

RESEARCH ARTICLE

PROTECTING ORIGIN AND CULTURE: GEOGRAPHICAL INDICATORS IN MALAYSIA, INDONESIA AND THAILAND

Khalid, A.H.M^{1*}, Yuhanif Yusof¹, Ahmad Masum² & Mohd Zakhiri Md. Nor³

¹School of Law, Universiti Utara Malaysia, 06010, Sintok, Kedah, Malaysia

²Faculty of Law, Universiti Islam Sultan Sharif Ali, Spg 347, Jalan Pasar Gadong, Universiti Islam Sultan Sharif Ali, Spg 347, BE1310 Negara Brunei Darussalam

³Islamic Business School, Universiti Utara Malaysia, 06010, Sintok, Kedah Malaysia

ABSTRACT - This article interrogates how Geographical Indications (GIs) can function as juridical devices for protecting origin-linked products and sustaining cultural practices in Malaysia, Indonesia, and Thailand. Anchored in a doctrinal-comparative approach, it addresses three research problems: (i) whether existing GI statutes and subsidiary instruments adequately secure the interests of indigenous and local communities; (ii) what structural and institutional asymmetries persist in registration, governance, and enforcement; and (iii) how far ASEAN-level coordination of GI standards can be pursued without eroding plural legal and cultural orders. Drawing on positivist legal analysis, complemented by critical postcolonial insights, the study examines legislative texts, administrative practice, and reported disputes to trace the evolution of GI regimes and their socio-legal effects in rural and agrarian economies. The inclusion of Thailand alongside Malaysia and Indonesia renders a more differentiated understanding of regional trajectories and the strategic uses of GIs by state and non-state actors. The analysis suggests that GIs retain significant potential to facilitate economic redress and cultural endurance but that their implementation remains uneven, with benefits often captured by powerful intermediaries rather than small-scale producers. Regulatory lacunae, fragile enforcement, and constrained community participation reinforce these imbalances. The article concludes by advancing proposals for calibrated reform, including plurilateral ASEAN policy alignment, community-driven certification architectures, and rights-based safeguards, to recalibrate GI law as a more equitable mechanism for the protection of origin and culture within the region.

ARTICLE HISTORY

Received : 21st Aug. 2025

Revised : 09th Nov. 2025

Accepted : 25th Dec. 2025

Published : 29th Dec. 2025

KEYWORDS

Geographical indications

Traditional cultural expressions

Intellectual property

Comparative IP law

Cultural legal governance

INTRODUCTION

Geographical Indications (GIs) transcend the confines of conventional legal nomenclature; they are semiotic emblems that encapsulate the intimate nexus between a product and its locus of origin, interweaving the threads of geography, human craftsmanship, and collective memory (Mansuy, 2021). Conceptually, GIs are defined as designations identifying goods as originating from a specific locality, region, or nation, where distinctive qualities, reputational stature, or singular attributes are inextricably tied to that provenance. GIs stand as one of the most venerable yet persistently contested domains within the intellectual property (IP) canon, their legal pedigree traceable to the Paris Convention of 1883 (WIPO, 2025). In early codification, the scholarly and policy discourse surrounding their juridical nature remains unsettled, fractured by competing doctrinal interpretations and disparate national practices (Rangnekar, 2004; Gangjee, 2012; Coombe, et al. 2014).

Historically, GIs have been discussed alongside appellations of origin (AOs) and indications of source, each carrying nuanced legal distinctions. Under the Lisbon Agreement, an AOs denotes the geographical name of a territory applied to goods whose qualities derive exclusively or predominantly from environmental and human factors inherent to that locale (Agreement, L., 1958). This stringent nexus between nomenclature, terroir, and inherent quality finds its paradigmatic exemplars in roquefort and spirit products whose very identity is coextensive with the landscapes and artisanal traditions that produce them (European Commission, 2025). Indications of source, by contrast, impose a lighter evidentiary burden, merely affirming geographic provenance without necessitating proof of distinct quality or historical renown. Such indications may manifest in names, symbols, or emblems that evoke place in the consumer's consciousness without encoding the deeper qualitative associations demanded of AOs (WIPO, 2025; Agreement, L. 1958).

The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) marked a decisive doctrinal shift. Article 22.1 until Article 24 of TRIPS articulates a broader and more flexible conception of GIs: protection may attach where a product's quality, reputation, or other characteristic is essentially attributable to its origin (WIPO, 2025A; Cottier,

2005). Unlike the Lisbon model's cumulative requirements, TRIPS adopts alternative criteria, thereby widening the protective ambit to encompass intangible dimensions such as reputation (Gervais, 1998). This recognition accords legal weight to the "penumbra of associations" surrounding a product historic continuity, artisanal technique, and intangible heritage elements that frequently underpin its commercial and cultural value (Rangnekar, 2004A). The celebrated case of Basmati rice exemplifies this duality: protection extends both to the geographical signifier linked to the Punjab region and to centuries-old cultivation practices that form part of the product's intangible cultural capital (Ansari, 2024).

Moreover, the third definitional limb "other characteristics" enables recognition of attributes arising from unique natural conditions or distinctive human ingenuity, situating GIs as potent mechanisms for safeguarding traditional knowledge based agricultural products (TKBAPs). In this regard, the World Intellectual Property Organization (WIPO) affirms that even a localised reputation may suffice to warrant protection, thereby securing community heritage against misappropriation or dilution (Dagne, 2010). International instruments such as the Paris Convention and TRIPS Agreement thus establish foundational standards, obligating members to prevent the unauthorised appropriation of GIs, while conferring heightened safeguards for roquefort and spirits products. Within this framework, GIs emerge not merely as legal constructs but as strategic interfaces linking intellectual property law, cultural preservation, and trade governance. They constitute, in essence, the codification of authenticity where origin is not a peripheral attribute but the axis upon which value, trust, and heritage pivot (Albisu, 2002; Vivas-Egui, 2001; Pacciani et al. 2001; TRIPS 1994).

GEOGRAPHICAL INDICATION IN ASEAN: FROM TRIPS TO DOMESTIC PRACTISE

Since the World Trade Organization's TRIPS Agreement (1994) and the ASEAN Framework Agreement on Intellectual Property Cooperation (1995) (ASEAN, 1995) the ASEAN region has undergone a profound transformation in the protection of GIs. Jurisdictions once reliant on fragmented safeguards, embedded within unfair competition or consumer protection frameworks, which have progressively adopted robust *sui generis* regimes. This shift is driven by agricultural modernisation goals, rural development objectives, and the aspiration to enhance global market competitiveness in an increasingly interconnected world.

GIs registrations conceal an underlying paradox: many of these designations, though formally enshrined in legal frameworks, linger in a state akin to "museum artefacts", which preserved for posterity, however detached from active commercial life. Such inertia often arises from top-down, bureaucratically engineered governance models that inadvertently sideline the very grassroots producer collectives and cooperative enterprises pivotal to safeguarding quality consistency and expanding market reach. Compounding this stagnation is the enduring fragmentation of GIs regimes across ASEAN. While the bloc espouses aspirations of economic integration, entrenched commitments to national sovereignty, the doctrine of non-interference, and deeply embedded cultural particularisms have thwarted substantive policy convergence. Consequently, the absence of harmonised regulatory architecture undermines opportunities for reciprocal recognition, shared branding strategies, and the collective bargaining power essential for elevating GIs beyond domestic markets.

Thailand's Geographical Indication Protection Act B.E. 2546 (2003) serves as among region's pioneer formal adoption of a TRIPS-inspired mechanism. It was primarily motivated by treaty obligations, not deeply rooted in domestic policy objectives (Vandergeest & Peluso, 1995); Kelly, et al., 2012). While the Act aims to elevate product quality and safeguard local wisdom, in practice these traditional products often become commodified, sometimes at the expense of their communal cultural significance (WIPO, 2003). Malaysia, by contrast, has recently reaffirmed its commitment to robust GI protection through its Geographical Indications Act 2022, which supersedes the 2000 version. Effective from March 18, 2022, the updated legislation aligns Malaysia more closely with international norms, broadens the categories eligible for GIs recognition, and fortifies mechanisms against misuse, including criminal sanctions (Marie-Vivien, 2020; Geographical Indications Act, 2022). Since the new Act's implementation, Malaysia has observed a meaningful uptick in registrations and growing engagement by rural producers (Cooray, et. al, 2023). Indonesia's Law No. 20/2016 on Marks and Geographical Indications further articulates a *sui generis* model that foregrounds the role of environmental variables in shaping product reputation (E.U. International IP Cooperation (n.d.)). This approach similarly seeks to ground GIs protection in the specificity of place, though implementation challenges persist (Harding, et. al. 2025).

These cases underscore the diversity within ASEAN's GIs policy landscape. While Thailand's early efforts reflect the directive influence of international frameworks, Malaysia's latest reforms demonstrate a proactive recalibration toward stronger enforcement and rural inclusion. Indonesia's jurisprudence contributes further nuance, emphasising environmental contributors to GI identity. Collectively, these examples illuminate both the strides and unevenness characterising the region's legal maturation. GIs have considerable potential: they can fortify rural livelihoods, preserve cultural identity, and assure authenticity for discerning consumers (Rangnekar, 2004; Cottier, 2005; Reviron, et. al. 2009).

Geographical indications function as the genetic blueprint of a product's distinctive essence, embodying the nexus between provenance, artisanal practice, and qualitative distinctiveness. Within ASEAN, these designations occupy a pivotal position where juridical mandates, commercial imperatives, and cultural patrimony intersect, forging a fertile ground for transformative economic and socio-cultural outcomes (Marie-Vivien, 2020; Tripathi, 2024). Current legislative advances possess the capacity to convert GIs from nominal legal classifications into dynamic economic instruments that preserve heritage while stimulating market competitiveness (Bramley, 2011; Vitória, 2022). By channelling legal precision, policy coherence, and strategic market engagement, ASEAN jurisdictions can infuse these

designations with tangible economic vitality, embedding them as living embodiments of tradition within contemporary trade ecosystems (Rahmah, 2018). This trajectory consolidates GIs as active levers of regional identity and prosperity rather than passive inscriptions consigned to archival obscurity, ensuring that they operate as enduring assets in both economic and cultural spheres.

ECONOMIC VALUE OF GEOGRAPHICALS INDICATONS

GIs operate as potent instruments for transforming ordinary goods into premium market assets by embedding them with a distinctive territorial identity. This identity functions as a market differentiator, elevating products from generic commodities into unique offerings that command superior prices. In an era marked by heightened competition, volatile market trends, and increasingly discerning consumer preferences, the agricultural and food industries are recalibrating their strategies (Hayes et al., 2003). Producers are deliberately shifting away from undifferentiated commodity markets, where they are subject to external price fluctuations towards high-value niche markets that provide stability, higher margins, and resilience against price shocks. Within this strategic repositioning, GIs emerge as an invaluable mechanism for creating territorially defined market segments that strengthen product recognition, elevate perceived quality, and secure competitive advantage.

The economic rationale underpinning GIs derives from the theory of product differentiation, which asserts that distinctive characteristics hold the power to attract and retain consumer loyalty. By anchoring products to their geographical origin, GIs transform location into an intrinsic attribute of value, turning the territory itself into a brand asset (Moschini et al., 2008). This differentiation, socially constructed and externally validated, enables producers to segment the market, foster monopolistic competition, and erect entry barriers that shield the GI from external imitation (Pacciani et al., 2001). The result is a quasi-monopoly, where exclusivity is safeguarded not merely by consumer perception but also by enforceable legal rights.

The legal architecture surrounding GIs confers proprietary control over the differentiated product, protecting authenticity and ensuring exclusivity in the marketplace. This protection deters imitation, preserves the product's unique reputation, and maintains the integrity of the niche market. Furthermore, GIs encourage collective organisation in production and marketing, enabling small-scale producers to pool resources and attain economies of scale sufficient to sustain brand development and market penetration (Reviron et al., 2009). This collective capacity ensures that the costs of maintaining the differentiated identity, ranging from quality assurance to legal enforcement, are met without compromising profitability. By doing so, GIs may be do more than preserve heritage; they institutionalise value creation (Berenguer, 2004; Tran, 2005).

Beyond structural advantages, GIs deliver measurable economic gains. GIs expand market access, enhance price premiums, and elevate producer incomes. Empirical evidence consistently demonstrates that consumers, particularly in mature markets, as consumers are willing to pay more for products that bear credible GI labels, with similar trends increasingly visible in emerging economies (Reviron et al., 2009). Such labels enrich the intangible dimensions of consumption, infusing products with cultural significance, authenticity, and trust. The premium is not solely a function of quality; it is the result of a narrative rooted in place, tradition, and craftsmanship. When effectively managed, GIs can transform a region's agricultural output into enduring symbols of excellence, simultaneously securing economic resilience and cultural preservation (Barjolle & Sylvander, 2002).

In leveraging GIs, producers have possibilities do more than sell a product, they market a heritage. This synergy of legal protection, economic strategy, and cultural identity consolidates GIs as a cornerstone of sustainable trade. By harnessing their territorial distinctiveness, ASEAN producers can cultivate niche markets that yield enduring prosperity, fortify regional identity, and embed authenticity at the heart of international commerce.

ASSESSING LEGAL EFFICACY AND MARKET PERFORMANCE ACROSS THREE ASEAN ECONOMIES

Case Study: Kafae Doi Chaang, Thailand

The evolution of Kafae Doi Chaang exemplifies the transformative force of GIs protection in reconstituting marginalised agrarian economies into globally competitive enterprises. Once emblematic of illicit opium cultivation, the highlands of Doi Chaang were repositioned through the Thai–United Nations Crop Replacement and Community Development Project, which replaced narcotic agriculture with high-grade Arabica coffee (Angkasith, 2002). This strategic reorientation fostered lawful livelihoods, entrenched sustainable cultivation, and embedded the community within legitimate international trade channels. The formal establishment of the Doi Chaang Coffee Original Co. in 2003, followed by a 2006 strategic alliance with Canadian partners, catalysed the brand's entry into premium markets across North America, Europe, East Asia, and the ASEAN region (Doi Chaang Coffee, 2003; Noppakoonwong, et al., 2015). Today, Kafae Doi Chaang stands as Thailand's flagship GIs coffee.

Cultivated between 1,100 and 1,700 metres in Chiang Rai's Tambon Wawee, the coffee's sensory distinction derives from a fusion of natural and human capital, the geographical surroundings of Kafea cover from steep gradients, sandy-loam soils, native forest canopy, and high-altitude microclimates combine with artisanal expertise (E.U. 2015). Elite

cultivars such as Caturra, Catimor, and Catuai are propagated from certified seed sources to preserve varietal integrity and yield excellence. Harvests, occurring between November and March, are processed within the demarcated GIs zone under rigorous wet-method protocols, including controlled fermentation, precise drying, hulling, and graded sorting. While roasting may be undertaken beyond the origin area, upstream operations remain geographically anchored, ensuring authenticity safeguarded by Thai GI registration (2007) and EU PGI status (2015) (Canavari, 2010; E.U., 2015).

The supply chain integrates vertical efficiency with community engagement. In 2016, 570 growers from five villages supplied directly to the company's central processing facility, enabling coordinated distribution to domestic retailers, international buyers, franchise operations, and digital marketplaces (Lilavanichakul, 2019). Governance of the GI is secured through a tripartite control mechanism: self-regulation by producers and processors; provincial oversight; and external certification by Bioagricert, an ISO 17065 accredited body (Lilavanichakul, 2019). Self-control transcends compliance to embody communal reciprocity, with growers sharing seeds, fertilisers, and labour to uphold quality parity. Provincial audits, guided by producer-crafted protocols, scrutinise cultivation, harvesting, processing, and traceability, with non-compliance prompting formal corrective measures. Independent annual audits verify conformity through on-site inspections, analytical testing, and labelling checks, with certificates lodged with the Department of Intellectual Property (Lilavanichakul, 2019).

Unlike European GI regimes with entrenched producer cooperatives, Kafae Doi Chaang relies on a hybrid public–private oversight model. This multilayered governance—rooted in community discipline, state supervision, and third-party validation, fortifies both product integrity and consumer trust. The brand's trajectory from illicit crop to global emblem of Thai terroir affirms the capacity of GIs to function as instruments of economic renewal, market distinction, and cultural preservation (Lilavanichakul, 2019). Thus, Kafae Doi Chaang's trajectory illustrates how geographical indication protection, when underpinned by coherent governance and market-oriented strategy, can transmute a region's socio-economic identity. From illicit cultivation to an internationally recognised premium coffee brand, its evolution underscores the potency of GIs as both economic instruments and custodians of cultural terroir.

Case Study: Sarawak Pepper, Malaysia

Sarawak pepper, a premier GIs commodity originating from Malaysia, exemplifies an agricultural product whose sensory profile is inextricably intertwined with its territorial provenance. Celebrated for its distinctive pungency and refined aromatic complexity, this varietal embodies a confluence of climatic, edaphic, and artisanal cultivation practices exclusive to Sarawak (Entebang, et al. 2020). These agro-ecological conditions, coupled with inherited agronomic expertise, yield an organoleptic signature that renders Sarawak pepper qualitatively distinct from other global pepper cultivars (Entebang, et al. 2020). Notwithstanding this intrinsic distinctiveness, its penetration into international markets remains impeded by a pervasive deficit in consumer cognizance concerning its provenance and unique sensorial attributes. This lacuna in market awareness circumscribes the commodity's competitive leverage, constraining value realisation and limiting the economic remuneration accorded to primary producers (Entebang, et al. 2020).

The prevailing deficiency in international consumer recognition operates as a structural impediment to market ascendancy. In an era wherein consumer discernment profoundly dictates market trajectories, the absence of widespread knowledge regarding the GIs certification of Sarawak pepper diminishes its commercial allure (King, et al. 2022). Absent such awareness, the product's unique selling proposition, rooted in its terroir-driven identity remains inert within the competitive matrix of the spice trade. Consequently, purchasing decisions among uninformed consumers gravitate toward more familiar or aggressively marketed pepper varieties, thereby attenuating market share and perpetuating a price suppression effect deleterious to producer welfare (King, et al. 2022).

The resultant scenario is a dual erosion of both economic and cultural capital. Economically, undervaluation restricts revenue generation, perpetuating a cycle of constrained reinvestment in quality enhancement and brand consolidation. Culturally, the insufficient global appreciation of Sarawak pepper undermines the transmission of knowledge systems and artisanal practices that constitute an intangible cultural heritage embedded within its production. This interplay between economic marginalisation and cultural dilution renders the protection of GIs a matter not merely of trade, but of heritage preservation (Entebang, et al. 2020; King, et al. 2022).

Addressing these entrenched market asymmetries necessitates an orchestrated and multifaceted intervention strategy. Foremost, producers and relevant institutional stakeholders must invest in consumer education that elucidates the symbiotic nexus between Sarawak's geographical endowment and the pepper's sensorial excellence. Such an endeavour requires the deployment of persuasive marketing narratives that weave together the product's agronomic authenticity, historical lineage, and socio-cultural significance (Entebang, et al. 2020). Strategic imperatives should encompass targeted promotional campaigns in high-value consumer markets, leveraging the emotive appeal of provenance-linked storytelling to differentiate Sarawak pepper within a saturated commodity spectrum. Digital platforms, with their capacity for precision targeting and narrative immersion, present a potent medium for amplifying brand resonance. Complementarily, active participation in international gastronomic exhibitions, culinary symposiums, and premium trade fairs could facilitate direct sensory engagement with influential buyers, chefs, and media representatives (Entebang, et al. 2020; King, et al. 2022).

By aligning marketing praxis with the codified legal protection of its GI status, Sarawak pepper can transcend its current constraints, repositioning itself as both a culinary luxury and a cultural artefact. Such a recalibration not only

promises enhanced price premiums and expanded export trajectories but also safeguards the intangible heritage embedded within its cultivation. In doing so, Sarawak pepper's global trajectory can evolve from underappreciated commodity to emblematic exemplar of Malaysia's GI potential.

Case Study: Kopi Luwak, Indonesia

Kopi Luwak, an eminent Indonesian coffee, commands global renowned for its singular production process, wherein civet cats ingest ripe coffee cherries, ferment them internally, and excrete the partially digested beans. This distinctive method, rooted in cultural tradition and artisanal expertise, confers upon Kopi Luwak a prestigious reputation, now safeguarded under its designation as a GI. Nevertheless, the market reality reveals a troubling paradox: despite this formal recognition, Kopi Luwak remains highly susceptible to commercial exploitation through the proliferation of counterfeit products (Dewi et al., 2022).

The persistence of fraudulent labelling, wherein inferior or entirely unrelated coffee is marketed under the Kopi Luwak name, stems largely from the inadequate enforcement of GI rights. This regulatory frailty enables opportunistic actors to misappropriate the product's esteemed identity, misleading consumers while inflicting economic injury upon authentic producers (Andieni, R. A., & Allagan, T. M. P., 2024). The high market valuation and exclusivity of genuine Kopi Luwak render it an enticing target for such misrepresentation, with unscrupulous sellers leveraging the absence of rigorous oversight to capitalise on its premium allure. The economic ramifications of weak GI enforcement are multifaceted. Erosion of consumer confidence is perhaps the most insidious consequence, as scepticism over authenticity diminishes willingness to pay the premium price that sustains artisanal production. In parallel, the uncontrolled influx of counterfeits precipitates market saturation, diluting the very exclusivity and symbolic capital that GI status is intended to secure. Over time, this devaluation compromises the viability of legitimate enterprises that adhere to the labour-intensive, tradition-bound methods intrinsic to the product's identity.

The Kopi Luwak case thus epitomises the vulnerabilities afflicting GI-protected commodities when enforcement mechanisms are deficient. Remedial measures must therefore be both juridically and operationally robust. Foremost is the fortification of the legal architecture to incorporate stringent penalties proportionate to the harm caused by GI infringements. Equally vital is the institutional strengthening of regulatory and enforcement agencies, enabling them to detect, deter, and prosecute violations effectively (Dewi, 2022; Andieni, R. A., & Allagan, T. M. P. 2024). Beyond national frameworks, enhanced interjurisdictional cooperation can amplify the reach and precision of enforcement, particularly in transnational markets where counterfeit goods proliferate. Public awareness campaigns, aimed at equipping consumers with the knowledge to identify authentic products, serve as a complementary safeguard. Moreover, integrating technological innovations such as blockchain-based traceability systems and advanced product authentication methods can further fortify the integrity of GI-labelled goods. Protecting Kopi Luwak is not merely a matter of preserving a luxury commodity; it represents a broader imperative to safeguard cultural heritage, sustain rural livelihoods, and maintain consumer trust in the GI system as a whole. Effective enforcement, allied with legal, institutional, and technological reforms, remains indispensable to ensuring that the economic and cultural value of GI-protected products endures unadulterated.

DISCUSSION: GEOGRAPHICAL INDICATIONS AS CATALYSTS FOR INCLUSIVE INDIGENOUS AND LOCAL COMMUNITIES DEVELOPMENT AND CULTURAL PRESERVATION

In Malaysia, Indonesia, and Thailand, GIs have been promoted as legal instruments capable of linking economic value to territorial origin and culturally embedded production systems. The literature on the Global South indicates that GIs can support rural restructuring by reinforcing local employment, stabilising producer incomes, and protecting intangible cultural heritage, though existing studies remain dispersed and methodologically heterogeneous (Vitória et al., 2022; Török et al., 2020). In these three jurisdictions, GIs are formally designed to keep economic rents close to the place of origin, with the expectation that they will stimulate local multipliers and endogenous growth. When governance is coherent, the effects extend beyond agriculture into related fields such as heritage tourism, artisanal industries, and other culture-based activities. Yet, the distribution of these gains is often uneven. Market success at the product level does not automatically produce proportional benefits for smallholders and indigenous or local communities.

Country-level experience illustrates this asymmetry. In Thailand, the GI registration of Doi Chaeng coffee elevated the product's status, enhanced consumer confidence, and opened access to international buyers (Lilavanichakul, 2019). However, high registration costs, complex Thai-language procedures, and a product-centred regulatory approach that diverges from the more integrated European model exposed weaknesses in quality control and limited distinctiveness, particularly visible in contested durian exports. Malaysia's Sarawak pepper gained international recognition through GI protection, but limited consumer literacy and weak downstream promotion curtailed its developmental reach (King et al., 2022). In Indonesia, the high-profile case of Kopi Luwak shows how counterfeit products and lax enforcement corrode consumer trust and dissipate authenticity premiums (Dewi et al., 2022). These examples suggest that without integrated policy frameworks, effective inspection systems, and credible sanctions, GIs risk remaining underperforming tools rather than engines of structural change.

The European Union's regime, especially as shaped by EEC Regulation 2081/92, is often treated as a reference model in which protection of origin advances economic and cultural objectives in tandem (Pacciani, 2001). In that system, GIs function as collective monopoly rights that define production norms and consolidate the reputational capital of local producers (Hajdukiewicz, 2014). The long-standing tradition of *produits de terroir* indicates that consumers may favour provenance-based quality over commoditised substitutes when institutional support is strong and branding is consistent (Bérard & Marchenay, 2006). Experience in other regions cautions that the transplantation of European GI legislation does not guarantee comparable results. The case of Tequila in Mexico, where GI inspired rules modelled on French legislation did not deliver commensurate local gains, underscores the importance of local governance structures, market power relations, and supply-chain configurations (Bowen, 2010; Cottier, 2005). Similar concerns apply to Malaysia, Indonesia, and Thailand, where GI statutes often reflect international templates while operating within more fragile institutional settings.

At the core of these challenges lies the question of value distribution along the supply chain. Evidence from origin products in various jurisdictions shows that traders and intermediaries frequently capture a disproportionate share of GI-related rents, leaving smallholders with residual benefits (Moschini et al., 2008; Reviron et al., 2009). In developing economies, this pattern is reinforced by structural deficits in bargaining power, market access, and organisational capacity (Kaplinsky & Fitter, 2001; Jena & Grote, 2010). Legal provisions limiting GI use to bona fide producers and traders in the designated region, which are common in Asian frameworks, are necessary but not sufficient to ensure localisation of benefits (Rangnekar, 2004). Without parallel investments in marketing capabilities, consumer education, and distribution systems, formal eligibility rules cannot prevent the drift of value away from primary producers (Alavoine-Mornas, 1997; Albisu, 2002; CIRAD, 2009).

GIs also raise questions of product integrity and adaptive capacity. By codifying production methods and embedding them in marketing strategies, GI schemes can institutionalise quality assurance and protect distinctiveness (Addor & Grazioli, 2002). However, inflexible specifications risk locking producers into static practices and limiting their ability to respond to shifting market conditions (Barjolle & Sylvander, 2002; Bowen, 2010). For Malaysia, Indonesia, and Thailand, the policy challenge is to maintain the specificity that underpins GI value while allowing incremental innovation in techniques and presentation. This balance is closely tied to the cultural dimension of GIs. Products such as Indonesian Batik, and similar origin-linked goods, embody the intersection of material culture and livelihood, yet small-scale producers often lack technical assistance and institutional backing to exploit GI status effectively (Rahmah, 2018). In this context, GIs stand at the interface between intellectual property law and cultural heritage protection. They offer a collective, territorially anchored right that can align with indigenous knowledge systems and customary norms, in contrast to patent-based models that individualise and time-limit protection (Coombe et al., 2014). However, GIs alone do not secure the full range of embedded knowledge, skills, and symbolic meanings. Complementary instruments—such as cultural heritage laws, community protocols, and benefit-sharing arrangements—are needed to realise a more comprehensive protection architecture.

The comparative experience of Malaysia, Indonesia, and Thailand indicates that the fulcrum of GI effectiveness is producer-centred governance. State intervention at local, national, and regional levels remains essential for registration, standard-setting, and international representation. Yet, long-term sustainability depends on organised producer groups that co-draft product specifications, manage internal controls, lead branding initiatives, and engage in consumer education (Rangnekar, 2004). Regional initiatives, including the ASEAN Intellectual Property Rights Action Plan 2016–2025, recognise the need for capacity-building and skill development in the production sector (Rahmah, 2018; Marie-Vivien, 2020). Nonetheless, GI implementation in many ASEAN jurisdictions remains predominantly top-down, with limited institutional space for producer collectives to steer decision-making. Unlocking the latent economic and cultural potential of GIs in Malaysia, Indonesia, and Thailand therefore requires regulatory recalibration. Frameworks that mandate or strongly incentivise collective organisation at, or soon after, registration would more effectively embed GIs within the social and cultural matrices from which they derive meaning. Combined with targeted investments in marketing, enforcement, and quality assurance, such governance reforms offer a more credible path for GIs to function as instruments of both origin protection and inclusive rural development in Southeast Asia.

CONCLUSION

In Malaysia, Indonesia, and Thailand, Geographical Indications exhibit clear potential to function as legal devices for localising value and sustaining origin-linked cultural practices, moreover, their socio-economic impact remains constrained by structural, legal, and market-related limitations. Comparative experience and existing scholarship underline that the formal enactment of GI statutes, including frameworks inspired by European Union law, does not itself secure durable reputational capital or equitable benefit-sharing (Coombe et al., 2014; Cottier, 2005; Bowen, 2010). Persistent asymmetries along GI value chains, where traders and intermediaries often capture a disproportionate share of rents, underscore the vulnerability of smallholders and indigenous producers who face deficits in bargaining power, organisation, and market access (Moschini et al., 2008; Reviron et al., 2009; Kaplinsky & Fitter, 2001; Jena & Grote, 2010).

For these three jurisdictions, the central challenge is to translate GI protection into a governance architecture that simultaneously secures fair distribution, maintains product integrity, and allows adaptive innovation. This requires

moving beyond a narrow focus on formal eligibility and regional delimitation towards strategies that embed quality assurance in production rules while avoiding rigidity (Addor & Grazioli, 2002; Barjolle & Sylvander, 2002). It also entails sustained investment in producer collectives, marketing capabilities, and consumer education, supported by coherent policy frameworks and actionable implementation plans at both national and ASEAN levels (Vivas-Egui, 2001, as cited in Addor & Grazioli, 2002). Only through such context-sensitive, producer-centred reforms can GIs operate as credible instruments for protecting origin and culture while contributing to inclusive rural development in Southeast Asia.

ACKNOWLEDGEMENT

This research was supported by Ministry of Higher Education (MoHE) through Fundamental Research Grant Scheme (Ref: FRGS/1/2019/WAB04/UUM/03/1, S/O CODE: 14410). The content of this article is solely the responsibility of the authors and does not necessarily represent the official views of the MoHE, Malaysia.

CONFLICT OF INTEREST

The authors affirm that no conflict of interest exists in the conception, execution, or interpretation of this paper. The paper was undertaken with complete academic independence, devoid of any commercial affiliations, financial inducements, or external influences that might compromise its objectivity or impartiality. All stages of this paper process, from data collection to analytical interpretation, were conducted under conditions ensuring intellectual autonomy and scholarly integrity. No institutional or private entity exerted influence over the research design, methodology, outcomes, or conclusions. The absence of any vested interest safeguards the credibility of the findings and reinforces validity within the academic and professional community.

AUTHOR CONTRIBUTIONS

Al Hanisham Mohd Khalid was the corresponding author, designed the paper, and led to the discussion of the paper. All authors collaborated closely throughout the entire writing process, ensuring coherence, academic integrity, and mutual support in producing this paper.

REFERENCES

- Addor, F. & Grazioli, A. (2002). Geographical indications beyond wines and spirits: A roadmap for better protection for geographical indications in the WTO TRIPS agreement. *Journal of World Intellectual Property*, 5(6), 865.
- Alavoine-Mornas, F. (1997). Fruit and vegetables of typical local areas: Consumers' perception and valorization strategies through distributors and producers. In F. Arfini & C. Mora (Eds.), 52nd Seminar of the European Association of Agricultural Economists (EAAE), Parma, Italy, 317–329.
- Albisu, L. M. (2002). *Work Programme 2: Link between origin labelled products and local production systems, supply chain analysis (Final report, July 2002)*. DOLPHINS Concerted Action, European Commission. <http://food.origin-for-sustainability.org/pdf/wp2/wp2-1.pdf>
- Andieni, R. A., & Allagan, T. M. P. (2024). Perlindungan indikasi geografis produk biji kopi luwak arabika Indonesia dari Jawa, Sumatera dan Sulawesi di Amerika Serikat. *Bina Hukum Lingkungan*, 8(2), 107-135.
- Angkasith, P. (2002). Coffee production status and potential of organic Arabica coffee in Thailand. *AU Journal of Technology*, 5(3). <https://www.thaiscience.info/journals/Article/AUJT/10290457.pdf>
- Ansari, M. D. W. (2024). Preserving the cultural heritage: The significance of protecting basmati rice as a GI product for Pakistan and India in international trade. *Islamabad Law Review*, 8(1), 106-141.
- ASEAN (1995). ASEAN Framework Agreement on Intellectual Property Cooperation Bangkok, Thailand, 15 December 1995. Retrieve from [<https://asean.org/asean-framework-agreement-on-intellectual-property-cooperation-bangkok-thailand-15-december-1995/>] Last accessed on 10 May 2025.
- Barjolle, D., & Sylvander, B. (2002). Some factors of success for “origin labelled products” in agro-food supply chains in Europe: Market, internal resources and institutions. *Économies et Sociétés*, 36(9–10), 1441–1462
- Bérard, L., & Marchenay, P. (2006). Local products and geographical indications: Taking account of local knowledge and biodiversity. *International Social Science Journal*, 58(187), 109-116.
- Berenguer, J. (2004). Consumer valuation of European quality labelled beef: An application to the Spanish market. *European Review of Agricultural Economics*, 31(3), 355-375.
- Boisvert, V. (2006). *From the conservation of genetic diversity to the promotion of quality foodstuff: Can the French model of AOC be exported?* CAPRI working paper no. 49. International Food Policy Research Institute (IFPRI). http://archive.abs-biotrade.info/uploads/media/From_Conservation_to_Quality_Products_-_Valerie_Boisvert.pdf
- Bowen, S. (2010). Development from within? The potential for geographical indications in the global south. *The Journal of World Intellectual Property*, 13(2), 231-252.

- Bramley, C. (2011). Geographical Indications in the ASEAN Region: A Legal Framework for Enhancing Trade and Investment in Local Produce. *The John Marshall Review of Intellectual Property Law*, 10, 236.
- Canavari, M., Galanti, G., Haas, R., & Wongprawmas, R. (2010). Geographical indications: Outlook on the European and Thai systems and overview of EU gatekeepers perceptions towards GI fruit and coffee products proceeding from Thailand.
- CIRAD (2009). The Challenges Relating to Geographical Indications (Gis) For ACP Countries. *A Joint CTA, AFD and CIRAD workshop report*, Montpellier, 24-27 March 2009.
- Coombe, R. J., Ives, S., & Huizenga, D. (2014). Geographical indications: The promise, perils and politics of protecting place-based products. *Sage handbook on intellectual property*, Thousand Oaks, CA, Sage Publications, 207-223.
- Cooray, M., Chern, L. J., & Azmana, J. J. B. (2023). A Discourse on the Malaysian Geographical Indications Act. *Sriwijaya Law Review*, 7(2), 368-383.
- Cottier, T. (2005). The agreement on trade-related aspects of intellectual property rights. In *The World Trade Organization: Legal, Economic and Political Analysis* (pp. 1041-1120). Boston, MA: Springer US.
- Dagne, T. W. (2010). Harnessing the development potential of geographical indications for traditional knowledge-based agricultural products. *Journal of Intellectual Property Law & Practice*, 5(6), 441-458.
- Dewi, N. L. M. I. M., Putra, I. P. I. P., & Astama, I. K. (2022). The study of added value analysis of coffee processing in Indonesia. *Agribusiness Journal*, 5(2), 71-78.
- Doi Chaang Coffee (2003), Legend of Doi Chaang Coffee. Retrieve from [<https://doichaangcoffee.co.th/en/about-us/the-legend/>] last accessed on 10 Aug 2025.
- E.U. (2015) Commission Implementing Regulation (EU) 2015/1135 of 9 July 2015 entering a name in the register of protected designations of origin and protected geographical indications (กาแฟดอยตุง (Kafee Doi Chaang) (PGI)) retrieve from [<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015R1135&qid=-1754886585401>] last accessed on 10 Aug 2025.
- E.U. International IP Cooperation (n.d.). *Law of The Republic of Indonesia Number 20 Of 2016*. Retrieve from [https://internationalipcooperation.eu/sites/default/files/arise-docs/2019/Indonesia_Law-on-Marks-and-Geographical-Indications-20-2016.pdf]. Last accessed on 10 Aug 2025.
- Entebang, H., Wong, S. K., & Mercer, Z. J. A. (2020). Development and performance of the pepper industry in Malaysia: A critical review. *International Journal of Business & Society*, 21(3), 1402-1423.
- European Commission. (2025). EU Geographical Indications. Retrieved from [https://europa.eu/youreurope/-business/running-business/intellectual-property/geographical-indications/index_en.htm] Last accessed on 10 August 2025.
- Gangjee, D. (2012). *Relocating the law of geographical indications* (Vol. 15). Cambridge University Press.
- Malaysia. (2022). *Geographical Indications Act 2022 (Act 836)*. <https://www.myipo.gov.my/wp-content/uploads/-2025/02/Geographical-Indications-2022-Act-836.pdf>
- Gervais, D. J. (1998). *The TRIPS Agreement: Drafting history and analysis*. Sweet & Maxwell.
- Gopalakrishnan NS, Nair PS and Babu AK (2007). Exploring the relationship between geographical indications and traditional knowledge: An analysis of the legal tools for the protection of geographical indications in Asia. *ICTSD Working Paper*, August.
- Hajdukiewicz, A. (2014). European union agri-food quality schemes for the protection and promotion of geographical indications and traditional specialties: An economic perspective. *Folia Horticulturae*, 26(1), 3-17.
- Harding, D., Lukman, K. M., Palar, M. R. A., & Kohsaka, R. (2025). Geographical indication in Indonesia: A review on the spatial distribution and classification of geographical indication-registered products and-related publications. *The Journal of World Intellectual Property*, 28(1), 263-285.
- Hayes, D., Reardon, T., & Hazell, P. (2003). Developing Country Super Market Development: Implications for Agrifood Systems and Rural Economies. *Journal of Agricultural Economics*, 54(2), 421-451.
- Jena PR and Grote U (2010). Changing institutions to protect regional heritage: A case for geographical indications in the indian agrifood sector. *Development Policy Review*, 28(2).
- Kaplinsky R and Fitter R (2001). Who gains from product rents as the coffee market becomes more differentiated? A value chain analysis. *Institute of Development Studies (IDS) Working paper*, 32(3).
- Kelly, M., Yutthaphonphinit, P., Seubsman, S. A., & Sleigh, A. (2012). Development policy in Thailand: From top-down to grass roots. *Asian Social Science*, 8(13), 29.
- King, J. H., Omar, L., Daud, A., Khadijah, B., Leong, S. S., & Ong, K. H. (2022). Challenges Threatening the Profitability of Pepper (*Piper nigrum*) Farmers: A Case Study at Lebu Kulit, Sungai Asap, Belaga, Sarawak. In *Conference on Food and Industrial Crops* (p. 58).

- Law No. 20/2016 on Marks and Geographical Indications, Indonesia.
- Lilavanichakul, A. (2019). PGI Doi Chaang Coffee in Thailand. In *Sustainability of European Food Quality Schemes: Multi-Performance, Structure, and Governance of PDO, PGI, and Organic Agri-Food Systems* (pp. 287-302). Cham: Springer International Publishing.
- Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration of 31 October 1958, as revised at Stockholm on 14 July 1967. (1958). World Intellectual Property Organization (WIPO).
- Mansuy, J. (2021). Geographical indications and the EU legal and policy discourse: A pursuit of legitimacy? (Doctoral dissertation, University of Warwick).
- Marie-Vivien, D. (2020). Protection of Geographical Indications in ASEAN countries: Convergences and challenges to awakening sleeping Geographical Indications. *The Journal of World Intellectual Property*, 23(3-4), 328-349.
- Mas Rahmah. (2015). Geographical Indication: Its Potential for the Agricultural Sector in Malaysia. *Pertanika Journal of Social Sciences & Humanities*, 23, 527.
- Moschini, G., Menapace, L., & Pick, D. (2008). Geographical Indications and The Competitive Provision of Quality in Agricultural Markets. *American Journal of Agricultural Economics*, 90(3), 794-812.
- Noppakoonwong, U., Khomarwut, C., Hanthewee, M., Jarintorn, S., Hassarungsee, S., Meesook, S., ... & Várzea, V. M. P. (2014, September). Research and development of Arabica coffee in Thailand. In *Proceedings of the 25th International Conference on Coffee Science (ASIC), Armenia, Colombia* (pp. 8-13).
- Pacciani, A., Belletti, G., Marescotti, A., & Scaramuzzi, S. (2001, June). The role of typical products in fostering rural development and the effects of regulation (EEC) 2081/92. In *Policy Experiences with Rural Development in a Diversified Europe. 73rd EAAE Seminar, Ancona, Italy*. (pp. 28-30).
- Rahmah, M. (2018). The protection of geographical indication for agricultural development: Challenges For ASEAN.
- Rangnekar, D. (2004). The socio-economics of geographical indications. *UNCTAD-ICTSD Project on IPRs and Sustainable Development, Issue Paper*, 8, 13-15.
- Rangnekar, D. (2004A). The socio-economics of geographical indications, A review of empirical evidence from Europe. *UNCTAD/ICTSD Capacity Building Project on Intellectual Property Rights and Sustainable Development, UNTAD*, 52, 46.
- Reviron, S., Sylvander, B., & Barjolle, D. (2009). Geographical indications, public goods, and sustainable development: The roles of actors' strategies and public policies. In *The Socio-Economics Of Origin-Labelled Products in Agri-Food Supply Chains: Spatial, Institutional and Co-Ordination Aspects*. FAO. (pp. 321-339).
- Thailand (2003). Geographical Indications Protection Act B.E. 2546. Retrieve from [https://www.wipo.int/wipolex/en/legislation/details/6811] last accessed on 10 Aug 2025.
- Török, Á., Jantyyik, L., Maró, Z. M., & Moir, H. V. J. (2020). Understanding the real-world impact of geographical indications: A critical review of the empirical economic literature. *Sustainability*, 12(22), 9434.
- Tran, N. (2005). Brand building and The Vietnamese agricultural product. *International Food and Agribusiness Management Review*, 8(3), 47-58.
- Tripathi, V. (2024). Analyzing the role of legal protection for trademarks and geographical indications in preserving cultural heritage and enhancing global trade. *Journal of Law and Intellectual Property Rights*, 1(1), 50-63.
- TRIPS (1994). Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299, 33 I.L.M. 1197 (1994).
- Vandergeest, P., & Peluso, N. L. (1995). Territorialization and state power in Thailand. *Theory and Society*, 385-426.
- Vitória, A. C., Bressan Smith, A. E., Lourenzani, M. M., Caldas, C. H., Corrêa, B., & Bernardo, R. (2022). The benefits and barriers of geographical indications to producers: A review. *Renewable Agriculture and Food Systems*, 37(6), 707-719.
- Vivas-Eugui, D. (2001). Negotiations on geographical indications in the TRIPS Council and their effect on the WTO agricultural negotiations: Implications for developing countries and the case of Venezuela. *The Journal of World Intellectual Property*, 4(5), 703-728.
- WIPO. (2003). Geographical Indications Protection Act B.E. 2546 (2003), Thailand. https://www.wipo.int/wipolex/en/legislation/details/6811
- WIPO. (2025a). Article 22.1 of TRIPS: Uruguay Round Agreement — TRIPS, Part II: Standards concerning the availability, scope and use of intellectual property rights. https://www.wto.org/english/docs_e/legal_e/27-trips_04b_e.htm
- World Intellectual Property Organization (WIPO). (2025). Geographical indications. https://www.wipo.int/en/web/geographical-indications