FROM COLONIAL LEGACY TO MODERN INTELECTUAL PROPERTY REFORM: A COMPARATIVE STUDY OF INTELECTUA PROPERTY IN INDONESIA AND GEORGIA

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ABSTRAK

Penelitian ini menyajikan analisis historis–komparatif mengenai perkembangan hak kekayaan intelektual dari masa peradaban kuno hingga sistem HKI modern, serta membandingkan pendekatan hukum pengaturan reformasi HKI di Indonesia dan Georgia dalam konteks global, dengan tujuan mengungkap relasi antara akar sejarah HKI, transisi dari sistem kolonial menuju tatanan HKI kontemporer, serta perbedaan politik hukum di negara berkembang dan negara transisi yang berbeda latar belakang geopolitiknya. Penelitian menunjukkan bahwa HKI memiliki akar historis yang panjang, di mana di peradaban kuno seperti Tiongkok, Yunani, Mesir, India, dan dunia Islam telah dikenal bentuk-bentuk insentif dan perlindungan terhadap penemuan, karya seni, dan produk khas yang menjadi cikal bakal paten, merek, dan hak cipta, meskipun masih bersifat monopoli kerajaan, bukan hak umum warga negara, dan hanya berubah menjadi sistem hukum formal modern setelah muncul Undang-Undang Paten Venesia (1474) yang menjadi dasar paten modern. Dalam perbandingan hukum, Indonesia dan Georgia sama-sama membangun sistem HKI berbasis TRIPS, WIPO, dan Konvensi internasional, dengan struktur hukum yang serupa (undang-undang terpisah, otoritas sentral, sistem "pertama yang mendaftar" dan perlindungan otomatis hak cipta), namun berbeda dalam latar belakang, agenda, dan pendekatan reformasi. Indonesia mengintegrasikan hukum adat, pengetahuan tradisional, dan ekspresi budaya ke dalam sistem HKI, sementara Georgia mengambil pendekatan teknokratis dan standar-internasional yang mengutamakan aspek teknis dan pasar internasional, serta dalam penegakan hukum, Indonesia menghadapi keterbatasan kapasitas dan koordinasi antar lembaga sehingga penerapan hukum sering lambat dan tidak merata. Kebaruan penelitian ini bahwa perjalanan HKI dari bentuk-bentuk perlindungan informal di masa kuno menuju sistem HKI modern mencerminkan pergeseran dari hukum yang diskriminatif dan eksklusif menjadi sistem yang lebih terbuka dan terstandar, namun tetap memerlukan penyesuaian kontekstual untuk menyeimbangkan hak eksklusif dan keadilan sosial, serta menunjukkan bahwa arah reformasi HKI di tiap negara ditentukan tidak hanya oleh norma internasional, tetapi juga oleh latar belakang sejarah, struktur politik, dan kepentingan pembangunan nasional yang khas.

Kata Kunci: Kekayaan Intelektual, Kolonial, Modern.

ABSTRACT

This research presents a historical-comparative analysis of the development of intellectual property rights from ancient civilizations to modern IPR systems, and compares the legal approaches to IPR reform regulation in Indonesia and Georgia within a global context. The aim is to reveal the relationship between

the historical roots of IPR, the transition from colonial systems to contemporary IPR orders, and the differences in legal policies in developing and transition countries with different geopolitical backgrounds. Research shows that IPR has deep historical roots, with forms of incentives and protection for inventions, artworks, and distinctive products known in ancient civilizations such as China, Greece, Egypt, India, and the Islamic world. These were the precursors to patents, trademarks, and copyrights, although they were still royal monopolies, not common rights of citizens, and only evolved into modern formal legal systems after the emergence of the Venetian Patent Law (1474), which became the basis for modern patents. In legal comparison, Indonesia and Georgia are both building IPR systems based on TRIPS, WIPO, and international conventions, with similar legal structures (separate laws, central authorities, a "first-to-file" system, and automatic copyright protection), but they differ in their backgrounds, agendas, and reform approaches. Indonesia integrates customary law, traditional knowledge, and cultural expressions into its IPR system, while Georgia takes a technocratic and international standards-based approach that prioritizes technical aspects and international markets. In terms of law enforcement, Indonesia faces limitations in capacity and inter-agency coordination, resulting in slow and uneven application of the law. The novelty of this research lies in the fact that the journey of IPR from informal forms of protection in ancient times to the modern IPR system reflects a shift from discriminatory and exclusive laws to a more open and standardized system. However, it still requires contextual adjustments to balance exclusive rights and social justice, and demonstrates that the direction of IPR reform in each country is determined not only by international norms, but also by unique historical backgrounds, political structures, and national development interests.

Keywords: Colonial, Intellectual Property, Modern.

1. Introduction

1.1. Background of the Problem

Intellectual property (IP) holds an irreplaceable strategic role in a country's progress. It not only functions as a legal instrument that protects the creative works and innovations of its citizens from arbitrary exploitation but also serves as a key driver of sustainable economic growth through the creation of added value derived from knowledge, technology, and culture.[1] In the context of today's globalization, IP enables countries to build international competitiveness by encouraging foreign direct investment (FDI) in knowledge-based sectors such as pharmaceuticals, software, and genetic engineering. Here, patents and copyrights serve as guarantees that local innovators can reap commercial benefits from their research without fear of idea theft by foreign competitors thus creating a conducive environment for intensive research and development (R&D).[2] IP contributes to strengthening national identity and preserving cultural heritage through the protection of rights to traditional crafts, traditional designs, and customary knowledge such as Geographical Indications in various countries.[3] An effective IP system stimulates the creation of high-quality jobs in the creative and technology industries, reduces dependence on raw natural resources that are vulnerable to commodity price fluctuations, and supports the achievement of Sustainable Development Goals (SDGs) such as innovation for health

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1 Aditya Weriansyah and Alvin Prima Ramadani, "The Analysis of Corporate Crime in Indonesia's Intellectual Property Laws," *Global Legal Review* 2, no. 1 (2022): 53, https://doi.org/10.19166/glr.v2i1.5139.

2 Gürkan Çapar, "(Il)Legitimacy of International Intellectual Property Regime?," *Leiden Journal of International Law* 36, no. 3 (September 2023): 721–47, https://doi.org/10.1017/S0922156523000146.

3 Daliane Teixeira Silva et al., "Coffee Production and Geographical Indications (GI): An Analysis of the World Panorama and the Brazilian Reality," *Journal of Sustainable Development* 16, no. 3 (2023): 47, https://doi.org/10.5539/jsd.v16n3p47.

and education — through compulsory licensing that balances public interests with the rights of IP holders.[4]

At the national policy level, recognition of the importance of IP is reflected in the commitment to international agreements such as the TRIPS Agreement under the WTO, which mandates the harmonization of minimum protection standards to prevent brain drain and ensure fair technology transfer.[5] Without a robust IP system, countries risk facing innovation stagnation, loss of investor confidence, and long-term economic losses due to large-scale counterfeiting that causes damages amounting to billions of rupiah annually.[6] Intellectual property (IP) is fundamentally a colonial legacy of Western countries, first developed in Europe in response to the Industrial Revolution and the need to protect commercial innovation. It was then imposed on colonial territories to serve their own imperial interests as seen in the introduction of the first patent law in Venice, Italy, in 1474, followed by England's Statute of Monopolies in 1624 and the Statute of Anne for copyright in 1710. All of these aimed to secure profits for imperial citizens while controlling trade in the colonies.[7] IP as a colonial legacy not only shaped the modern legal framework in former colonial countries but also reinforced global inequality dynamics, where Western nations continue to dominate innovation and royalties while Global South countries struggle to regain control over their own intellectual property through reforms such as the recognition of geographical indications or the protection of traditional knowledge.

In today's digital age, IP has transformed from a tool of colonial exploitation into the foundation of a global innovation ecosystem that supports a trillion-dollar creative economy. Here, patents, copyrights, and trademarks protect intangible assets such as AI software, streaming content, and big data from cyber counterfeiting that causes billions in damages each year.[8] These developments reflect IP's adaptation to contemporary challenges such as artificial intelligence, digital industrial design, and the platform-based economy.[9] Thus, while IP has colonial roots, its relevance in the 21st century has shifted to become a prerequisite for competitiveness, access to international markets, and sustainable development as emphasized in the WIPO 2024 Design Law Treaty, which addresses digital and AI issues to balance the interests of

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4 Bayan F. El Faouri and Magda Sibley, "Balancing Social and Cultural Priorities in the UN 2030 Sustainable Development Goals (SDGs) for UNESCO World Heritage Cities," *Sustainability* 16, no. 14 (July 9, 2024): 5833, https://doi.org/10.3390/su16145833.

5 Ruolin Liao, "Applications and Responses to RCEP Rules on Geographical Indications Protection in China," *SHS Web of Conferences* 178 (2023): 03008, https://doi.org/10.1051/shsconf/202317803008.

6 Ammar Mahmoud Ayoub Al-Rawashdeh, "The Principle of Exhaustion of Intellectual Property Rights in Jordanian Legislation," *Endless: International Journal of Future Studies* 6, no. 1 (2023): 224–38, https://doi.org/10.54783/endlessjournal.v6i1.139.

7 Jessica C. Lai, Evana Wright, and Jordana R. Goodman, "Intellectual Property at a Crossroads: The Knowledge and Resources of Indigenous Peoples and Local Communities," *The Journal of World Intellectual Property* 28, no. 3 (November 9, 2025): 885–913, https://doi.org/10.1111/jwip.12359.

8 Ifeoluwa A. Olubiyi and Oshobugie Suleiman Irumekhai, "Ai Authorship/Inventorship Through The Lens Of Theoretical Justifications Of Intellectual Property Rights," *Abuad Law Journal* 12, no. 1 (July 17, 2024): 119–34, https://doi.org/10.53982/alj.2024.1201.07-j.

9 Eny Sulistyowati Muh. Ali Masnun, Dicky Eko Prasetio, Mohd Badrol Awang, "Reconstructing Indonesia's Trademark Registration System through the Lens of General Principles of Good Governance to Realize Substantive Justice," *Journal of Law and Legal Reform* 5, no. 3 (2024): 891–912.

creators with public interests worldwide. This research aims to analyze the development of intellectual property from a colonial legacy to modern intellectual property reform by conducting a legal comparison between Indonesia and Georgia. The legal issues analyzed in this research include: (i) the development of intellectual property from a colonial legacy to modern intellectual property reform; and (ii) a legal comparison of modern intellectual property reform regulations in Indonesia and Georgia.

1.2. Problem Formulation

The research questions in this study are: (a) how has intellectual property developed from a colonial legacy to modern intellectual property reform? and (b) how does the legal comparison of modern intellectual property reform regulations in Indonesia and Georgia look?

1.3. Writing purpose

This study aims to (a) analyze and describe the development of intellectual property rights from colonial heritage to modern intellectual property rights reform and (b) analyze the comparative laws regulating modern intellectual property rights reform in Indonesia and Georgia.

2. Research methods

This research, whose main focus is to analyze the development of intellectual property from a colonial legacy to modern intellectual property reform through a legal comparison between Indonesia and Georgia, is essentially a normative legal study. It is based on doctrinal internal legal analysis, utilizing relevant legal theories, concepts, principles, and doctrines.[10] The primary legal materials in this research are the intellectual property laws and regulations in Indonesia and Georgia. The secondary legal materials used are research findings that discuss intellectual property in Indonesia and Georgia. Non-legal materials include legal dictionaries. Legal analysis is conducted prescriptively, with an orientation toward providing legal solutions to the identified legal issues. The approaches employed are conceptual, historical, statutory, and comparative approaches.

3. Results and Discussion

3.1. The Development of Intellectual Property Rights from Colonial Legacy to Modern Intellectual Property Rights Reform

Although the formal legal system known today only emerged clearly in medieval and modern Europe, in the context of ancient kingdoms, various forms of protection or incentives for certain inventions, works of art, and designs were already recognized even without the term "intellectual property" as a codified legal concept.[11] In ancient China, there were practices that demonstrated elements of intellectual property protection, particularly in the form of a patent-like system. Ancient Chinese rulers

[10] Achmad Irwan Hamzani et al., "Legal Research Method: Theoretical and Implementative Review," *International Journal of Membrane Science and Technology* 10, no. 2 (2023): 3610–19.

[11] Yuliana Maulidda Hafsari, "Hak Atas Kekayaan Intelektual, Hak Merek, Rahasia Dagang, Dan Pelanggaran Hak Merek Dan Rahasia Dagang Serta Hak Patent (Literatur Review Artikel," *Jurnal Ilmu Manajemen Terapan* 2, no. 6 (2021): 733–43, https://doi.org/10.31933/jimt.v2i6.637.

often granted exclusive rights to certain craftsmen to produce specific products, such as silk, on the condition that these products could only be produced for the benefit of the kingdom or the ruler himself.[12] As a form of recognition, rulers then awarded prestigious titles to such craftsmen such as "king's follower" or "palace supplier" which marked a special status and exclusive rights in certain production fields. From a modern legal perspective, this practice already reflected the core of patent rights: the grant of exclusive monopoly for a specific period over an invention or production technique deemed highly valuable by the state or kingdom.[13]

Ancient Chinese historical records also document the practice of awarding rewards to those who discovered new useful methods for the state, such as agricultural techniques, ceramic-making methods, or military equipment. In the ancient Greek world, ancient Greek texts cited from the scholar Athenaeus of Naucratis in his work Deipnosophistae describe a patent law-like form, though it was not yet in the form of written regulations.[14] In that text, it is stated that "if a cook invents a dish of his own that is delicious, no one is allowed to use this invention before the end of one year only the inventor himself may make use of it. In this way, he gains profit from his efforts, so that others will be encouraged to compete and surpass one another in innovation."[15] Such oral or customary rules indicate recognition that certain culinary inventions have economic value and need to be temporarily protected for the inventor, so that others are motivated to create new, better dishes.

This practice in ancient Greece demonstrates a key element of modern intellectual property rights: the balance between incentivizing inventors through exclusive rights and still allowing society at large to eventually benefit from technological progress through imitation and improvement what is referred to in IP law as "limited term of protection."[16] In Roman civilization, although there was no formal patent system, there was protection for certain designs and forms through the concept of actio utilis and various types of contracts or exclusive rights in the crafts sector. This shows that human ideas or works were recognized as something of value and could be protected within certain limits.[17] Although not referenced in the modern legal system, other ancient civilizations also showed forms of protection for intellectual works albeit in more cultural, customary, or royal authority-based forms.[18] In ancient India, the traditions of Hindu law and Islamic law also created mechanisms to protect scholars and spiritual teachers, as well as their written works or religious creations

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12 Direktorat Jendral Kekayaan Intelektual, "Modul Kekayaan Intelektual Hak Cipta" (Jakarta, 2020).

13 I Gede Surya Winata and I Wayan Novy Purwanto, "Legal Protection of Patent Rights As Fiduciary Guarantees in Banking Credit," *Policy, Law, Notary and Regulatory Issues (Polri)* 2, no. 1 (2023): 88–95, https://doi.org/10.55047/polri.v2i1.549.

14 Stephen M. McJohn, *Intellectual Property*, 6th ed. (New York: Wolters Kluwer, 2019).

15 McJohn.

16 Paula Zito, "Current and Future Protection of Geographical Indications in Australia," *Journal of Intellectual Property Law & Practice* 16, no. 4–5 (2021): 348–356.

17 Putu Aras Samsithawrati et al., "Traditional Knowledge and Traditional Cultural Expressions as Communal Intellectual Property: Are They Protected Under the WIPO Treaty on Intellectual Property, Genetic Resources, and Associated Traditional Knowledge 2024?," *Jurnal Pembangunan Hukum Indonesia* 7, no. 1 (2024): 1–26.

18 Fredi Andria, "Pendampingan Hak Cipta Produk Untuk Umkm Dan Koperasi Rt Rw Net Indonesia Di Desa Tugubandung," *Rural Development For Economic Resilience (RUDENCE)* 2, no. 2 (2023): 93–100, https://doi.org/10.53698/rudence.v2i2.44.

which were considered to belong to certain heirs or scholarly circles, though not in the form of individualistic intellectual property rights like those in the West.[19] Meanwhile, in the classical Islamic world, there was a tradition of writing religious and scientific works accompanied by a note of permission to rewrite (ijaza) indicating that the author or publisher had certain rights over the distribution and reproduction of a particular work, which was an early form of copyright protection, although it was still normative-religious in nature, not simply state law.[20] From ancient civilizations to the Middle Ages, the idea that human creations such as new techniques, works of art, product designs, or writings have value and deserve protection continued to develop. However, this was still in the form of royal monopolies or privileges granted at the ruler's discretion, not as an inherent right of citizens. It was only in medieval Europe, particularly in Venice in 1474, that the first officially codified patent law emerged: the Venetian Patent Law. This granted exclusive rights to inventors over new tools for 10 years, and became the foundation of the modern patent law as we know it today.[21]

During the colonial period, the first IP systems in many developing countries (including Indonesia) were imported from their colonial powers, such as the Netherlands, Britain, or France, and were designed to protect the trade and industrial interests of the colonists. In the Dutch East Indies, the legal basis for IP emerged in the form of the Patent Act (1910), Trademark Act (1885), and Copyright Act (1912) all of which were colonial legal products adopted from the Dutch system.[22] In the global context, the colonial era also saw the emergence of the first international conventions governing the coordination of intellectual property between countries with two of the most fundamental being the Paris Convention (1883) for the protection of industrial property and the Berne Convention (1886) for the protection of literary and artistic works.[23] The Paris Convention established fundamental principles such as national treatment (equal treatment for foreign nationals as for domestic citizens) and right of priority (a priority right allowing patent or trademark applications in other countries within a specific period by claiming the first filing date).

Meanwhile, the Berne Convention affirms the principles of automatic protection (copyright without formalities), minimum protection levels, and the independence of protection in each member state thus becoming the international legal foundation for cross-border copyright. After the colonial era, many developing countries nationalized their IP laws, but the structure and approach remained almost entirely in line with the

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[19] Tetiana A. Frantsuz-Yakovets et al., "Constitutional Guarantees of Intellectual Property Protection in the Context of Digital Transformation: Ukrainian Experience," *Journal of the University of Latvia. Law* 17, no. 1 (October 27, 2024): 209–22, https://doi.org/10.22364/jull.17.13.

[20] Firman Mansir, "The Position of Islamic Education According to the National Educational System in Indonesia," *Progresiva : Jurnal Pemikiran Dan Pendidikan Islam* 11, no. 01 (2022): 43–54, https://doi.org/10.22219/progresiva.v11i01.20416.

[21] Umaira Hayuning Anggayasti and Ardina Nur Amalia, "Deconstructing Intellectual Property Rights in Fanfiction: A Case Study on Copyright Protection and Moral Rights," *International Journal of Multidisciplinary Research and Analysis* 07, no. 04 (April 2024): 1564–78, https://doi.org/10.47191/ijmra/v7-i04-17.

[22] I. Gede Agus Kurniawan, *Hukum Kekayaan Intelektual Di Indonesia* (Sleman: Deepublish, 2024).

[23] Irene Calboli, "The Protection against Unfair Competition and Passing off in ASEAN Member States: A Review and Commentary," *Journal of Intellectual Property Law and Practice* 19, no. 2 (February 2024): 126–34, https://doi.org/10.1093/jiplp/jpad084.

form inherited from the colonizers. The next major development occurred in the late 20th century, when intellectual property became an integral part of the international trading system through the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), administered by the WTO since 1995.

In the global context, TRIPS strengthened the role of international organizations such as WIPO and the WTO in coordinating IP policies, and introduced intergovernmental dispute settlement mechanisms that link IP violations to trade sanctions.[24] This system also encouraged many developing countries to revise their IP laws to meet TRIPS standards, while sparking long-running debates about the balance between the exclusive rights of patent holders (e.g., for medicines) and public interests such as access to essential drugs, education, and social welfare. These changes reflect a shift from an IP system initially dominated by colonial powers to one dominated by developed countries — with more structured international mechanisms that are often seen as less responsive to the needs of developing countries.

Globally, the development of modern IP has been strongly shaped by a number of core international conventions and agreements that form the basis for cross-border cooperation. The Paris Convention for the Protection of Industrial Property (1883) remains the foundation for the protection of patents, trademarks, industrial designs, and unfair competition, while guaranteeing the principles of national treatment and priority rights for applicants from member states. The Berne Convention for the Protection of Literary and Artistic Works (1886) serves as the backbone of the international copyright system by establishing automatic protection, minimum protection levels, and the independence of protection in each jurisdiction.[25] In addition to these two founding conventions, the TRIPS Agreement (1995) has become the most comprehensive and binding agreement, as it requires WTO members to implement minimum IP standards in their national laws covering copyright, patents, trademarks, industrial designs, and trade secrets while establishing stronger enforcement and dispute settlement obligations. This is supported by international mechanisms such as the Madrid System, which simplifies international trademark registration through a single application to WIPO, and the Patent Cooperation Treaty (PCT, 1970), which allows for international patent filing with one application that is effective in many member states. Through this network of conventions and agreements, the modern IP system has become a highly standardized and globally interconnected system, though it still presents challenges related to justice, access, and the protection of traditional knowledge and cultural heritage.

The development and strengthening of intellectual property (IP) in developing countries or the Global South has become crucial, as it serves as a structural prerequisite for economic transformation from being commodity-based and low-wage to an innovation and knowledge-based economy while also acting as a tool to strive for a fairer bargaining position in the global economic architecture that has long been

[24] Rani Fadhila Syafrinaldi and David Hardiago, "Trips Agreement Dan Standarisasi Hukum Perlindungan Hak Kekayaan Industri Di Indonesia," *UIR Law Review* 5, no. 1 (2021): 19–29, https://doi.org/10.25299/uirlrev.2021.vol5(1).6992.

[25] Hafiz GAFFAR and Saleh ALBARASHDI, "Copyright Protection for AI-Generated Works: Exploring Originality and Ownership in a Digital Landscape," *Asian Journal of International Law* 15, no. 1 (January 2025): 23–46, https://doi.org/10.1017/S2044251323000735.

dominated by developed countries.[26] For these countries, IP is not merely a legal-technical instrument it is directly linked to national development agendas: attracting foreign investment, strengthening local industries (including MSMEs and the creative economy), managing technology transfer, and protecting traditional knowledge and genetic resources from biopiracy practices by multinational corporations.

In the area of economic development, a strong and effectively enforceable IP framework is seen as one of the keys to shifting the economic structure of developing countries away from dependence on primary commodity exports toward more meaningful participation in global research and development (R&D) networks and high-tech manufacturing value chains. This is because global investors are only willing to transfer technology, capital, and technical capacity to jurisdictions that provide certainty in the protection of patents, trademarks, and trade secrets. Clear IP protection also enables local businesses including tech start-ups, generics pharmaceutical companies that are beginning to innovate, and the creative industry — to build business models based on intangible assets, obtain licenses, and secure funding from venture capital. Thus, IP serves as both an economic guarantee and a signal of innovation quality in the eyes of investors.[27]

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In the creative economy sector, IP in developing countries provides a legal foundation for the monetization of artworks, music, films, designs, and digital content.

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[26] Lisa Jorgenson and Carsten Fink, "WIPO's Contributions to International Cooperation on Intellectual Property," *Journal of International Economic Law* 26, no. 1 (March 9, 2023): 30–34, https://doi.org/10.1093/jiel/jgac049.

[27] Paramita Prananingtyas, "Development and Challenges of Using Trademark Rights as Intangible Assets in Bankruptcy Assets in Indonesia," *Pandecta Research Law Journal* 17, no. 2 (2022): 287–94, https://doi.org/10.15294/pandecta.v17i2.40130.

[28] Günther Maihold Sebastian Haug, Jacqueline Braveboy-Wagner, "The 'Global South' in the Study of World Politics: Examining a Meta Category," *Third World Quarterly* 42, no. 9 (2021): 1927.

This allows creative practitioners to earn royalties, licenses, and sustainable income from their works circulating in both local and global markets a matter of great importance given the high rate of piracy and illegal content distribution in many Global South countries. Effective copyright and trademark protection also strengthens the reputation of local brands in international markets, prevents counterfeiting and imitation that harm domestic actors, and creates a healthy environment for intellectual competition where companies compete through product innovation, quality, and brand differentiation not just through price wars and exploitation of low-wage labor. For developing country governments, the IP reform agenda brings both institutional benefits and political challenges: on one hand, countries need to strengthen enforcement institutions (police, customs, courts, and IP administrative authorities) to curb piracy and counterfeiting; on the other hand, governments must ensure that the transposition of international standards does not compromise policy space for public health, education, and the development of local industries.

In the global context, developing countries that regulate IP strategically can leverage the flexibilities in international agreements such as TRIPS to protect public interests, particularly in the health and education sectors. For example, developing countries can use tools like compulsory licenses, parallel imports, and exceptions for non-commercial use to ensure access to essential medicines, agricultural technologies, and teaching materials without having to bear excessively high costs due to patent monopolies. With sound IP arrangements, developing countries do not simply reject the international IP system; instead, they use it as a public policy tool to balance the exclusive rights of IP holders with citizens' rights to health, education, and the promotion of social justice. IP protection is also crucial for safeguarding collective intellectual wealth, such as traditional knowledge, local plant varieties, and traditional cultural expressions which are vulnerable to one-sided exploitation by foreign entities without fair benefit-sharing with the originating communities.[29] By establishing an IP system that regulates geographical indications, a sui generis regime for traditional knowledge, and protection of rights over genetic resources, developing countries can manage such wealth as national assets and demand fair compensation through mechanisms like access and benefit-sharing (ABS), as set out in the Convention on Biological Diversity and the Nagoya Protocol. In the long term, this will help reduce economic dependence and build a more sustainable economy based on local competitive advantages.

On the other hand, developing countries need to avoid the trap of an overly protective IP system, which could instead hinder access to technology, education, and affordable medicines. This is because global IP standards largely initiated by developed countries tend to prioritize the exclusive rights of IP holders over public interests. Therefore, it is crucial for developing countries to develop a context-specific IP system that not only adheres to international standards but also takes into account development needs, institutional capacity, and the balance between incentives for innovators and the needs of the general public. Thus, IP development in the Global South is not merely a matter of law and administration it is broader than that: it concerns development policy, global justice, and the ability of countries to ensure that

[29] Choocheewan Tamisanont Sirisakbanjong, Tavephut, "Geographical Indication Law Problems to Protect Local Knowledge of Food Products in Thailand," Baltic Journal of Law and Politics 15, no. 2 (2022): 2–7, https://doi.org/10.2478/bjlp-2022-001128.

innovation and intellectual wealth truly belong to the people and serve as a tool for shared prosperity.

3.2. Comparison of Modern Intellectual Property Rights Reform Governance Laws in Indonesia and Georgia

The framework for intellectual property (IP) reform in Indonesia has undergone a long transformation from a merely sectoral and elitist colonial legal legacy to an increasingly comprehensive modern system focused on economic development, innovation, and the protection of creators and communities. Thus, IP reform in Indonesia is not just a matter of amending laws, but also part of a socio-political effort to build a knowledge-based economy amid the constraints of an uneven economic structure, institutional capacity, and law enforcement. Historically, Indonesia's IP system originated from the Dutch legal legacy introduced since the 19th century, such as the Copyright Act (Auteurswet 1912), Patent Act (Octrooiwet 1910), and Trademark Act (1885). These were essentially classical legal systems that prioritized the interests of European entrepreneurs and the colonial state, while local community works, traditional knowledge, and cultural expressions were not recognized as equivalent objects of intellectual property.[30] After independence, Indonesia retained most of the Dutch regulations within the framework of provisional law, but there was no comprehensive national policy. The early modern era of Indonesia's IP system began in 1986, when the President established a Special IP Task Force through Presidential Decree No. 34/1986 a key step in formulating national policy, designing more systematic legislation, and consolidating authority in the IP sector that had previously been scattered across various ministries. This task force became the driving force for restructuring the IP system, including the establishment of the Directorate General of Copyright, Patents, and Trademarks (now the Directorate General of Intellectual Property/Dirjen KI of the Ministry of Law and Human Rights) as a central institution managing IP registration, publication, and services in an integrated manner. It also strengthened Indonesia's participation in international forums such as WIPO and the WTO, which subsequently brought Indonesia into the scope of the TRIPS Agreement.

In the reform era and post-1998 period, Indonesia's IP framework began to be positioned as an economic development policy tool, not merely a matter of compliance with international law alongside the drafting of various more comprehensive and adaptive laws. IP law reform in Indonesia has gained further momentum in the digital era and the globalization of the creative economy, as challenges such as online piracy, the circulation of counterfeit products in e-commerce, and digital copyright infringement have forced the government to update the legal framework and strengthen the institutional ecosystem. One such effort is the major revision of the Copyright Act, which is currently in the bill deliberation stage at the People's Consultative Assembly (DPR) with a focus on adapting to developments in information technology, including rules on digital works, social media content, and the use of artificial intelligence (AI) in the creation and distribution of creative works. This is expected to provide better legal certainty for creative practitioners and the creative industry in Indonesia.[31]

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[30] Kurniawan, *Hukum Kekayaan Intelektual Di Indonesia*.

[31] Ni Ketut Supasti Dharmawan et al., "The Existence of Collective Management Organization for Copyrights Protection: Do Its Roles Applicable for Dance Copyright Work?," in *Proceedings of the 3rd International Conference on Business Law and Local Wisdom in Tourism*

In the policy context, IP reform in Indonesia also covers the restructuring of IP incentive and utilization systems such as the implementation of special treatment for MSMEs and young creators, the acceleration of registration processes through digital services, and the development of IP-based financial schemes. For example, government regulations now allow intellectual property to be used as collateral for credit (asset-based financing), enabling MSMEs and the creative industry to leverage their intangible assets as capital to access funding without having to rely on often limited physical assets. In practice, IP authorities also continue to develop innovations such as the fast-track trademark registration program, 24-hour online services, and integration with the electronic court (e-court) system to speed up the resolution of civil IP disputes reflecting a trend toward more technocratic, efficient, and digital-based modernization. In the area of patents, the latest reforms are clearly evident in the third amendment to the Patent Act, enacted through Law No. 65 of 2024 on the Third Amendment to Law No. 13 of 2016 on Patents. This includes, among other things, the addition of new definitions related to traditional knowledge and genetic resources, the extension of the grace period from 6 months to 1 year before patent registration, and the refinement of rules on compulsory licenses all to accommodate technological developments, downstream industry needs, and international pressures related to access to medicines and health technologies.[32] These changes reflect the government's efforts to balance the exclusive rights of patent holders with public interests, while also strengthening Indonesia's capacity to manage genetic resources and local wisdom as part of national intellectual property assets that can be used fairly. As a result, IP infringements such as trademark counterfeiting, digital piracy, and patent violations are widespread particularly in traditional markets and digital platforms which often places Indonesia low in global intellectual property protection indices. This shows that legal reform without strong enforcement will not be enough to create genuine incentives for innovation and creativity.

Thus, the framework for modern IP reform in Indonesia must be understood as an ongoing, multidimensional process that includes: (1) refining national laws to align with international standards while remaining responsive to national needs; (2) strengthening institutions and law enforcement capacity; (3) enhancing the creative economy and innovation ecosystem through facilitating IP registration, financing, and utilization; and (4) improving public awareness and education about the economic and legal value of intellectual works. Therefore, IP reform in Indonesia is not merely a technocratic project, but also a national development project that determines Indonesia's ability to catch up in terms of technology and economy, while ensuring justice in the use of intellectual property in the digital era.

The framework for intellectual property (IP) reform in Georgia reflects the country's systematic efforts to build a modern IP system aligned with international standards particularly with European Union (EU) policies — in the context of WTO membership, deep partnership with the EU through the Deep and Comprehensive Free Trade Area (DCFTA) agreement, and efforts to improve the investment climate. Georgia has gradually transformed its national IP system into a more open,

(ICBLT 2022) (Paris: Atlantis Press SARL, 2023), 861–71, https://doi.org/10.2991/978-2-494069-93-0_100.

[32] Rian Saputra et al., "Artificial Intelligence and Intellectual Property Protection in Indonesia and Japan," Journal of Human Rights, Culture and Legal System 3, no. 2 (2023): 210–35, https://doi.org/10.53955/jhcls.v3i2.69.

transparent, and effective legal framework, both in terms of registration and rights enforcement.[33]

Historically, Georgia inherited an IP legal system established in the post-independence period from the Soviet Union. However, since joining the WTO and signing the TRIPS Agreement in 2000, Georgia has begun to improve its IP system by introducing legislation in line with international obligations — including through six key laws governing intellectual property: the Law on Patents, the Law on Trademarks, the Law on Copyright and Related Rights, the Law on Geographical Indications and Appellation of Origin of Goods, the Law on Integrated Circuit Topographies, and the Law on Border Measures Related to IP. Together, these form a modern framework for the protection of industrial property rights, copyright, and other related rights in Georgia.[34] These reforms not only adopted legal rules but also established a central institution: the National Intellectual Property Center of Georgia (Sakpatenti). It is tasked with managing registrations, issuing protection documents (patents, trademarks, designs, geographical indications, plant varieties, etc.), and serving as the national coordination hub for the protection and utilization of intellectual property. Modern IP reform in Georgia has been driven by the need to harmonize national law with the DCFTA and the EU candidate agenda. Thus, the 2010–2020 period was marked by a series of major amendments that directly aligned Georgia's law with the European legal system. A key milestone occurred in late 2017, when the Parliament of Georgia enacted a package of amendments to IP laws which took effect in January 2018 aimed at preventing and curbing intellectual property infringements and ensuring adequate sanctions. These were subsequently reaffirmed through amendments to the Civil Procedure Rules, the Rules on Pesticides and Agrochemicals, and the Rules on Medicines and Pharmaceutical Activities.[35] In this 2017–2018 reform package, the government strengthened the exclusive rights of holders including by granting authority to request the suspension of the circulation of infringing goods, the destruction of counterfeit products, the removal of related images and online-published materials, and even the destruction of technical equipment used to produce such goods. This significantly enhanced the effectiveness of law enforcement.

In the copyright sector, Georgia has implemented significant reforms to strengthen protection in the digital domain, while addressing a major challenge: online piracy, particularly the widespread distribution of music, film, software, and video game content on internet platforms and free download portals. In the context of the DCFTA, Georgia is obligated to develop a system of internet service provider (ISP) liability and introduce effective legal mechanisms in the digital space. As a result, legislative proposals have emerged to introduce a "notice and take down" mechanism, where rights holders can notify ISPs to remove or block access to pirated content — while ISPs are protected from liability if they promptly respond to such requests in

33 Ketevan Tkeshelashvili, Pawan Kumar Dutt, and Miranda Gurgenidze, "Commercialisation of Intellectual Property: A Comparative Analysis of Georgia and Estonia," TalTech Journal of European Studies 14, no. 1 (June 1, 2024): 22–52, https://doi.org/10.2478/bjes-2024-0002.

34 Irakli Burduli, "Modern Georgian Corporate Law in the Mirror of European Law. General Review of the Reform," *Journal of Human Security and Global Law* 2, no. 1 (December 21, 2023): 99–110, https://doi.org/10.5565/rev/jhsgl.38.

35 Davit Gvenetadze, "Brief Overview of Franchising, Identifying Georgian Perspective," *Scientific Journal „Spectri"* 1, no. 1 (September 24, 2025): 2–4, https://doi.org/10.52340/spectri.2025.11.01.01.

accordance with guidelines agreed upon by the government and industry stakeholders.[36] These reforms are intended to balance the exclusive rights of creators and the cultural industry with internet freedom, while making Georgia more compatible with EU copyright policy directions and international practices in developed countries.

In the area of patents, modern reforms in Georgia reflect a trend toward improved quality and harmonization with international patent systems — particularly within the framework of the European Patent Convention (EPC) and the Patent Law Treaty (PLT). In 2023, Georgia amended its Patent Law to align with the more advanced requirements of the EPC and PLT, including clarifying patentability criteria, mandating the publication of patent applications 18 months from the priority date, improving the substantive examination process, and strengthening patent revocation mechanisms. This has built a more transparent, efficient, and internationally recognized patent system. In the 2024 European Commission Report, the EU recommended that Georgia promptly begin negotiations for accession to the European Patent Convention, while ensuring full implementation of the patent law amendments so that the national patent system is fully aligned with the European patent system and supports innovation and cross-border research cooperation.

Trademark reforms in Georgia also show accelerated legal harmonization with the EU, particularly in the context of accession to international trademark systems and the protection of geographical indications. In March 2024, amendments to the Trademark Law took effect in Georgia, aligning national legislation with EU law and international systems including changes related to the registration and protection of geographical indications. This is part of Georgia's efforts to accede to the Lisbon Agreement (Geneva Act) on the geographical indications system, enabling farmers, local producers, and craft communities to obtain stronger protection for their country's distinctive products (such as wine and certain traditional beverages) in domestic and international markets. These reforms are crucial not only for enhancing the competitiveness of Georgian products but also as part of the government's strategy to strengthen value chains and combat the counterfeiting and exploitation of traditional product names by foreign parties.

The framework for IP reform in Georgia also includes strengthening rights enforcement at the border and enhancing the capacity of law enforcement agencies. In practice, IP infringements still frequently occur, particularly through the circulation of counterfeit goods, pirated products, and violations of patent and trademark rights in international trade. Through the 2017–2018 legal amendments, Georgia aligned its regulations on IP-related border measures with EU Regulation No. 608/2013 expanding the scope of protected rights at the border (e.g., designs, patents, utility models, integrated circuit topographies, and new plant varieties and animal breeds) and enabling customs authorities to act ex officio by seizing suspected infringing goods, while providing a mechanism for the destruction of counterfeit products based on court decisions. In terms of law enforcement, Georgia has established an Inter-Agency Coordination Council for IP Enforcement that coordinates Sakpatenti, the police, prosecutors, and courts. It has also received technical support and training from the US (USAID, USTR) and international institutions to strengthen the capacity of

[36] Tamta Kartsivadze, "CONTEMPORARY CHALLENGES OF CORPORATE SOCIAL RESPONSIBILITY IN GEORGIA," *Innovative Economics and Management* 10, no. 3 (November 29, 2023): 75–84, https://doi.org/10.46361/2449-2604.10.3.2023.75-84.

prosecutors, judges, and investigators in IP matters though challenges remain, such as low understanding of IP among the judiciary and limited resources to handle complex cases in the digital era.

Overall, the framework for modern IP reform in Georgia can be understood as part of an inclusive economic development agenda and institutional reform in the context of a country moving toward EU integration. This involves building an adequate IP legal system, strengthening implementing institutions (Sakpatenti, customs, courts), and improving infringement practices in domestic and border markets. These reforms aim to ensure that innovators, creators, farmers, and MSMEs can obtain economic recognition for their works, while attracting foreign investment, increasing the confidence of international businesses, and strengthening Georgia's position as a country that meets international standards for property rights and intellectual property protection. However, challenges such as enhancing law enforcement and public education remain long-term agendas that need to be pursued.

The frameworks for IP reform in Indonesia and Georgia while both operating within the context of international law such as TRIPS, WIPO, and the Paris/Berne Conventions show patterns of similarities and differences that reflect the unique character of each country as a developing nation building an innovation-based economy. Indonesia is a large country with a diverse economy and socio-cultural complexity, while Georgia is a transition country with a strong agenda to align its laws with the EU. Thus, IP reform in both countries reinforces each other in terms of compliance with international standards, but differs in their institutional approaches, political pressures, and development priorities adopted by governments and businesses.

In general, the IP legal systems of Indonesia and Georgia are very similar in their basic structure, as both have adopted the TRIPS classification — regulating patents, trademarks, copyright, geographical indications, industrial designs, and integrated circuit topographies in separate laws or a single binding comprehensive law. Both also apply the principle of automatic protection for copyright in line with the Berne Convention, and implement priority rights and national treatment in accordance with the Paris Convention. Philosophically, both use the system of limited monopoly as an incentive to promote creativity, technology, and economic innovation — not merely to copy Western law, but to position intellectual property as a policy tool for economic development and national competitiveness. Both countries also have central institutions managing IP registration and administration: the Directorate General of Intellectual Property under the Ministry of Law and Human Rights in Indonesia, and the National Intellectual Property Center of Georgia (Sakpatenti) in Georgia. Their mandates are similar: receiving applications for patents, trademarks, copyright, and geographical indications; issuing protection certificates; and publishing entries in official registers. Thus, both strive to establish a centralized and orderly registration system as the basis for civil, administrative, and border law enforcement.

In terms of legal structure and content, the regulations in Indonesia and Georgia show many technical similarities, particularly regarding protection periods and exclusive rights: both grant patents with a 20-year protection period from the filing date, apply the "first-to-file" system as the basis for granting patent rights, and provide extended protection mechanisms for pharmaceutical or agricultural product patents such as Supplementary Protection Certificates (SPCs) in Georgia, which is similar to the flexibility frameworks being discussed in Indonesia, especially in the use of patent rights in the health and agricultural sectors. Similarly, for copyright, Indonesia (Law

No. 28 of 2014) and Georgia (Law on Copyright and Related Rights) provide copyright protection for the lifetime of the creator plus 70 years after their death, and regulate moral rights and economic rights separately. Both offer strong protection for reproduction, distribution, communication to the public, and customary practices related to the creator's ethical rights reflecting the adoption of Western-European legal approaches, particularly the European model and TRIPS, as the primary reference. However, Indonesia still shows the influence of its Dutch colonial legal legacy, while Georgia is more aligned with the legal models of Eastern Europe and the EU.

Beneath these structural legal similarities, however, there are fundamental differences in the context, agenda, and pressures driving IP reform in the two countries. In Indonesia, IP reform has been largely shaped by the post-independence need to build a national legal system, then accelerated by obligations as a WTO/TRIPS member, and pressures from major trading partners such as the United States and the EU to strengthen IP laws and enforcement. Major changes thus occurred between 2000–2016, with revisions to the Patent, Trademark, and Copyright Laws, and continued refinement through subsequent amendments (such as Law No. 65 of 2024 on Patents) that emphasize administrative modernization and alignment with global standards. At the same time, the government must balance exclusive rights with access to medicines and technology, as well as the protection of traditional knowledge — a matter of particular sensitivity in the context of Indonesia's ethnically, culturally, and naturally diverse landscape.

In contrast to Indonesia, IP reform in Georgia is strongly influenced by geopolitical agendas and its eligibility as an EU candidate country. Thus, IP legal changes are not merely a response to WTO/TRIPS, but part of the process of harmonizing laws with the EU and DCFTA which demand higher legal standards, transparency in judicial processes, effective enforcement, and accession to various international agreements (such as the Lisbon Agreement on geographical indications). As a result, legal changes in Georgia are often faster and more radical in aligning with European norms, including expanding border rights and strengthening administrative mechanisms that can be implemented by customs authorities compared to Indonesia, which is still moving slowly in restructuring procedural laws and the capacity of law enforcement agencies spread across thousands of courts and police stations. Consequently, Georgia's IP policy framework is more focused on legal alignment and improving the investment climate to attract European investors, while Indonesia faces more complex dilemmas such as balancing modern IP protection, public access, and local-level cultural and natural resource sustainability.

In terms of enforcement practice, Georgia also demonstrates a more institutionally coordinated approach, with an inter-agency enforcement system designed to support border enforcement and the crackdown on piracy — particularly in the physical goods trade and online intellectual property piracy. Legal amendments explicitly grant customs authorities the power to seize counterfeit goods and police the authority to handle serious infringements. In Indonesia, while IP procedural and criminal laws are fairly robust on paper, their implementation is still hampered by limited capacity, human resources, and low awareness among courts and prosecutors in many regions. Thus, even though the legal system is formally equivalent, the gap between theory and practice remains very wide especially outside Jakarta and major cities.

In the area of collective intellectual property protection, Indonesia has a highly distinctive legal approach: it incorporates customary law and traditional knowledge as

an integral part of IP protection, particularly for geographical indications, local plant varieties, and cultural heritage. This is regulated under the Trademark and Geographical Indications Law (Law No. 20 of 2016) and implementing regulations involving regional governments, customary institutions, and farming communities. Georgia, as a country with a more EU-centric civil law system, regulates geographical indications and product origin in a more technocratic manner, with no mention of customary law systems. The fundamental difference here is that Indonesia emphasizes socio-cultural aspects and local wisdom as part of intellectual property, while Georgia prioritizes efficiency, international standards, and market openness as the main reform priorities. The following table summarizes a comparison of modern Intellectual Property Rights (IPR) reform arrangements in Indonesia and Georgia.

Table 1.

Aspect	Indonesia	Georgia
Background of IPR Reform	A legacy of Dutch colonial law, developed post-independence and re-codified to comply with WTO TRIPS.	The legal legacy of the post-Soviet era, systematically updated to comply with WTO TRIPS and in particular with European Union standards (DCFTA)
Basic Legal Framework	Collection of sectoral laws: Patent Law, Trademark Law, Copyright Law, Industrial Design Law, Layout Design Rights Law, Plant Variety Protection Law, etc.	A highly codified legal system, with six key laws: Patents, Trademarks, Copyright, Geographical Indications, Circuit Topography, and Border Acts on IPR.
Intellectual Property Administration Agency	The Directorate General of Intellectual Property (Dirjen KI), Ministry of Law and Human Rights, as the central authority for IPR registration and services.	The National Intellectual Property Center of Georgia (Sakpatenti), as the central authority that manages all areas of IPR, including patents, trademarks, copyrights, varieties, and geographical indications.
Approach to TRIPS and International Standards	Harmonization with TRIPS, WIPO, the Paris Convention, and the Berne Convention, but with an emphasis on flexibility for access to health, education, and protection of traditional knowledge.	Deep alignment with TRIPS and DCFTA, as well as with European Union law, including accessories to the Lisbon Treaty (geographical indications), with a focus on legal alignment with European standards.
Approaches to Traditional Knowledge and Local Culture	IPR is closely linked to traditional knowledge, fabric designs, plant varieties and cultural expressions, which are protected through geographical	More technocratic protection: IPR is focused on products such as wine, specialty foods/drinks, and varieties, without formal regulation of

	indications, trademarks and customary/regional legal frameworks.	customary law; focus on technical standards and international markets.
Copyright Law and Term of Protection	Copyright protection for the life of the creator + 70 years; using the automatic protection system according to the Berne Convention, without mandatory registration formalities.	Copyright protection for the life of the creator + 70 years; application of the Berne Convention with the principle of automatic protection, supplemented by related rights regulations.
Patent Law and Term of Protection	General patents are granted for 20 years from the date of registration; a "first-to-file" system, with the latest revision in Law No. 65 of 2024.	Patents are protected for 20 years from the date of registration; a "first to register" system, with harmonization with the European Patent Convention (EPC) and the international system.
Protection Mechanisms on the Border Route	Customs can detain goods that infringe IPR, but capacity and coordination across agencies are still limited; much depends on notification of rights holders.	A very powerful system: customs can act ex officio, detaining and even destroying pirated goods, based on laws harmonized with EU Regulation No. 608/2013.
Approaches to Digital, Internet, and Online Copyright	Beginning to develop a notice-and-takedown mechanism, but not yet fully integrated legally and technically; digital piracy remains widespread.	Enhance online law enforcement mechanisms, including cooperation with internet service providers (ISPs) and notice-and-takedown systems, as well as the active role of IPR authorities in addressing pirated content online.
Coordination and Law Enforcement	The inter-institutional coordination system (Directorate General of Information, National Police, Prosecutor's Office, Courts) remains limited in many regions; law enforcement is hampered by human resource capacity and resource constraints.	A more structured inter-agency coordination system: The Inter-agency Coordination Council for Intellectual Property Rights works closely between Sakpatenti, the police, the prosecutor's office, customs, and the courts, with technical support and training from international institutions.
Political Agenda and Pressure	IPR reform is driven by TRIPS obligations, pressure from trading partners, and the need to attract investment, but must be balanced with issues of access to medicine, access to education,	IPR reform is heavily influenced by political and geopolitical agendas, namely eligibility as a candidate country for the European Union, thus focusing on legal

	and the rights of indigenous peoples.	harmonization and image as a country with a good investment climate.
Role in Economy and Development	Strengthening IPR is used to build an innovation-based economy, creative economy, MSMEs, and the use of intellectual assets for credit guarantees, but is often hampered by low awareness and capacity of local business actors.	Strengthening IPR is used as part of a national strategy to attract investment, increase the competitiveness of typical products (wine, food, etc.), and strengthen the position in trade and integration with the European Union.

(Source: Author's Analysis)

Intellectual Property reform in Indonesia and Georgia shows similarities in their basic legal structure, adopting the framework of TRIPS, WIPO, and the Paris/Berne Conventions, as well as having central authorities (Indonesia: Dirjen KI, Georgia: Sakpatenti) that manage the registration and administration of patents, trademarks, copyright, and geographical indications. However, beneath these similarities, the two countries differ in their background, agenda, and approach to law and development. Indonesia has built its IP system from a Dutch colonial legal legacy, which was later developed to meet TRIPS obligations and attract investment, while Georgia has intensely restructured its IP law from a post-Soviet legal tradition to align with EU standards particularly through the DCFTA. Thus, IP reform in Georgia is more strongly influenced by political and geopolitical pressures as an EU candidate country, whereas in Indonesia, reform is more guided by national economic needs, pressure from trading partners, and the balance between exclusive rights and access to medicines, education, and the rights of customary communities.Both countries use a fragmented legal system, with separate laws governing Patents, Trademarks, Copyright, and Geographical Indications, and apply similar principles of exclusive rights and protection periods: patents with a 20-year protection period based on the "first-to-file" system, and copyright protected for the creator's lifetime plus 70 years with automatic protection in line with the Berne Convention.

However, their difference lies in their approach to collective intellectual property: Indonesia explicitly incorporates aspects of customary law, traditional knowledge, and local cultural expressions into its IP system particularly through geographical indications and the authority of customary communities while Georgia emphasizes a technocratic approach and international standards, with no formal regulation of customary law. As such, protection for local products such as wine and specialty foods is based more on technical aspects and international markets than on deep historical and cultural ties. In enforcement practice, Indonesia has fairly robust mechanisms under positive law, but on-the-ground implementation is still constrained by limited capacity of law enforcement agencies, insufficient human resources in police, prosecutors, and courts outside the capital, and weak inter-agency coordination. Thus, IP enforcement in Indonesia often feels slow and uneven. In contrast, Georgia has developed a more coordinated enforcement system, with an Inter-Agency Coordination Council connecting Sakpatenti, police, prosecutors, customs, and courts, and receiving technical support and training from international institutions and trading partners. As a result, in addition to legal policies more aligned with the EU,

border enforcement and action against counterfeit goods are relatively more effective compared to Indonesia, which still faces major challenges in enforcing laws in the trade and e-commerce sectors.

In the economic and development sphere, both countries use IP as a tool to attract investment, drive innovation, and strengthen the competitiveness of national products but with different priorities. Indonesia emphasizes the role of IP in the creative economy, the empowerment of MSMEs, and the use of intangible assets as credit collateral, though this is still limited by business actors' awareness and capacity. Georgia, on the other hand, is more focused on enhancing its economic position through aligning IP law with EU standards, acceding to international legal mechanisms such as the Lisbon Agreement, and implementing strategies to promote distinctive products (geographical indications) in EU markets. Thus, in essence, Indonesia is building an IP system based on social inclusion and cultural diversity, while Georgia is developing a more open, integrated system that is responsive to the needs of international markets — particularly the EU as its key future partner.

4. Conclusion

The development of intellectual property (IP) from ancient times to the present is a long historical process that has evolved from informal and privileged forms of protection under royal rule to a modern legal system that is codified, global, and integrated into the international trading order. The IP system gradually developed in the form of national laws imported from colonial powers (such as the Netherlands, Britain, and France) and designed to protect the trade and industrial interests of the colonizers. Thus, in former colonial countries including Indonesia the early IP system was colonial in nature, prioritizing protection for European investors and entrepreneurs, while local cultural wealth, plants, and knowledge were often overlooked as equivalent IP objects. Modern IP reform represents a shift from a discriminatory and exclusive legal system to one that is more open and high-standard, yet still requires a balance between rights protection and social justice in an increasingly interconnected world.

A comparison of the legal frameworks for modern intellectual property (IP) reform in Indonesia and Georgia shows that both countries are building IP systems based on international frameworks such as TRIPS, WIPO, and the Paris/Berne Conventions, and have central authorities (Indonesia: Dirjen KI, Georgia: Sakpatenti) that manage the registration and administration of patents, trademarks, copyright, and geographical indications. Structurally, therefore, they share a similar legal format: separate laws for each type of IP, a "first-to-file" system for patents, automatic copyright protection in line with the Berne Convention, and similar protection periods 20 years for patents and the creator's lifetime plus 70 years for copyright. However, their differences lie in the background, motives, and approach to reform. Indonesia's IP system is more inclusive and rooted in local wisdom, while Georgia adopts a more technocratic, international-standard approach with no formal regulation of customary law. As such, protection for distinctive products such as wine or specialty foods is based on technical aspects, production standards, and appeal to international markets particularly the EU rather than deep historical and cultural ties. In terms of enforcement, Indonesia has strong legal mechanisms at the normative level, but on-the-ground implementation is still hampered by limited capacity of the police, prosecutors, courts, and inter-agency coordination especially outside the capital. Thus, IP enforcement in Indonesia often feels slow, uneven, and weak in the trade and e-

commerce sectors. In contrast, Georgia has a more coordinated system, with an Inter-Agency Coordination Council connecting Sakpatenti, the police, prosecutors, customs, and courts, supported by training and technical assistance from international institutions. As a result, enforcement at the border, against counterfeit goods, and in the digital space is relatively more effective than in Indonesia. Indonesia emphasizes the role of IP in driving the creative economy, empowering MSMEs, and using intangible assets as credit collateral — though this is still limited by low awareness and capacity among business actors. Georgia, on the other hand, focuses on enhancing its economic position through aligning laws with EU standards, acceding to international agreements such as the Lisbon Agreement, and promoting distinctive products through geographical indications in EU markets. Overall, modern IP reform in Indonesia places greater emphasis on social inclusion, cultural diversity, and balance with public needs, while reform in Georgia prioritizes trade liberalization, integration with the EU, and aligning laws with the demands of international markets particularly the EU as the country's key partner.

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