

Geographical Indication Protection on Local Product: Kotagede Silver

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ABSTRACT

Kotagede Silver is a handicraft product that has a long history regarding the production process and its characteristics. After the monetary crisis that hit Indonesia in 1997, Kotagede Silver experienced quite serious problems related to its raw materials and marketing. Moreover, the younger generation nowadays no longer have their interest in continuing the business of the silver handicraft industry. Therefore, Kotagede silver industry is under the threat of extinction. This study will analyze production systems, distribution systems, and markets for Kotagede Silver products to determine the feasibility of Kotagede Silver to be registered as Geographical Indication.

Keywords: *Geographical Indications, protection, Intellectual Property, local product, silver*

1. INTRODUCTION

Since the enactment of Government Regulation Number 51 of 2007 concerning Geographical Indications, Indonesia Government has rapidly registered its products under Geographical Indications. Starting from Kopi Kintamani Bali (2008) up until 2019, there have been around 80 products registered as Geographical Indications in Indonesia. Geographical Indication is one of the Intellectual Property Rights in Indonesia, which regulated in Law Number 20 of 2016 concerning Trademarks and Geographical Indications (Trademark and GI Law). Article 1 Clause 6 of Trademark and GI Law give definition related to Geographical Indication. Geographical Indication is any indication which identifies goods and/or a product as originating from a particular region of which its geographical environment factors including nature, labour, or combination of both factors are attributable to a given reputation, quality, and characteristics of the produced goods and/or product. Champagne, Tequila, Muntok White Pepper, are some products that have both national and international reputation protected by Geographical Indications. Indonesia, as a mega biodiversity country both in terms of culture and biodiversity, has a concern in protecting Geographical Indications of its products. A case

related to trademark registration by KEY COFFEE. Co, a Japanese company that profited the name of Toraja Coffee

as its product, has happened in Indonesia, and ironically, the registration was granted by the Directorate General of Intellectual Property Rights with registration number 75884722 [1]. The registration of name Toraja in Japan prevents Indonesian coffee exporters from entering the market for coffee products of Japan using the name of Toraja[2]

2. METHODOLOGY

This research will focus on the production system, the distribution system and market of Kotagede Silver as well as examining the feasibility of Kotagede Silver to be registered as Geographical Indications. The types of data used in this research are primary data sourced from resource person interview and supported secondary data sourced from primary legal materials in the form of regulations related to Trademark and GI as well as secondary legal material in the form of research results, textbooks, scientific journals, and internet relevant to this study.

Data collection techniques used are field and literature studies. Data obtained will be analyzed qualitatively then presented descriptively.

3. DISCUSSION

A. *History of Silver Craft in Kotagede*

The history of Kotagede silver emerged together with the history of the Kingdom of Islamic Mataram in XVII

century. It is said that during the reign of Panembahan Senopati, the courtiers were ordered to make gold and silver jewellery for the palace's needs. The tradition of making jewellery in the form of gold and other metals carvings continued until the reign of Sultan Hamengkubuwono VIII. He had a great interest in metal engraving, so he ordered the courtiers to continue and develop the art of metal crafts. The silver industry began to develop and became known to the world when Kotagede interacted with Dutch traders. It is said that Dutch traders ordered goods for European household made of silver, such as spoons, forks, enthong (rice ladle), pans, plates, cups and jugs. In the next development, Kotagede silver experienced a golden period between 1930-1940s, with the establishment of some companies. It is the interaction between the company and the country abroad that brings change to the silver industry in Kotagede. Various new motifs and designs were then created. Even the quality of the silver handicrafts was improved according to market needs. Culturally, in Kotagede, silver handicrafts are not just an inanimate object as a raw material for making crafts, but also a symbol that drives a life that is full of dynamics and the certainty of change. As the era changed, the silver craftsmen no longer worked based on orders from the palace. However, they began to work freely, even creating their own with forms that tend to be popular, contemporary and adapted to the development of time and silver consumers. However, the silver characteristics of Kotagede in the past have been preserved, including its distinctive and traditional forms which usually patterned with plants, motifs of leaves and lotus flowers.

B. A Specificity Based on Motifs and Types of Product

The motives of the Kotagede silver decoration are divided into three stages. The first stage is traditional motifs influenced by Hindu and Buddhist motifs. This motif is closely related to the reliefs contained in Hindu and Buddhist temples. The second stage, which appeared in the early 20th century was a combination of traditional motifs with Western styles. Today, the motives of silver crafts in Kotagede are more varied, not merely to one particular motif. Motifs and decorative patterns found in Kotagede silver have characteristics in the form of ornamental flowers, lungs or tendrils, foliage, and motifs inspired from nature. Kotagede silver motifs in the 1930s are included lotus flower motifs, tendrils with leaves, lotus ponds, dew, peacock flower bouquets, twin peacocks and dragons. Ornamental motifs developed in the 1930s because they were adapted to markets in Europe so that the motifs of silver crafts today could be considered as a blend of Eastern and Western-style. For consumer needs, there are at least four types of product, i.e. filigree (hollow texture), carving (protruding texture), casting (made from mould), and handmade types (need precision skill, such as rings and necklaces). In general, the results of silver handicrafts in Kotagede are divided into 4 types, i.e. various jewellery (necklaces, bracelets, rings and earrings), miniatures such as ships, temples, decorations or wall hangings and various other crafts [5]. carving technique is considered as product specialty because this unique technique is not found in other

silver-producing areas such as in Gunungkidul, Yogyakarta or Celuk, Gianyar, Bali [6].

C. Delimitation Area and Techniques of Production

As stipulated in Article 6 Clause 3 (e) of Government Regulation Number 51 Year 2007 concerning the Geographical Indication, there are requirements regarding the terms and procedures for Geographical Indication Application, in which, the description of delimitation of the production areas of Geographical Indications products. In Kotagede Silver, the Silver Kotagede production area in the kingdom era was around the Mataram palace. At present, the Kotagede Silver production area is divided administratively into three regions, i.e., Kelurahan Purbayan and Prenggan which included in the Kotagede Subdistrict, Yogyakarta City, and Kelurahan Jagalan which included in the Banguntapan Subdistrict, Bantul Regency (Figure 1)

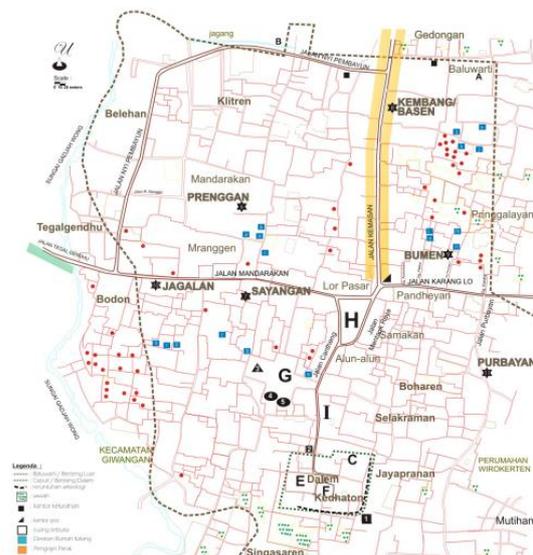


Figure 1 : Localisation of Silver Production in Kotagede (source : chc.ft.um.ac.id)

In general, the techniques of making silver handicrafts are the same throughout Kotagede; by melting silver raw materials in kowi (small bowls of clay) using heaters (Figure 2). The next stage will be vary depending on the type of product desired. For example, in the ring production, (handmade types), after the raw material is melted, the next step, silver is cooled down. Then put on a tool called Pagon and forged using an iron pestle (Figure 3). After being forged, silver will be put into a tool called Blendes to be flattened. After the silver becomes flattened, then formed into a circle by using Sungon while being beaten with a pestle made from ox horns. The pestle material from ox horn is used because it does not damage the texture and shape of silver in the process. When it has formed a circle, the silver will be welded by adding a small piece of silver to the part of the ring that has not closed completely (brazing technique). It does not stop there. After it is formed

into a ring, the craftsman will use Kikiran to make the brazed part neat. Finally, the ring that has been made according to the desired shape (for example, bellyband ring, jewel ring), will be put into soafel liquid, silver cleaning liquid so that the burn marks and the blackened part because of brazing step become white and clean.



Fig. 2 : Silver Raw Material in a Kowi Fig. 3 : Pagon and Iron Pestle

Different techniques are used in the process of silver carvings. Craftsmen, firstly, prepare a pattern that will be carved on silver or the item they want to be carved. Sometimes, there are buyers who prepare their own carved items (eg glasses frames, bracelets, rings). The pattern image is then placed on silver or copper sheets or ordered items on the pedestal made of heated-then frozen asphalt called jabung, the silver then will be carved. Other tools used for carving are spike, hammers, and jabung (Figure 4). The result, can be seen in the Figure 5.



Fig. 4 : spike, hammers, and jabung Fig. 5 : A carved bracelet

D. A Diversity of Craftsmen and Its Distribution System

In Kotagede, silver artisans diversity depends on organisational, dependency, and economic criteria. The artisans typology is based on the following matters:

1. Participation in Producers Organisation (PO Involvement-Uninvolvement)
2. Attachment level to the Seller (own a showroom-work for seller)
3. Marketing Types (local, export)

The division of these craftsmen determines the distribution / marketing system on the product. Typology of these craftsmen can be seen in Figure 6 below :

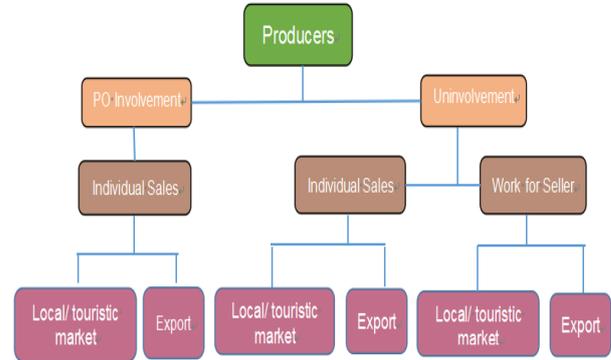


Figure 6. Division tree of Craftsmen Diversity in Kotagede (source : Putranti)

There are some Producer Organisations participated by producers. Those are Asosiasi Komoditi Pengrajin Perak which located in Basen, Purbayan and Koperasi Produksi Pengusaha Perak Yogyakarta (KP3Y), located at Jalan Mondorakan, Kotagede. KP3Y is a Cooperative established since 1960, with the aim coordinating the activities of craftsmen in Kotagede. KP3Y also providing assistance by giving tools, training, conducting cooperation in terms of exhibitions or events, and when there are orders from consumers through KP3Y, will distribute orders to its member. Unfortunately, in the last few years, the activities in KP3Y have been a vacuum, especially after the monetary crisis in 1998 and 2006 Earthquake in Yogyakarta, and there is no activity in the cooperative. At present, more KP3Y members choose to buy raw materials or tools themselves and conduct their marketing (results of interviews with KP3Y members).

The other group, Asosiasi Komoditi Pengrajin Perak, was formed in 2006 and was officially established in 2012. The organization founded to prevent unfair competition among fellow craftsmen and maintain the quality of the product and cost production. Activities in this organization, up until now, are still routinely holding meetings every one month to discuss problems that arise among fellow craftsmen. Raw materials purchasing systems done by jointly / collectively and individuals purchase. At present, due to market sluggishness, it members prefer to buy silver raw material individually because the price is more affordable. In addition, this association also provides loan services specifically for raw materials.

Both craftsmen, who is a member of PO or not, have their own markets, both local and international. The craftsmen in conducting local marketing benefit from having loyal customers. Thus, the craftsmen strive always to maintain the quality of their products. Some of the craftsmen use

social media like Facebook to market their products. Some individual craftsmen do marketing by participating in exhibitions such as Inacraft and local exhibitions in Yogyakarta.

E. Feasibility of Kotagede Silver to be Protected as Geographical Indication

In the document compiled by FAO, there are a number of methodologies for identifying potential Geographical Indications regarding their link with a *terroir*. The procedure makes it easier to conduct an assessment of products that have the potential as Geographical Indications related to *terroir* [7]. Based on this procedure, we can describe it as follows:

1. Historical depth and local identity

Kotagede silver has been produced since the 17th century, so it has historical value as well as identity to local residents in Kotagede who work as silver craftsmen. It is a main activity for the craftsmen in Kotagede, up until the monetary crisis hits Indonesia which resulting a dramatical decrease the number of the craftsmen. Today, there are around 300 craftsmen who still survive in this industry. Kotagede Silver Handicraft is a product made based on local know how. This silver making knowledge is their specific characteristic result from the direct expression of this traditional knowledge (TK). According to WIPO, TK "*is a living body of knowledge that is developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity*". Techniques of production are handled and mastered and passed through generations. As a highlight, specific local *know-how* participates in the creation of the link between the product and the territory and precisely between the product and the *terroir*. TK which is by nature a human factor, links itself the product to the *terroir* [8].

2. Specificity

Kotagede Silver Products uses silver with a grade of 925, thus ensuring the quality of silver produced is the best quality. The specificity of Kotagede Silver is based on its Mataram Royal motifs (ornamental flowers, lungs or tendrils, foliage, and motifs inspired from nature...) which is distinctive. In addition, the type of product is different from silver from other regions, namely the silver carving and filigri so that the silver craftsmen in Kotagede benefit from its reputation. Eventhough the silver is used by craftsmen does not come from Kotagede, it is processed by a skilled workforce. Thus, the silver handicraft produced are in accordance with the craft character produced in Kotagede.

4. CONCLUSION

Kotagede was known as a cultural heritage area where the history of the Mataram Kingdom of Yogyakarta was established for the first time in this area. As a proof of glory, the tradition of being a silver craftsman has proven to be maintained although the number of artisans continues to decline. The reputation of Perak products from Kotagede needs to be continuously built and preserved. The distinctive motifs and specific local know-how participate in the creation of the link between the product and the territory and precisely between the product and the *terroir*. Indeed the know-how influences the quality and participates in the construction of common quality standards. GI, as one of the tools for marketing, is expected to be a solution to the problems currently faced by silver artisans in Kotagede. Despite a lack of coordination between artisans, Kotagede Silver is still feasible to be protected under GI. .

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REFERENCES

- [1] S. Septiono, "Mengenal Indikasi Geografis: Perlindungan Indikasi Geografis dan Potensi Indikasi Geografis di Indonesia," *Direktorat Jenderal Hak Kekayaan Intelektual*, 2009. [Online]. Available: www.dgip.go.id.
- [2] A. Koentjoro, "Perlindungan Indikasi Geografis Aset Nasional dari Pendaftaran oleh Negara Lain," 2012. [Online]. Available: www.hukumonline.com.
- [3] A. N. Sommeng and A. Damarsasongko, *Indikasi Geografis Sebuah Pengantar*. Jakarta: DJHKI, 2008.
- [4] M. R. Ayu, *Memperbincangkan Hak kekayaan Intelektual Indikasi Geografis*. Bandung: PT.Alumni, 2006.
- [5] Balai Pelestarian Nilai Budaya Yogyakarta & Pusat Studi Kebudayaan Universitas Gadjah Mada, *Inventarisasi Perlindungan Karya Budaya : Ukir Perak Kotagede*. Yogyakarta, 2012.
- [6] DJKI, "Berita Resmi Indikasi Geografis Seri-A No. 08/IG/VII/A/2018," 2018. .
- [7] B. D and Vandecandelaere, "Identification of origin-linked products and their potential for development. A

methodology for participatory inventories,” *FAO, Quality and Origin program*, 2012. [Online]. Available: www.fao.org.

[8] A. Bresson, . “Geographical Indications and territorial development : an analysis of Code of Practices implications, Two case studies in Indonesia, Sikka tenun ikat and Amed salt. Mémoire de fin d’études, diplôme d’ingénieur, Spécialité Systèmes agricoles et agro-alimen,” 2013. [Online]. Available: www.supagro.fr.