



Legal Protection of Intellectual Property Rights for Bangelan Coffee Products in Bangelan Village

Anindya Bidasari^{1*}, Ririen Ambarsari², Darajatun Indra Kusuma Wijaya³, Fahmi Arif Zakaria⁴, Christian Ade Wijaya⁵

¹⁻⁵ Faculty of Law, Universitas PGRI Kanjuruhan Malang, Malang, Indonesia
anindya@unikama.ac.id*

ABSTRACT. As an area that has a lot of natural tourism potential, Bangelan Village which is located at Malang Regency is also famous for its Bangelan coffee plantations, as a relic of the Japanese colonial era, as well as processed coffee which has a distinctive taste. However, based on the not yet optimal public understanding of the importance of protecting intellectual property rights for homemade coffee products, as well as the not yet optimal marketing of these processed coffee products, the team provided several solutions, including: 1) Assisting in making the logo design for Bangelan Coffee products which have their own characteristics; 2) Assist with the registration of intellectual property rights up to the issuance of the certificates; 3) Assisting in the management of the issuance of Business Permits for business actors; and 4) Assisting in the issuance of PIRT, so that coffee products can be marketed optimally, in the Bangelan village environment to marketplaces throughout Indonesia, both of-line and online.

Keywords: Legal Protection, Coffee, Intellectual Property Rights

1 Introduction

A tourist village can be understood as a cohesive amalgamation of attractions, lodging options, and auxiliary amenities, all organized within a framework that aligns with the established practices and customs of the local community. According to Joshi (year), village tourism, also known as rural tourism, encompasses the entirety of the rural experience, including natural attractions, traditions, and unique elements that have the potential to appeal to tourists (Antara, 2015).

A hamlet has the potential to transform into a tourist village provided that it satisfies the following set of criteria: Tourist attractions encompass a wide range of elements, including natural landscapes, cultural sites, and human-made structures. 2) Mileage refers to the distance covered from tourist destinations, particularly those frequented by tourists and the distance traveled from the province and district capitals. 3) The dimensions of a village, encompassing its population, distinctive attributes, and geographical expanse. This criterion pertains to the assessment of tourism's carrying capacity inside a hamlet. 4) The system of belief and society, is a significant factor considering that there are certain regulations in the community of a village,

© The Author(s) 2023

M. Umiyati et al. (eds.), *Proceedings of the International Conference on "Changing of Law: Business Law, Local Wisdom and Tourism Industry" (ICCLB 2023)*, Advances in Social Science, Education and Humanities Research 804,

https://doi.org/10.2991/978-2-38476-180-7_23

what needs to be regarded is the religion that is the majority and the existing social system, and One crucial factor to consider is the accessibility and adequacy of infrastructure, encompassing transportation facilities and services, electrical provisions, telephone networks, and related amenities.

The recent movement in tourists' preferences towards unspoiled natural tourism, particularly in tourism villages, aligns positively with the tourism village policy. Throughout its evolution, numerous villages have achieved success in the establishment of tourism villages and the implementation of strategies to attain self-sufficiency within their communities.

Bangelan Village, located in the Wonosari District of Malang Regency, is recognized as a prominent tourist destination in East Java province. This village comprises four hamlets, namely Arjomulyo Hamlet, Sidomulyo Hamlet, Kampung Baru Hamlet, and Bangelan Hamlet. It possesses various potentials, including natural resources, human resources, institutions, facilities and infrastructure, as well as agricultural resources encompassing the agricultural, plantation, and home industry sectors. Bangelan Village is renowned for its coffee plantation excursions, which offer visitors an opportunity to see a significant relic from the Japanese colonial era. Additionally, the village is recognized for its production of processed coffee, characterized by its distinct and unique flavor profile. However, based on the not yet optimal public understanding of the importance of protecting intellectual property rights for homemade coffee products, as well as the not yet optimal marketing of these processed coffee products, the team feels the need to provide several solutions.

2 Method

The implementation method based on the problems faced by Bangelan Village is described in Table 1 as follows: Table 1. Activity Implementation Method based on Partner Problem Analysis Problems SolutionMethod:

- a. The public understanding of the importance of protecting intellectual property rights for home industry products not yet optimal Providing socialization regarding the importance of protecting intellectual property rights for home industry products a) The team conducts socialization on the importance of protecting intellectual property rights for home industry products
- b) The team assists with the registration of intellectual property rights up to the issuance of the intellectual property rights certificate;
- c) The marketing of Bangelan Coffee products is not yet optimal Give assistance in optimizing product marketing c) The team helped make the logo design for Bangelan coffee products
- d) The team assists with the management of Business Permits up to the issuance of PIRT for Bangelan Coffee products with the aim that coffee products can be marketed in all markets in Indonesia both offline and online (digital marketing).

3 Results and Discussion

According to Subagyo's perspective, rural tourism or tourist villages can be regarded as a type of tourism that encompasses the unique aspects of village life, including its community, natural surroundings, and cultural landscapes. This form of tourism presents an opportunity to be marketed as a commodity, particularly to foreign tourists, due to its distinctive features. The concept of village life as a tourist destination encompasses both the village as an object and a subject of tourism. In this context, the village serves as the organizer of many tourism activities, with the community directly benefiting from the outcomes. The success of village tourism, also known as tourism villages, is significantly impacted by several factors, including the level of activity, geographical positioning, effective management, and support from the local community. It is crucial that these endeavors align with the desires of the local population and are not unilaterally organized. Seek assistance and backing from the broader local community, rather than relying just on an individual or a specific group. Efforts to facilitate the allocation of corporate resources, enhance the expertise of marketers, and cultivate a distinct brand identity are crucial in response to the preferences of tourists who seek unique and appealing offerings (Antara, 2015).

The involvement of local residents is crucial in the advancement of tourist villages, since their resources, distinctive traditions, and cultural heritage serve as the primary catalysts for tourism-related endeavors inside these villages. Conversely, local communities that coexist and thrive alongside a tourist destination become integral components of an interrelated ecological system. The viability of establishing a tourist village is contingent upon the degree of acceptance and endorsement from the indigenous community (Wearing, 2002). The local community assumes the role of a host and assumes significance as a key participant in the progression of a tourist village throughout all phases, encompassing planning, monitoring, and implementation. The argument presented by Wearing highlights the significance of the local community as a key stakeholder in tourist development, alongside the government and the commercial sector. Community empowerment is a manifestation of development that places human beings at the center, and is strategically designed based on the community's inherent capabilities, challenges, and requirements. Empowerment is a concept aimed at enabling individuals to attain a sense of empowerment and cultivate a spirit of self-reliance (Anwas, 2013).

Like wise with Bangelan Village which also has coffee plantation tours, as a relic of the Japanese colonial era, as well as processed coffee which has a distinctive taste. However, based on the not yet optimal public understanding of the importance of protecting intellectual property rights for home industry coffee products, as well as the not yet optimal marketing of these processed coffee products, the Team has carried out several activities, which are described as follows:


3.1 Problem Solutions




Legal protection serves as a manifestation of the operationalization of the legal function in achieving legal goals, including justice, advantages, and legal certainty


(Kusnadi, 2021). Legal protection refers to the safeguarding of legal entities in line with the principles of the rule of law. It encompasses both preventative and punitive measures, encompassing both codified and non-codified forms, with the aim of upholding legal statutes. Fundamentally, every individual possesses the entitlement to legal safeguard. The vast majority of legal relationships are entitled to legal protection. Consequently, a multitude of legal safeguards exist. To date, the existing criminal legislation has not demonstrated a discernible pattern in terms of safeguarding victims. The current state of victim protection can be characterized as more of a "abstract protection" or "indirect protection". According to Permadi (2016), the existing laws and regulations have effectively offered direct and abstract protection for the legal interests and human rights of victims through their different formulations of criminal crimes.

The team engaged in various problem-solving initiatives, including: a) Raising awareness and promoting the significance of safeguarding the intellectual property rights of original Bangelan products, specifically Bangelan Cof-fee products; b) Contributing to the development of distinctive product logo designs for Kopi Bangelan; c) Assisting in the process of registering intellectual property rights and obtaining corresponding certificates; d) Facilitating the acquisition of Business Permits for entrepreneurs; and e) Supporting the management of PIRT issuance to enable the widespread marketing of coffee products across Indonesia, encompassing both offline and online (digital) platforms.

The troubleshooting efforts are described in the table below:

No	Activity	Information
1.	The team provided information/socialization regarding the importance of protecting the intellectual property rights of original Bangelan products, in this case Bangelan Coffee products;	 <p data-bbox="475 1395 1004 1490">Figure 1. Dissemination of the importance of protecting intellectual property rights for home industry products</p>

<p>2.</p>	<p>The team helps in making product logo designs (in this case Kopi Bangelan) that have their own characteristics</p>	 <p>Figure 2. The Coffee logo designed by the Team</p>
<p>3.</p>	<p>The team helps with the registration of intellectual property rights up to the issuance of the certificate</p>	 <p>Figure 3. Coffee Bangelan Logo Issuance Certificate</p>
<p>4.</p>	<p>The team assists in managing the issuance of Business Permits for business actors</p>	 <p>Figure 4. Business Permit</p>

<p>5.</p>	<p>The team assists with the management of PIRT issuance with the aim that coffee products can be marketed throughout Indonesia, both offline and online (digital marketing).</p>	 <p style="text-align: center;">Figure 5. IRT Certificate</p>
-----------	---	---

3.2 Analysis

This activity is an effort to increase knowledge and understanding of the importance of legal protection of Intellectual Property Rights for Bangelan Village products and to optimize the marketing of Bangelan specialty products (in this case Bangelan Coffee) throughout Indonesia both offline and online, so that this activity is expected to be carried out periodically, systematic and continuous.

The team engages in many activities, which encompass: 1) The distribution of provisions or rules pertaining to intellectual property rights in a broad sense, with a specific focus on brands. According to the World Intellectual Property Organization (WIPO), Intellectual Property Rights can be defined as the legal entitlements that arise from intellectual endeavors in many domains such as industry, science, literature, and art (Santika, 2016). The phrase "Intellectual Property Rights" (IPR) is a literal translation of the concept of intellectual property. Furthermore, it is worth noting that the concept of intellectual property is synonymous with intangible property, creative property, and incorporeal property, as highlighted by Lutviansori (2010). Intellectual property pertains to the safeguarding of the utilization of concepts and knowledge as a legal entitlement, typically possessing economic worth. In the realm of intellectual property, there are both economic rights with commercial significance and moral rights. Both of these rights are exclusive rights originating from intellectual property rights; 2) The objective of this initiative is to promote awareness regarding the significance of trademark registration for processed items manufactured by the residents of Bangelan village as a home business. The aim is to establish recognition not only within the local community of Bangelan Village, but also on a national scale throughout Indonesia.

A mark is a visual representation, such as an image, logo, name, word, letter, number, color arrangement, or a combination of these elements, that is used to differentiate goods and/or services produced by individuals or legal entities engaged in the trade of goods and/or services. This definition is in accordance with the provisions stated in Law Number 20 of 2016 concerning Marks and Geographical Indications. Additionally, a mark can also be presented in two-dimensional or three-dimensional forms, sound, hologram, or a combination of two or more of these elements.

Figure 6. Trademark Registration Procedure



Based on the Regulation of the Minister of Justice of the Republic of Indonesia No. M.01-HC.03.01 of 1987 concerning Copyright Registration, that the application for creation registration is continued to the Minister of Justice of the Republic of Indonesia through the Director General of Intellectual Property Rights by: 1. Filling in the Copyright Registration Form: a. Duplicate 3 (three); b. On double folio paper; c. Written in Indonesian; d. The first sheet is stamped with a stamp of Rp. 6,000 (six thousand rupiah); e. Signed by the applicant or his attorney. 2. Registration form, attached with: a. Examples of works or substitutes thereof; b. Special Power of Attorney; c. Proof of Citizenship of the Author and Copyright Holder or their Proxy; d. Official copy of Legal Entity Establishment Deed; e. Proof of Transfer of Rights; f. Photocopy of Taxpayer Identification Number (NPWP); g. Pay the registration fee. 3. The application file is then processed in the sense of: a. Checked for completeness of administration/formality; b. Examined substantive; c. Examined by the Copyright Evaluation Team; d. Approval is requested from the Director General of Intellectual Property Rights to be registered or rejected; e. Applications that are registered are issued with a letter of registration of creation, while applications that are rejected are made with an application letter along with the reasons. Both the registration letter is registered and the rejection letter is submitted to the applicant; f. Works that have been registered are then recorded in the General Register of Works and announced in the Supplement to the State Gazette (TBN) of the Republic of Indonesia.

3) Creating a logo for Bangelan Coffee home industry products.

Figure 7. Logo for Bangelan Coffee.



A logo is a work of art and cannot be separated from the basic art elements that make it up, such as lines, shapes, colors, space, typography, etc., and a logo must reflect a positive image by maximizing beneficial messages in the form of symbols and images. The team in making the kopi bangelan logo describes several elements, namely:

- a. The elephant/Ganesha symbolizes the university logo as Bangelan Village Partner,
- b. The color Orange represents happiness, enthusiasm, energy and focus
- c. Coffee beans symbolize Bangelan coffee products
- d. The Oval symbol symbolizes a cooperative relationship with partner villages that never ends or is continuous.

4) Registration of the Kopi Bangelan product logo brand until the issuance of the certificate; 5) Arrangement of Business Permits for Bangelan Coffee product entrepreneurs until the issuance of certificates; and

5) Management of PIRT for Bangelan Coffee products until the issuance of certificates so that Bangelan Coffee products can be marketed in markets not only in Bangelan Village but also throughout Indonesia both offline and online.

There are several factors supporting this activity. Supporting factors include: a. There was a positive response from various related parties, starting from obtaining permits to participant responses, so that the program ran smoothly; b. Right on target, because it turns out that people have difficulty understanding the importance of trademark registration.

4 CONCLUSION

Based on the implementation process of the activities, it can be inferred that Bangelan Tourism Village encounters several challenges. These challenges include: 1) The community's limited knowledge and understanding regarding the significance of registering intellectual property rights as a means of legal protection for the original products of Bangelan Village; and 2) The suboptimal marketing strategies employed for Bangelan Coffee products.

The methods employed by the Team encompassed the following: firstly, the dissemination of information pertaining to the significance of safeguarding intellectual property rights, particularly in relation to the homemade products of Bangelan Coffee; secondly, the provision of assistance in the development of a distinctive logo design for Bangelan Coffee products; thirdly, facilitation in the process of registering intellectual property rights, culminating in the acquisition of official certificates; fourthly, support in the management of Business Permits for business operators; and finally, aid in obtaining the necessary PIRT certification to enable the marketing of coffee products in both offline and online markets across Indonesia.

REFERENCE

1. Antara, M., & Arida, S. (2015). Panduan pengelolaan desa wisata berbasis potensi lokal. Konsorium Riset Pariwisata Universitas Udayana, 23.
2. Anwas, O. M. (2013). Pemberdayaan Masyarakat di Era Global. Alfabeta.
3. Janed, R. (2015). Hukum Merek Trademark Law. Jakarta: Kencana Prenadamedia Group.
4. Lutviansori, A. (2010). Hak Cipta dan Perlindungan Folklor di Indonesia: dilengkapi dengan Berne Convention for the Protection of Literary and Artistic Works. Graha Ilmu.
5. Maya Jannah. (2018). Perlindungan Hukum Hak Kekayaan Intelektual (Haki) Dalam Hak Cipta Di Indonesia. Jurnal Ilmiah Advokasi. Diakses pada: <https://jurnal.ulb.ac.id/index.php/advokasi/article/view/250>.
6. Santika, T. (2016). Perlindungan Sumber Daya Genetik Dan Pengetahuan Tradisional Sebagai Perwujudan Kedaulatan Negara Dalam Pembangunan Hukum Kekayaan Intelektual Nasional Pasca Trips (Doctoral dissertation, UNPAS).
7. Kitab Undang-Undang Hukum Perdata
8. Undang-Undang Nomor 20 Tahun 2016 tentang Merek dan Indikasi Geografis
9. Wearing, S., & McDonald, M. (2002). The development of community-based tourism: Re-thinking the relationship between tour operators and development agents as intermediaries in rural and isolated area communities. *Journal of sustainable tourism*, 10(3), 191-206.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits any noncommercial use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

