – the name of the product becomes the exclusive right of the registering community;
- Confidence building – consumers have enhanced confidence in the source and quality of the product;
- Move to the international level – the Department supports the applicant to register internationally;
- Added value – the GI registration serves as a marketing tool, and the selling price should increase;
- Maintenance – the standard of the product and the associated local wisdom is preserved;
- Support – the GI supports sustainable community tourism; and
- Strength – the GI helps unite the local inhabitants and develop the community (Department of Intellectual Property, 2016).

In September 2021, the Thai Deputy Commerce Minister identified three prominent roles of the Department of Intellectual Policy going forward:

- Promotion and protection of GIs, including advice on identifying GIs and consulting the registration process in Thailand and abroad;
- Promote and support the development of product quality control systems; and
- Support the development of images and package design for GI products and improve sales channels (Department of Intellectual Property, 2021, p. 3)

As a result, one of Thailand’s major supermarket groups undertook the promotion of GI products in its supermarkets and encouraged its local sourcing teams to source GI products in the regions (Department of Intellectual Property, 2021, p. 8).

Similar support has been provided in other ASEAN jurisdictions by organisations such as Agence Française de Développement (2024), ARISE+ Indonesia (2024) Centre de Coopération Internationale en Recherche Agronomique pour le Développement (CIRAD), FAO, the European Union (FAO, 2020), and Groupe de Recherches et d'Echanges Technologiques (GRET, 2024).

Wongburanavart (2023, p. 68) concluded that Thailand’s conventional IP regimes, especially GIs and plant variety rights, are compatible with protecting traditional knowledge as they “can grant indigenous and Local communities the right to control the use and ensure that the benefits are returned to the local community”. Nonetheless, there are still some limitations and loopholes that also lead to misappropriations of traditional knowledge, and therefore, the development of a specific *sui generis* system to protect traditional knowledge should be considered.

3. Discussion

Geographical Indications have been seen as an effective community development tool in most ASEAN economies. A feature that differentiates the ASEAN and European approaches is the ability to register non-food items such as handicrafts and fabrics. The main criterion is that the product has properties that are unique to an identified geographical area, however defined. The registration of a GI protects a community’s traditional knowledge as the GI is registered in the name of the community and not in the name of any individual.

The three examples discussed above were chosen to show three different approaches to the development of GI registration.

Kampot pepper had been a sought-after product for decades prior to the murderous Pol Pot regime taking control. The Kampot and Kep Provinces on the Gulf of Thailand remained Khmer Rouge strongholds long after the fall of the regime in most of the country. When the civil unrest ended, the traditional owners returned to redevelop the industry. Certainly, they needed assistance in the process. This enabled them to re-enter the international market and obtain local GI registration, followed by becoming the first GI registered under the Geneva Act of World Intellectual Property's Lisbon System (WIPO, 2021) to which the European Union is a party (WIPO, 2023). In 2023 Cambodia exported 103 tonnes of Kampot pepper, with "some 85 percent of the pepper shipped to Europe and the remaining 15 percent sold to other countries, including the US, Canada, China, Japan, and South Korea" (Chea Vanyuth, 2024).

In Laos, the development of the Bolaven Coffee industry was to improve the quality of life of local communities by facilitating sustainable agriculture. While the example focused on the Bolaven Plateau Coffee Producers Co-operative, this was not the only modality. Private producers were also buying up and developing extensive coffee plantations. The Food and Agriculture Organization supported the Lao government in setting up the legal framework for its GI system (Food and Agricultural Organization, 2021). In addition, Paksong Tea, Komaen Tea, Houaphanh Silk, and Luang Prabang Silk were selected for the initial set of GI registrations. In addition, Bolaven Coffee was added to the list. "Interprofessional Associations (IPAs) were formed with value chain actors for managing these products and books of specifications were developed for each GI product, detailing their unique characteristics, inputs, geographical scope and production methods" (Food and Agricultural Organization, 2021). The Bolaven Plateau Coffee Producers Co-operative, a key organisation in developing the local communities, is supported by the Lao Government, Asian Development Bank, and Agence Française de Développement. Fair Trade is a crucial partner (CPC 2024a).

In the third case the initiative remained with individual innovation and entrepreneurship of local individuals. Nevertheless, they required assistance with development and marketing activities. Marketing is supported by the involvement of local supermarkets.

Southeast Asian governments are committed to the concept of GIs to develop rural communities. Some are more able than others to commit to developing GIs and their ongoing support in the local communities. Others are dependent on external sources. In either case, the impact on the livelihoods of local communities can be very significant. Governments must also identify which GI products should be registered internationally to protect traditional knowledge and highlight their nation's products.

4. Recommendations and Conclusions

GIs can be an effective tool in promoting community development. It must be grounded in a robust intellectual property protection regime. Preferably this should be standalone sui generis GI legislation or specific GI requirements within omnibus intellectual property protection legislation. Trademark protection legislation does not have the same protections as specific GI legislation. The legislation should not be developed solely to protect wine but rather allow for the protection of farm produce, food and handicrafts, and any other products that can be defined by their "terroir" (unique habitat).

The first step is to obtain a "sponsor" such as the government, an international development agency or an active local promoter. This will enable identifying and promoting a GI in a systematic and sustainable model.

For agricultural products, the process should start with gathering information from key stakeholders using household surveys, focus group discussions, key informant surveys, and market and literature surveys to gather together all available traditional and scientific knowledge (Joshi & Gauchin, 2020, p.36). A field and laboratory evaluations should follow this to identify the potential genetic GI resources and their geographical boundaries.

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