

Beyond Geographical Indication Registration: Towards a *Sui Generis* Framework for Malaysia's Living Culinary Heritage

Suriyati Binti Salim¹

¹Ph.D Candidate, Civil Law Department, Ahmad Ibrahim Kulliyyah of Laws, International Islamic University Malaysia

ARTICLE INFORMATION	ABSTRACT
Article history: Published: February 2026 Keywords: <i>Sui generis</i> law Culinary heritage Traditional Cultural Expressions (TCEs) Geographical indications (GIs) Malaysia	This article examines the critical disjunction between Malaysia's intellectual property (IP) regime and the need to protect its living culinary heritage as a Traditional Cultural Expression (TCE). It identifies a policy-driven emphasis on commercial branding, exemplified by initiatives like the 'World Intellectual Property Organization (WIPO)-Intellectual Property Corporation of Malaysia (MyIPO) Gastronomic Tourism Project', which risks reducing communal foodways to privatised assets. The core problem is the systemic failure of conventional IP tools, notably geographical indications (GIs), to safeguard prepared dishes and collective culinary knowledge, instead favouring agricultural commodities. Addressing the lack of an integrated legal study, this research employs a multi-method analysis of policy documents, the GI registry, and contemporary disputes to demonstrate this institutional bias. Its central aim is to formulate a tailored <i>sui generis</i> (a unique legal system) governance framework. The findings confirm a structural oversight in existing mechanisms and a legal mismatch concerning collective ownership. In response, the article proposes an original Culinary Heritage Cultural Governance Model, featuring a tiered registry and digital monitoring protocol. The model's theoretical contribution lies in transplanting TCE protection principles into culinary law, while its practical significance is to offer Malaysia a coherent strategy for cultural stewardship. The study concludes that a <i>sui generis</i> framework is essential to formally recognise and sustainably manage culinary heritage as a national cultural asset, shifting the paradigm from private branding to collective custodianship, an approach that aligns with the Islamic legal principle of <i>maṣlaḥah</i> (public benefit) by safeguarding communal heritage as a public good.

1. Introduction: Situating Culinary Heritage within Legal Discourse

The cultural significance of food is vividly performed and perpetuated through communal celebrations. In Malaysia, the festive songs of Hari Raya Aidilfitri act as oral archives, explicitly naming the dishes that form the cornerstone of the occasion's shared identity. These lyrics frame food not as a commodity, but as a central, inherited element of collective heritage.

*"Kuih dan muih beraneka macam
 Makanlah, jangan hanya dipandang
 Ketupat, rendang, sila nikmati
 Kawan penat memasak malam ke pagi
 Wajik dan dodol jangan lupakan
 Peninggalan nenek zaman-berzaman"*

— Anuar Zain and Ellina, 'Suasana Hari Raya' (1985). Composer: Adnan Abu Hassan; Lyrics: Habsah Hasan; Recording Company: EMI (Malaysia) Sdn. Bhd.

*"Mari adik mari abang mari kita beraya bersama
 Orang jauh janganlah lupa kita lupakan
 Sila adik, silakan abang, sila selera jamu selera
 Lemang, ketupat, dan rendang semua ada."*

— Siti Nurhaliza, 'Bila Hari Raya Menjelma' (2003). Composer: S. Atan; Lyrics: Nurul Asyiqin; Recording Company: Suria Records Sdn. Bhd. (SRC).

This cultural narrative, where terms like *rendang* and *ketupat* signify shared tradition, stands in stark contrast to a legal paradigm that views such terms through the lens of private, commercial branding. The recognition of food as a significant component of cultural heritage is an established tenet within cultural studies and anthropology. In the Malaysian context, the culinary landscape constitutes a complex, living system forged through centuries of interaction between Malay, Chinese, Indian, and indigenous communities (Zanetti, 2022). Dishes such as *nasi lemak* and *roti canai* are not merely consumables; they function as repositories of intergenerational knowledge, social memory, and collective identity. Accordingly, such culinary practices align conceptually

with the definition of Traditional Cultural Expressions (TCEs), which are understood as creations that reflect a community's cultural and social identity, maintained and developed by that community (S. F. Ismail & Azmi, 2015; Zuallcoble, 2021).

However, the translation of this cultural reality into effective legal protection remains problematic. Prevaling policy frameworks, notably the WIPO-MyIPO Gastronomic Tourism Project, predominantly approach culinary heritage through the lens of IP tools designed for commerce, such as trademarks and GIs (*IP and Gastronomic Tourism: Malaysia*, n.d.; Zanetti, 2022; Zuallcoble, 2021). This orientation, while economically pragmatic, presents a conceptual paradox. Legal mechanisms intended to promote and add value to heritage risk, facilitating its transformation into a static, privately held commodity, potentially alienating the communities responsible for its continuity (Ravenscroft & Westering, 2003). This article, therefore, contends that the protection of Malaysia's living culinary heritage necessitates a dedicated *sui generis* legal framework. Such a framework would operate in complement to existing IP law, grounding protection not in commercial distinctiveness but in principles of collective custodianship, cultural significance, and stewardship. It aims to bridge the gap between the cultural status enshrined in song and the vulnerabilities exposed in contemporary legal practice.

2. Literature Review

A critical synthesis of existing scholarship reveals three principal streams of analysis, each contributing to a distinct understanding of the protection dilemma while collectively highlighting a fundamental misalignment between available legal mechanisms and the nature of the subject matter they seek to protect.

2.1 Stream One: The Doctrinal Limits of Conventional IP Law

The most extensive body of literature rigorously examines the application of standard IP rights (IPRs) to culinary creations, with a predominant focus on *haute cuisine* (artful or elaborate cuisine) and individual innovation. A significant sub-stream debates the copyrightability of dishes and their artistic plating. Scholars such as Broussard (2008) and Vashisht (2018) advanced arguments for recognising original culinary presentations as works of applied art. In contrast, a formidable counter-analysis details profound doctrinal hurdles inherent in copyright law: the fixation requirement is ill-suited to perishable creations; the originality threshold is challenging to meet for recipe-based works; and the useful article doctrine presents a significant barrier (Bonadio & Weissenberger, 2021; Saunders & Flugge, 2021). Gupta and Misra (2024) extend this critique by challenging the judicial reasoning behind denying copyright to recipes, advocating for a more flexible interpretation of existing copyright principles.

Concurrently, research into trademark and trade dress law explores the potential for protecting restaurant ambience or distinctive plating as source identifiers (Vashisht, 2018). This work engages with the challenges of proving non-functionality and acquired distinctiveness, often concluding that such protection is exceptional. Crucially, scholars like Cunningham (2009) caution that the aggressive extension of these inherently individualistic and monopolistic IP doctrines conflicts with the culinary industry's established norms of sharing, apprenticeship, and incremental, collective innovation.

Limitation: This scholarly stream is axiomatically premised on the foundational IP tenets of individual authorship, commercial novelty, and exclusive ownership. It is therefore structurally incapable of addressing communal, traditional foodways that are intrinsically non-individual, non-novel in the patent sense, and collectively sustained.

2.2 Stream Two: The Cultural Heritage Critique and the Problematisation of Commercialisation

Secondly, a vital stream of scholarship critiques the first from the perspective of cultural heritage and traditional knowledge. Research on indigenous TCEs provides a foundational framework, consistently demonstrating the incompatibility of Western IP models with communal, orally transmitted, and evolving cultural practices (S. F. Ismail & Azmi, 2015; Samsudin et al., 2021). This scholarship provides the critical theoretical precedent for considering *sui generis* protection models tailored to collective cultural assets.

Within gastronomic tourism studies, Ravenscroft and Westering (2003) offer a seminal argument. They posit that gastronomy itself cannot be owned; rather, IPRs attach only to the commercial branding of a region. Their analysis warns of the 'creolisation' of distinct regional food cultures into homogenised national brands for tourist consumption, a process that can erode local cultural identity. This critique is directly pertinent to initiatives like the WIPO-MyIPO project, which, as noted by (Azman et al., 2025) often frames GIs primarily as a 'novel branding technique' for economic gain, potentially overlooking deeper cultural safeguarding imperatives.

Limitation: While this scholarly stream furnishes an essential critical perspective and a compelling diagnosis of commodification risks, it predominantly operates at the level of critique. It demonstrates considerable proficiency in deconstructing the conceptual and practical inadequacies of conventional IP regimes. However, it frequently does not advance to the formulation of detailed, legally operational *sui generis* frameworks that are specifically architected to address the dynamic, practice-based, and communal characteristics of culinary heritage.

2.3 Stream Three: The Policy-Led IP-for-Development Paradigm

The third stream is embodied in the policy documents of international development initiatives, such as the WIPO-MyIPO Gastronomic Tourism Project (*IP and Gastronomic Tourism: Malaysia*, n.d.; Zanetti, 2022). This represents a pragmatic attempt to bridge the previous streams by operationalising collective IP tools (for example, certification marks, GIs) for traditional dishes to stimulate economic development in the tourism sector.

A close textual analysis of its foundational report, however, reveals a deeply embedded commercial logic. The project frames heritage dishes as 'formidable business assets' and advocates a shift 'from the sale of commodities to the provision of ... "dreams" (Zanetti, 2022). This instrumentalist approach risks perpetuating what Gupta and Misra (2024), in the context of

traditional knowledge, identify as processes lacking robust ethical frameworks for prior informed consent and benefit-sharing. Contemporary legal discussions surrounding the commercial use of certain culinary terms, such as those examined by Ismail and Azmi (2015), illustrate the tensions that can arise when formal, individual IPRs intersect with terms that possess collective cultural resonance.

Limitation: This policy-oriented approach utilises the institutional form of collective IP instruments. However, its implementation may not adequately integrate the substantive cultural dimensions and participatory governance models required for holistic heritage protection. The framework's primary emphasis on 'branding' and 'asset creation' can result in legal and policy structures that do not adequately empower source communities, safeguard the continuity of living practices, or extend protection to foodways that operate beyond conventional commercial paradigms.

2.4 Synthesising the Scholarly Gaps

The synthesis of these three scholarly streams elucidates a significant and persistent disjuncture within Malaysian legal scholarship pertaining to culinary heritage. A review of the literature indicates that existing research has not yet: (1) anchored its critical assessment in a methodical, categorical examination of the national GIs registry to delineate its inherent structural predisposition toward specific categories of heritage; (2) undertaken a successful doctrinal transplantation of the legal and philosophical underpinnings of *sui generis* TCE protection into the culinary domain to construct a robust juridical argument for its status as a protectable asset; and (3) advanced a comprehensive governance architecture that transcends the paradigm of 'branding' to institute a formal system for cultural recognition and administrative management, one which concurrently addresses the emergent complexities presented by digital dissemination and derivative culinary phenomena.

This article is conceived to address this identified lacuna. Its scholarly contribution and novelty reside in this integrative methodology, which seeks to formulate a culturally-attuned and legally-viable *sui generis* framework, expressly designed to accommodate the complete continuum of Malaysia's living culinary heritage.

3. Methodology: A Multi-Phase Analytical Framework

This study employs a qualitative, multi-stage analytical framework to investigate the complex intersection of law and culture in the protection of culinary heritage.

Phase 1: Doctrinal and Policy Analysis

A critical examination of Malaysian IP statutes, pertinent judicial decisions on passing-off and trademark infringement, and the foundational policy documents of the WIPO-MyIPO Gastronomic Tourism Project is undertaken (*IP and Gastronomic Tourism: Malaysia*, n.d.; Zanetti, 2022). This phase aims to deconstruct the operative legal principles and the underlying policy objectives guiding the current institutional approach.

Phase 2: Empirical Registry Analysis

A systematic, categorical analysis of the official inventory of registered GIs in Malaysia is performed (*Statistic Application & Registration*, n.d.). Each registered item is classified to identify, document, and analytically assess prevailing patterns of protection, systemic imbalances, and identifiable lacunae within the formal registration framework.

Phase 3: Contemporary Legal Discourse Analysis

This phase involves an examination of recent legal discourse and documented disputes concerning the commercial appropriation of culinary terminology within Malaysia, as evidenced in legal commentary (S. F. Ismail & Azmi, 2015). The objective is to connect theoretical critiques of the IP regime to tangible contemporary frictions, thereby illustrating the practical implications and limitations of existing legal structures.

Phase 4: Analysis of Evolving Culinary Phenomena

The broader socio-cultural context of rapidly evolving food trends and culinary adaptations is considered. This phase assesses the inherent disjunction between the dynamic, participatory nature of contemporary cultural production in the digital age and the comparatively static, formal processes of IP law.

Phase 5: Comparative Synthesis and Sui Generis Model Formulation

Insights derived from scholarship on *sui generis* protection for TCEs are synthesised with empirical findings and contextual analyses from the preceding phases. This integrative and comparative process forms the conceptual foundation for constructing the proposed '*Sui Generis* Culinary Heritage Cultural Governance Model'. The scope of this research is intentionally comprehensive, encompassing canonical heritage dishes, living street food ecosystems, and emergent digital culinary phenomena. This reflects a commitment to addressing the full continuum of Malaysia's living culinary identity.

4. Analysis and Findings: A Tripartite Challenge for the Current Legal Framework

4.1 Empirical Analysis of Systemic Disparities within the GI Registry

A categorical examination of Malaysia's GIs registry yields data that illustrates a discernible disparity in the scope of legal protection. As delineated in Table 1, agricultural commodities constitute the predominant category of registrations, whereas prepared culinary dishes are markedly underrepresented (*Statistic Application & Registration*, n.d.).

Table 1: Categorisation and Representational Disparity within Malaysia's GIs Registry (registrations recorded up to 2024)

Category	Number of GIs	Representative Examples	Analytical Implication
Primary Agricultural Products	21	<i>Sarawak Pepper, Bario Rice, Mangga Harumanis Perlis.</i>	High Level of Protection. The regime demonstrates a pronounced efficacy in safeguarding raw materials with a defined geographical origin (<i>terroir</i>).
Semi-Processed Food Products	8	<i>Belacan Melaka, Cencalok Melaka, Air Nira Terengganu.</i>	Moderate Protection. The system recognises processed ingredients but does not extend to the culinary knowledge required for their final preparation.
Prepared and Dish-Based Foods	9	<i>Nasi Dagang Terengganu, Asam Pedas Melaka, Klang Bak Kut Teh.</i>	Low Level of Protection. There is a significant underrepresentation of complex, recipe-based heritage within the registered corpus.
Craft Products	20	<i>Songket Terengganu, Batik Terengganu, Labu Sayong.</i>	Moderate Protection. The framework accommodates the registration of tangible cultural crafts.

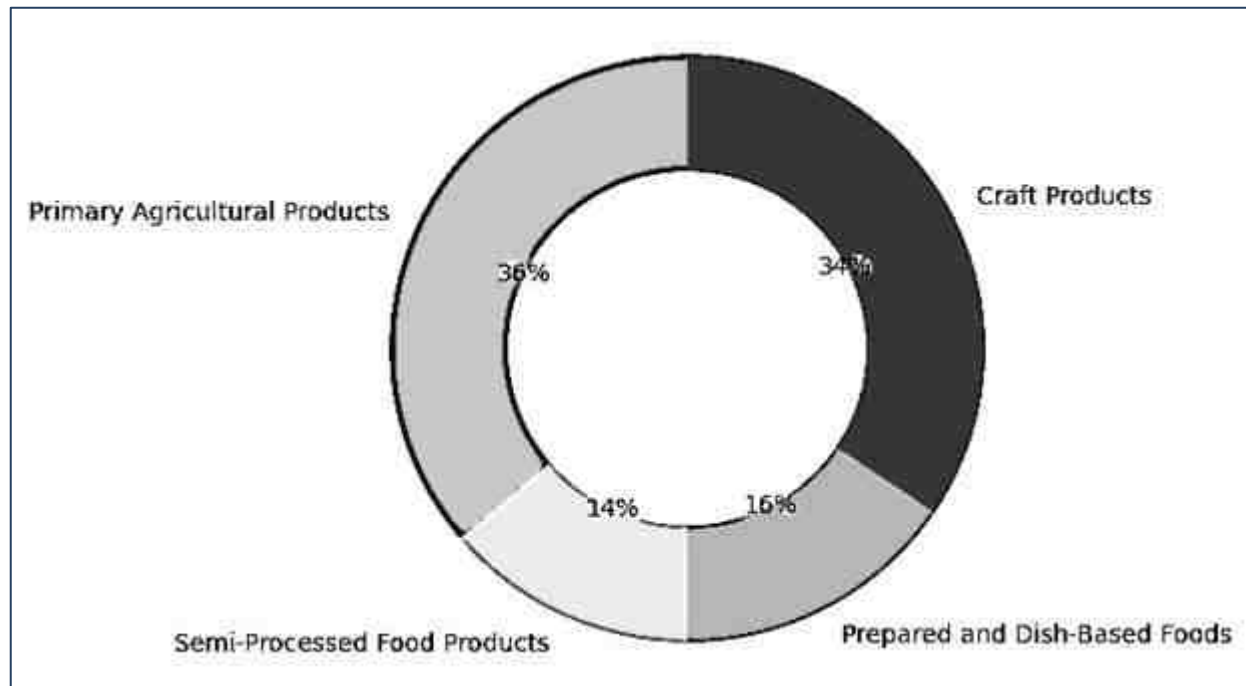


Figure 1: Distribution of Registered Geographical Indications by Food and Product Category in Malaysia (registrations recorded up to 2024, based on MyIPO GI Registry data)

This structural imbalance indicates that the existing GI regime is institutionally oriented towards the protection of 'heritage as commodity' and 'heritage as artefact'. It systematically falls short of accommodating 'heritage as practice', the embodied, performative knowledge, techniques, and social rituals inherent in the preparation and consumption of traditional dishes.

4.2 Doctrinal Analysis: The Individualistic Paradigm of Core IPRs

The doctrinal architecture of conventional IPRs introduces a conceptual misalignment when applied to culinary heritage. The fundamental premise of trademark law, which necessitates a singular, identifiable source of commercial origin, stands in direct contradiction to the communal and intergenerational genesis of traditional dishes (Cunningham, 2009). Similarly, the statutory prerequisites of copyright law, particularly fixation and originality, are not readily transferable to orally transmitted, incrementally evolving culinary techniques. Even policy initiatives that promote the use of collective or certification marks often remain circumscribed within a commercial and branding-centric paradigm, which may not encapsulate the full spectrum of cultural significance (Zanetti, 2022). This juridical orientation toward individual proprietorship and source differentiation is substantiated within Malaysian IP jurisprudence concerning the food sector, as synthesised in Table 2.

Table 2: Synthesis of Pertinent Malaysian Jurisprudence on Food-Related IP

Case Citation	Legal Issue	Core Judicial Principle
<i>Munchy Food Industries Sdn Bhd v. Huasin Food Industries Sdn Bhd</i> [2022] 1 MLJ 377	Trademark Infringement and Passing Off	The Federal Court affirmed that exclusivity over a registered trademark ('LEXUS') protects against deceptively similar marks ('LEX'). Furthermore, the court ruled that variation of a trademark is not a mandatory prerequisite before commencing an action.

<i>Syarikat Faiza Sdn Bhd & Anor v. Faiz Rice Sdn Bhd & Anor</i> [2019] 7 MLJ 175	Copyright Infringement, Trademark Infringement, and Passing Off	The High Court ruled that striking objective visual similarities in product packaging created a rebuttable presumption of copying. Moreover, the court held that a corporate veil could be pierced to hold a ‘directing mind and will’ personally liable as a joint tortfeasor for the company’s copyright infringement, trademark infringement, and passing off.
<i>Al Baik Fast Food Distribution Co SAE v. El Baik Food Systems Co SA</i> [2016] 5 MLJ 768	Trademark Ownership and Registration	The Court of Appeal held that the likelihood of confusion among the Malaysian public cannot arise if the claiming party has never traded in Malaysia. Accordingly, the decisive factor for relief is the existence of established local goodwill rather than mere foreign registration.
<i>Sinma Medical Products (M) Sdn Bhd v. Yomeishu Seizo Co Ltd & Ors</i> [2004] 4 MLJ 358	Trademark Infringement and Passing Off	The Court affirmed that phonetic or aural confusion (‘Yang Ming Jiu’) is sufficient for infringement even if visual differences exist. The fundamental test is whether a tangible likelihood of confusion exists among the relevant public regarding the true source of the goods.

4.3 The Governance Gap: Digital Acceleration and Cultural Commons

A third, emergent challenge arises from the dynamics of contemporary culinary culture, where a temporal asymmetry between digital trend cycles and legal registration creates a governance vacuum. Culinary terms and styles can achieve widespread cultural recognition through social media at a pace that completely outpaces formal legal processes. This creates a critical period where collectively generated culinary identifiers reside in a vulnerable cultural common.

During this period, these identifiers are exposed to potential claims under an IP system designed for a slower, more deliberate mode of commerce. Legal commentary on disputes arising from such scenarios highlights the tension between individual IPRs and terms with collective cultural resonance (D. S. F. Ismail, 2024). It is critical to note that such trademark actions are rational and legally sound within the existing paradigm, which is designed to reward and protect commercial investment. The controversies stem not from a breach of law, but from the law’s conceptual limitation in differentiating between a privately built brand and a collectively generated cultural signifier. This limitation reflects a systemic governance gap in which the law lacks institutional mechanisms to recognise or protect these rapidly evolving, communally sourced culinary expressions.

5. Proposal: A *Sui Generis* Culinary Heritage Cultural Governance Model

In response to the tripartite challenges identified, this article proposes a dedicated *sui generis* Culinary Heritage Cultural Governance Model. This model is predicated on the principles of formal cultural recognition and structured stewardship.

Table 3: Conceptual Comparison: The GI Regime versus the Proposed *Sui Generis* Framework

Aspect	Geographical Indication (GI) Regime	<i>Sui Generis</i> Culinary Heritage Framework
Core Purpose	To brand a product by certifying its link to a geographical origin (<i>terroir</i>); a commercial tool for market differentiation.	To govern and steward a living cultural practice as a collective heritage asset, a cultural policy tool for safeguarding.
Protected Subject	The name and reputation of a <i>product</i> are tied to a place (for example, “Sarawak Pepper”). Focus on output and origin.	Practice, knowledge, and cultural continuum itself (for example, the art of making <i>rendang</i>). Focus on process and community.
Nature of Subject	Static and Fixed: Specifications are codified and must remain unchanged to maintain the GI.	Dynamic and Living: The tradition is expected to evolve. The framework manages responsible innovation.
Basis of Right	Link to a Place (<i>Terroir</i>).	Link to a Community or Practice (Cultural custodianship).
Right Holder	Producers within a defined geographical area.	Custodian Community (recognised as a collective), with the state as a facilitator.
Type of Right	Exclusive right to use the name for commerce.	Right to recognition, integrity, and benefit-sharing.
Governance Process	Registration and Certification: Bureaucratic process to freeze product specifications.	Recognition and Adaptive Governance: Ongoing monitoring, consultation, and management.
Paradigm of Heritage	Heritage as Commodity or Artefact	Heritage as Practice or Living System
Primary Challenge Addressed	Prevents misuse of a product's name by outsiders.	Prevents cultural misappropriation and alienation of heritage from its community.

5.1 Architecture of a Tiered Culinary Heritage Registry

The foundational element of this model is a statutory, tiered registry, administered by a designated cultural authority. Registration within this framework confers formal state recognition and activates specific, graduated safeguards, as opposed to granting private monopoly rights.

Table 4: Proposed Architecture for a Tiered *Sui Generis* Culinary Heritage Registry

Tier	Category	Registration Criteria	Corresponding Safeguard Mechanism and Governing Body
Tier 1	National Culinary Heritage	Demonstrates longstanding, nationwide cultural recognition and significance.	Anti-monopolisation Framework: The generic name and core identifying characteristics are shielded from exclusive trademark registration. Mandatory permitted use for educational and non-commercial purposes is instituted. Governing Body: Department of National Heritage (Jabatan Warisan Negara), in consultation with the Ministry of Tourism, Arts and Culture.
Tier 2	Regional or Communal Heritage	Possesses a documented historical and cultural linkage to a specific community, ethnicity, or geographical region.	Formal Recognition of Collective Linkage: Establishes the cultural provenance. Mandates guidelines for Prior Informed Consultation and establishes potential frameworks for benefit-sharing in connection with significant commercial exploitation. Governing Body: Department of National Heritage, jointly with State Heritage Bodies and recognised community custodial associations.
Tier 3	Living Street Food Practices	Constitutes a recognised, informal vendor ecosystem with demonstrable cultural and socio-economic significance.	Policy Recognition and Continuity Support: Provides a basis for policy measures aimed at supporting the practice's continuity and preserving its inherent socio-cultural character. Governing Body: Department of National Heritage in partnership with local municipal authorities and national vendors or trader associations.
Tier 4	Evolving Culinary Phenomena	A culinary term or style demonstrates rapid, collective adoption through digital or community channels.	Temporary Protective Mechanism: Institutes a moratorium on pre-emptive trademark filings for a defined period. Automatically triggers a mandated Cultural Status Review Process to determine its appropriate long-term classification. Governing Body: Department of National Heritage's Monitoring Unit, in coordination with the MyIPO for trademark database integration.

5.2 Operational Pillars: Proactive Monitoring and a Structured Engagement Protocol

To ensure the model's operational efficacy, two institutional pillars are proposed under the auspices of the Department of National Heritage:

- Heritage Monitoring and Review Unit:** An administrative unit within the Department of National Heritage tasked with proactively monitoring emergent culinary trends and trademark application databases. Its function is to identify potential 'Tier 4' phenomena, enabling the timely activation of the statutory review and temporary protection mechanisms.
- Formal Cultural Engagement Protocol:** A codified protocol administered by the Department of National Heritage, governing large-scale commercial ventures intending to utilise registered heritage elements. This protocol would mandate structured consultation with recognised cultural bodies or community representatives, potentially culminating in agreements concerning attribution, cultural integrity, and benefit-sharing. This creates a transparent, lawful pathway for responsible commercial engagement.

This *sui generis* framework is conceived to operate in a complementary manner alongside existing IP law. A commercial entity remains free to secure trademark protection for its distinctive brand identity (for example, "XYZ's Premium Rendang"), while the underlying, generically registered culinary term (for example, *rendang*) would be legally preserved for collective cultural stewardship under the governance of the Department of National Heritage.

6. Conclusion

This article has demonstrated that Malaysia's living culinary heritage, embodying the characteristics of TCEs, faces a tripartite challenge within the current IP framework: demonstrable empirical bias, foundational doctrinal misalignment, and a governance gap in addressing digitally accelerated cultural production. The proposed *sui generis* Culinary Heritage Cultural Governance Model offers a legally coherent and culturally attuned alternative. It is crucial to emphasise that this model does not seek to invalidate legitimate commercial entrepreneurship or well-established trademark rights acquired under the current system. Rather, it seeks to address a structural gap in the law itself. The framework operates on a prior, classificatory question: determining whether a culinary term functions primarily as a private brand or as a collective cultural signifier. For terms deemed the former, the existing trademark system remains the appropriate path. For terms identified as the latter, the *sui generis* pathway provides a

mechanism for cultural recognition and stewardship, preventing their alienation from the public cultural commons. By establishing this formal system of recognition through a tiered registry and instituting protocols for responsible engagement, Malaysia can develop a pioneering legal approach. This approach would provide a structured mechanism to honour and protect its culinary heritage as a national cultural asset, facilitating equitable benefit-sharing in line with the principle of *maṣlahah*, thereby ensuring that cultural continuity and respectful innovation are legally supported.

Acknowledgements

The author acknowledges the foundational scholarship on TCEs and the policy documents made available by the WIPO and the MyIPO.

Disclosure Statement

No potential conflict of interest is reported by the author.

Author Contribution

The author is solely responsible for the conception, research, analysis, drafting, and finalisation of this article.

References

- [1] Azman, N. bt, Izwan, I. D. M., Ghani, N. A. B. A., & Razali, S. B. (2025). Savoring Safeguards: Intellectual Property Protection in Gastronomy Tourism. In *Navigating Intellectual Property Challenges in Tourism* (p. 219). <https://doi.org/10.4018/979-8-3693-4171-1.ch010>
- [2] Bonadio, E., & Weissenberger, N. (2021). Food Presentations and Recipes: Is There a Space for Copyright and Other Intellectual Property Rights? *A Philosophy of Recipes: Making, Experiencing, and Valuing*, Bloomsbury. <https://doi.org/10.5040/9781350145948.ch-14>
- [3] Broussard, J. A. (2008). An Intellectual Property Food Fight: Why Copyright Law Should Embrace Culinary Innovation. *Vanderbilt Journal of Entertainment & Technology Law*, 10(3), 691–728.
- [4] Cunningham, E. (2009). Protecting Cuisine Under the Rubric of Intellectual Property Law: Should the Law Play a Bigger Role in the Kitchen? *Journal of High Technology Law*, 9(1), 21–51.
- [5] Gupta, A., & Misra, A. (2024). Exploring Culinary Intellectual Property Protection: Safeguarding Creations and Unauthorized Transfer of Related Knowledge under Traditional IPR. *Christ University Law Journal*, 13(1), 1–28. <https://doi.org/10.12728/culj.24.1>
- [6] *IP and Gastronomic Tourism: Malaysia*. (n.d.). World Intellectual Property Organization (WIPO). Retrieved February 6, 2026, from <https://www.wipo.int/ip-development/en/agenda/projects/malaysia.html>
- [7] Ismail, D. S. F. (2024, January 6). Sambal Dispute Is About Trademark Infringement. *New Straits Times*. <https://www.nst.com.my/opinion/letters/2024/01/997796/sambal-dispute-about-trademark-infringement>
- [8] Ismail, S. F., & Azmi, I. M. A. G. (2015). Criminalisation of Misappropriation of Traditional Cultural Expression (TCE). *Pertanika Journal of Social Sciences and Humanities*, 23(S), 183–196. https://www.researchgate.net/publication/285541695_Criminalisation_of_misappropriation_of_traditional_cultural_expression_TCE
- [9] Ravenscroft, N., & Westering, J. van. (2003). Gastronomy and Intellectual Property. *Tourism and Gastronomy*, 153–165. <https://doi.org/10.4324/9780203218617-9>
- [10] Samsudin, S. A., Abdul Manap, N., & Mohd. Hussein, S. (2021). Kesesuaian Undang-Undang Untuk Perlindungan Corak Tradisional Orang Iban di Sarawak (The Suitability of Laws for the Protection of Traditional Design of Orang Iban in Sarawak). *UUM Journal of Legal Studies*, 12(1), 219–245. <https://doi.org/10.32890/uujls2021.12.1.10>
- [11] Saunders, K. M., & Flugge, V. (2021). Food for Thought: Intellectual Property Protection for Recipes and Food Designs. *Duke Law & Technology Review*, 19(1), 159–197. <https://www.saveur.com/article/Kitchen/9-Signature-Dishes>
- [12] *Statistic Application & Registration*. (n.d.). The Official Portal of Intellectual Property Corporation of Malaysia (MyIPO); Intellectual Property Corporation of Malaysia (MyIPO). Retrieved February 6, 2026, from <https://www.myipo.gov.my/statistic-application-registration/>
- [13] Vashisht, A. (2018). Intellectual Property Rights of Chefs and Restaurateurs in Edible Creative Culinary Creations and Their Plating. *National Law School Journal Volume*, 14(1), 54–76.
- [14] Zanetti, G. C. (2022). *Promoting the Development of Gastronomic Tourism in Malaysia through IP*. <https://www.wipo.int/export/sites/www/ip-development/en/docs/ip-analysis.pdf>
- [15] Zuallcobley, A. P. R. W. (2021). *Scoping Study on the Gastronomic Tourism Sector: An Inventory of Malaysia's Key Culinary Traditions* (Issue October).