



FULL PAPERS

The 1st International Conference "Batik Culture: Asia's Mutual Cultural Heritage"



12th - 15th February 2023

at Khun Ying Kanjana Na-Ranong Art Gallery,
Office of Arts and Culture, Phuket Rajabhat University

Message from Mr. Narong Wunsiew, Governor of Phuket

It is my pleasure and great honor to be here today for the opening of International Conference under the name "Batik Culture-Mutual Cultural Heritage of Asia", organized by the Office of Arts and Culture, Phuket Rajabhat University, together with the Association Asia Network Beyond Design (ANBD) of the Republic of Korea.



First of all, I would like to congratulate Phuket Rajabhat University, a well-known university in the Andaman Region of Thailand with 50 years in the role of providing academic service and education to the community.

As you all know, clothing is one of the four factors of human life, and is considered a culture; a cultural identity, which reflects intrinsic wisdom created by its local community. By relying on natural materials and employing local techniques as well as the wisdom of each community, these characteristics result in clothing and garments in various forms that are uniquely beautiful and valuable. Not only it shows the cultural identity of each community, but it also reflects ethnic identity especially of those in Asia. We have shared the mutual culture in several aspects, and most importantly, in the field of clothing under Batik art and products or Bateh with unique and delicate patterns of each country in Asia.

Such importance of Batik Culture has attracted scholars and specialists, and brought into their attention for further research and study to provide accessible resources related to batik products. Some works have been made into museums while some have been included into textbooks. These contributions are the great benefits of inheriting knowledge and reviving local wisdom.

For this reason, I am confident that this international conference will be a platform - a space for exchanging and spreading knowledge in order to establish and strengthen a network of both academic and marketing for batik products in the Asian region. Now is the great time to start the conference. International Academic Conference "Batik Culture-Mutual Cultural Heritage of Asia",. May today's conference go well and achieve all goals and success.

Thanks to the Office of Arts and Culture, Rajabhat University Phuket, Asia Network Beyond Design, Consul of Indonesia in Songkhla, Consul of the Republic of Korea in Phuket, Burapha University, Bangkok Thonburi University, Shillong Institute of Law from India, Batik Islamic University from Indonesia, Sultan Azlan Shah University from Malaysia, along with all the scholars who participated in the conference, presented their research and creative work on batik and representatives of all departments for taking the time to attend this conference. Thank you.

**Message from Asst. Prof. Dr.Hiran Prssarnkarn
Acting President of Phuket Rajabhat University**

On behalf of Phuket Rajabhat University and all personnel of Phuket Rajabhat University, I am pleased and greatly honored to be here today to welcome all of you to this special event.

Let me first give you a brief introduction about the roles and responsibilities of Phuket Rajabhat University. We have been recognized as the only university in the Andaman region as an higher education institution for local development that cherishes local wisdom. Through Art and science, we focus on achieving sustainable development for the prosperity of the people. Since 1975, and now comes a significant year that marks the 50th anniversary of the university. Therefore, we have organized a series of special events called “Mahoran Festival: Small People with Bigger Hearts” to celebrate the long history of our university and our strong bond with the communities.



Recently, the world has been in a severe economic crisis. This is a call for a need to address the role of an higher education institution in bringing the nation out of the crisis effectively. Phuket Rajabhat University has seen that education management must face reality and the role of scholars must be beneficial in serving communities in a more practical way. All assessments need to be in line with the national strategy and provincial development plans. We are here today to work together as a whole in order to strengthen lifelong learning and the cultural aspect of education.

This International Conference today is one of the events that drives the economy from local to global. To combine our cultural resources of the Andaman region with new techniques and innovation along with a collaboration network of both domestic and international organizations. We aim to use culture as valued-add products to achieve greater income, which in line with the provincial policy “Phuket as a world-class tourist destination”

Finally, I would like to thank Mr. Narong Wunsiew, the Governor of Phuket. Asia Network Beyond Design (ANBD), Consul of Indonesia in Songkhla, Consul of the Republic of Korea in Phuket, Burapha University, Bangkok Thonburi University, Shillong Institute of Law from India, Batik Islamic University from Indonesia, Sultan Azlan Shah University from Malaysia, along with all the scholars who participated in the conference, presenting their research and creative work on batik and the representatives of all the organizations for taking the time to attend this conference. Thank you.

Message from Prof. Cho, Youl Chairman of Asia Network Beyond Design

Despite the difficult conditions of the COVID-19 pandemic, which has been going on for three years around the world, Thailand has continued international exchanges without stopping as the world's top tourist country. Korea also began to participate in international exchanges this year actively. I sincerely hope that free travel before the pandemic will be possible as soon as possible and that international exchanges will take place as actively as today.



Through exhibition activities, ANBD is participating artists and designers active in design, art, and culture from all parts of Asia, striving to create new value beyond the boundaries of all art and various design genres, generations, and regions.

ANBD started exhibiting in four Asian regions: Seoul, Tokyo, Tianjin, and Taipei in 2008 and has 10 Asian regions, including Kuala Lumpur, Bangkok, Shaanxi, Colombo, Tainan, and Shanghai, until this year.

As it expanded, it held 60 regular exhibitions for 15 years until this year.

In addition to the regular exhibition, six special exhibitions were held, starting with Japan's Sapporo Special Exhibition, Germany's Munich, Sri Lanka's Colombo, Korea's Jeju, and this year's Phuket Special Exhibition.

ANBD continues to look forward to various exchanges and cooperation with organizations in Southeast Asia, including Phuket Rajabhat University, in artistic design.

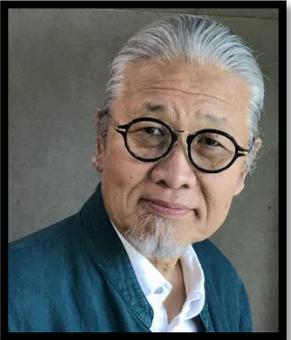
Lastly, I would like to thank Phuket Rajabhat University for their hard work preparing for this event once again.

Thank you.

The 1st International Conference “Batik Culture : Asia’s Mutual Cultural Heritage”
Examination review



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BATIK : A LIVING TRADITION OF SANTINIKETAN

Dr. Prakash Kishore¹

Batik art is a textile technique that uses wax and dye to create stunning patterns on a piece of fabric, such as cotton, silk, linen, or rayon. Originally from the island of Java in Indonesia, the technique of batik painting goes back to at least the 12th century, though some historians believe that batik was already a well-established textile art in the region prior to this time. By the early 1800s it migrated to Europe, and batik fabric was on display at the Parisian Exposition Universelle in 1900.

The process for how to batik fabric is similar in many ways to silk painting, with wax being used in lieu of resist. And while the process is relatively simple, it does vary slightly depending on region, with artists throughout Asia and other countries using their own unique ways of applying batik art to fabric.

Tradition and development in india

Shantiniketan in West Bengal and Chola Mandal in Chennai are the key centres of Batik in India. In India the main centre of batik today is Santiniketan and the South Eastern part of Deccan plateau and the Coromandel Coast. The traditional method is used in the south-eastern deccan where batik is combined with colouring and painting. The pen used for waxing is called 'kalam'. It consists of a metal needle set into a bamboo handle, wrapped in about 6cm (2 in) absorbents of the fibre or hair which acts as a reservoir for the molten wax.

Batik in santiniketan



Traditional Batik of Santiniketan

Batik was introduced to Santiniketan by the poet Rabindranath Tagore. Having been deeply impressed by the Batik designs which he saw during his trip to Java in 1927, he encouraged the practice of Batik in Santiniketan. Surendra Nath Kar, the well-known artist and architect of Santiniketan, who accompanied Tagore on this trip, learned the technique of Batik there. Rabindranath received a piece of Batik from his host, the King of Java and became aware of the exclusiveness of the Javanese Batik. In a letter written to his daughter-in-law, Pratima Devi, he mentioned the Batik fabrics in the costume of Javanese dance, dance dramas, stage decoration and home decor. So, to introduce the tradition of this wax-resist dye textile to India, he brought a few pieces of fabric from Java to Santiniketan. While Javanese Batik is mainly done by a spouted tool called "canting," Surendra Nath and Pratima Devi in Santiniketan used a brush (Tuli) to simplify its making process. It is the reason why Santiniketan Batik is known as Tuli Batik.



Traditional batik of santiniketan

Batik gradually became a part of the academic course curriculum in Kala Bhavana and the skill development study of Shilpa-Bhavana. Done mainly on leather and fabric, the revival of this resist dyeing technique slowly spread from Santiniketan to Calcutta and other parts of India. Rathindranath Tagore, Rabindranath's son, learned leatherwork in Europe and introduced leather Batik in Santiniketan. One of the pioneers who explored Batik design in Santiniketan was Gauri Bhanja, the elder daughter of Nandalal Bose, the renowned artist and principal of Kala Bhavana. Her vision, understanding of art and craftsmanship took the practice of Batik to the pinnacle. Throughout her teaching career in Kala Bhavana in Santiniketan, she worked extensively on it. The other prominent, primarily female artists of Santiniketan who enriched the Batik design were

Jamuna Sen, Kshoma Ghosh, Ila Ghosh, Arundhuti Thakur, Haimanti Chakravarty, Rani Chanda, Indusudha Ghosh, and Bani Bose, to name a few. In the book, *Sharing the Dream- The Remarkable Women Artists of Santiniketan*, the author, Tapati Mukherjee, mentions the significance of the women's presence in the academic space of Santiniketan and their creative interventions in the field of design. Here, in the book, she acknowledges the contribution of Gauri Bhanja and other women artists in exploring the vocabulary of Batik design. Haimanti Chakravarty, a Santiniketan artist, on the other hand, detailed the history and techniques of Batik design in her pioneering book, *Batik: Decoration of Fabric as Practised in Java and South Asia*, published in 1943.

Batik in Santiniketan is mainly associated with ornamental designs and motifs. However, by exploring the traditional *Alpana*, the popular floor design used by the women of Birbhum, the Batik artists and artisans of Santiniketan developed a unique collective style known as the 'Santiniketan Batik'. Design motifs like lotus, hibiscus, marigold, conch, peacock, fish and geometric tassels are widely used in Santiniketan Batik. Two or three colours are used primarily in Batik design. Earlier natural dyes were only used, but now both the natural and synthetic dyes are used according to the desired colour scheme of the artist.

The women of tribal villages near Santiniketan practise *Batik*. Some of them work for local cottage industries also. 'Amar Kutir Society of Rural Development, a non-government organization, produces a large variety of saree, stole, kurtas, and leather goods in *Batik*. Bonya Gayen, Rina Mukherjee, Sharoma Mondal, Maya Patra, and a few more women artisans come from nearby villages to work here. They earn a living to support their families.

As we have discussed above, *Batik* has become very significant in the discourse of art and craft of India. Along with the traditional motifs used in functional textiles, it has also become a medium of Individual creative expression. While artisans and craftsmen continue to develop *Alpana* motifs, the fine arts students in Santiniketan use *Batik* as a powerful technique and explore it differently. They rethink the design making, colour application and composition according to their artistic understanding and contemporary demands of the art world. I feel, *Batik* somehow managed to blur the line between the conventional idea of 'art' and 'craft' and became itself a powerful medium for expression.



Gauri Bhanja, Batik, 1960 © Pradyot Bhanja and Sumita Mukherjee

On the other hand, *Batik* can be seen as an essential female craft in Santiniketan, maintained and sustained by women. Where Textile only meant sewing and mending, *Batik* made a revolution and gave them the scope and platform to paint and explore their inner strength. Also, the famous *Alpona* designs, which women used for domestic purposes in rural Bengal, became famous because of *Batik*. It encouraged the women practitioners from different social backgrounds to come forward and express their visions. It has also made them economically independent. Their involvement made a mark in the whole textile and design scenario. Even women who were not privileged to attend art school got the courage to practice this craft, showed interest in it, and used their creative knowledge to make designs with minimum affordable materials. Traditional floor designs and other folk decorations in *Batik* endows it with a rare feminine quality. It has connected with the heritage of female labour and community, bridging the gap between the elite and subalterns as both the educated urban women artists and village women work together, exchanging their creative knowledge and expressions. It has, therefore, become more of a communitarian practice. Connecting culture to region and gender, the craft of *Batik* has travelled a long way.



Local Village Women working on Batik

Technique of batik on cloth

Batik comprises of a process where a pattern or design is created with liquid wax on the cloth. This is done to protect the waxed area from being coloured. So, when the cloth is dipped in the colour, the colour does not enter the patch area which is waxed. The wax resists the colour and results into a surface which has dyed and un-dyed areas. This is how a pattern is made. The pattern and designs vary from artists to artists. Flora & fauna, nature, animals, alpana designs, traditional festivals, geometric designs etc. are used according to composition and applied in repetitions. During modern times it has been used as various textural patterns along with various motifs and design.

The dyes used for batik process has to be made only in vessels made of steel, plastic or enamel. This is because the properties of the material of the vessel can affect the dye. The first time when the cloth is dipped in the dye, lightest tone of the colour should be used. In the old process of batik dyeing, artists were not allowed to use many colours in one go. But, with the development of advanced technology, modern techniques have been invented which makes the work of the artist easy. Now they can apply many colours using brush at one go.

Next, the cloth is again covered with wax on areas that have to retain the first colour. This process is carried out to get the darkest shade. The old Batik process involves many steps to obtain a particular shade. After the last dyeing, the fabric is placed between two layers of porous paper to dry. The wax has to be removed from the fabric onto the paper. This will give out the design that has been dyed on the fabric.



Batik Designs on local dresses in Santiniketan

The important attribute of Batik is the cracks that appear in the design due to the wax. As the wax is frail, it cracks easy and the dye enters the waxed area. This creates a spider web design on places where wax has been applied. Normally, fabrics in pure form like pure cotton or silk is used for batik dyeing. This is because any mix in the fabric can hamper the effect of the colour on the cloth after washing.

Leather batik of santinketan

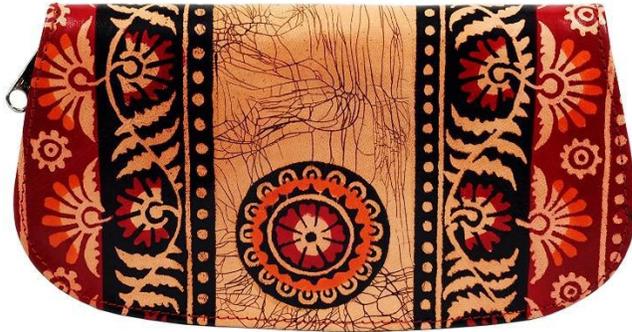
Rabindranath's son, learned leatherwork in Europe and introduced leather Batik in Santiniketan. Shantiniketan Leather Craft of West Bengal

The production of these handicrafts was started about 80 years ago in a few villages around Santiniketan and is sold at Bhuban Danga market. Village artisans are trained under the Rural Development Program at Vishwa Bharti University in Santiniketan. This particular craft uses hand-cutting, polishing, and embossing of leather and was first introduced to West Bengal in the 1940s. It takes its name from where it was first introduced, Shantiniketan and is sponsored by Shri Rabindra Nath Tagore, who has revived a number of defences that have become redundant in Shantiniketan.

Leather batik is used in making various products such as handbag, purse, wallet, file cover, hair clutches, key rings, etc.

Techniques: Use of wax – In this process, wax is applied to the places where colours are not required and then natural dye is applied to rest of the places. Then a hot iron is used to remove the wax by putting newspaper in between. In this way, the wax is soaked by newspaper. The process is repeated again and again to get the desired result.

Use of Arabic gum – in this process, Arabic gum is applied and covered the areas and then industrial colour is used by mixing spirit (Ethanol). The colour is used via spray and left to dry for almost half an hour. Once its dry, water is applied to remove the gum. The whole process is applied again and again to get the desired result.



Challenges for batik art

As, we all know that batik is a handmade process which is time consuming which makes the product expensive. Today in this competitive world, the demand and supply have to go together to fulfil the requirement of market. This is where this art form lacks due to its process of making. Another big problem is the printing of the batik effects by industrial machines and making mass production in less price. So, the public go towards the cost-effectiveness and hence buy the prints rather than the handmade products.

Batik products of santiniketan



Display of batik products in Haat- Sonajuri, Santiniketan



Display of batik products in Haat- Sonajuri, Santiniketan

Conclusion:

Batik Art has developed in many ways in different countries. It is a unique style and technique of art done on textile which has gained popularity all around the world. Since its inception in Indonesia it has spread all around the world. Batik in India changed its way to using the tool by replacing it with brush which added lyricism and more harmony to it. It also gave opportunity to

local craftsmen to earn a living through it. The local artists from Santiniketan started adding the local designs and motifs to make it more regional and identical to the place. Since, the design of Alpona is very much famous in Santiniketan and Bengal culture, the artists used it more in Batik prints. Be it a wood block batik, or free hand, they always tend to make it as per the demand of local people. Batik is also used in ritual practice of Bengal where people wear dresses made of batik cloths during festivals. Some small-scale industries have been established in and around Santiniketan to keep this tradition alive. Though the production is low, still it attracts the demands in contemporary market. The rapidly growth of prints in cloth has somehow impacted the hand batik. Now the batik effects are being printed by machines which is available in lesser price in compare to hand batik. So somewhere a new industrial development is needed in the sector so that hand batik can keep a pace along with other textile and develop equal importance in market as well.

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'Mutelu' trends: A possibilities in Thai Batik design

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Abstract

Thai Batik is a traditional textile technique that has become popular not only in Thailand but also worldwide. The government of Thailand has been supporting the Thai fabric industry over the past three decades, leading to the growth of the Thai fashion industry. Thai batik cloth has become an opportunity to create jobs for many communities, particularly in the south of Thailand. This essay will explore the possibilities of Thai Batik design and how it reflects the culture, attitudes and customs of local communities as well as presenting the contemporary sub-culture trend as a cultural cost.

Briefly background on Thai Batik

Batik technique is a textile technique that is widespread all over the world. Despite the lack of evidence of exact origins, but there is an assumption that the origin is in ancient India¹. In Southeast Asia Batik is very prominent especially in Indonesia and its popularity has been extended to Thailand especially when King Rama V went on to develop good relations with Java in 1870,1896 and 1901. It has been continuously popular in Thailand ever since.

At present, Thai fabric conservation and development activities are well supported by the government sector. Especially over the past three decades. The Thai government has continuously supported the Thai fabric business. Recently, in 2020, The Office of the Cabinet Secretariat implements measures to promote and support civil servants and the general public to wear Thai fabrics (Pha Thai Suam Sai Hai Sanook: Department of Community Development²). Resulted in the growth of the Thai fabric business. We have therefore seen many Thai designers in the fashion industry bring Thai batik cloth to sew into costume that are contemporary as well and more than that Batik has also become an opportunity to create jobs for many communities in many regions of Thailand. Especially in the south of Thailand.

¹ Journey of Textile Designs: A Case Study of Batik in Java and Santiniketan (Banergee, D., 2016)

² See also https://www.soc.go.th/wp-content/uploads/2020/09/v63_272.pdf



Fashion Reality TV show (Tho Fah Pha thai) Sponsored by ministry of culture.

https://www.google.com/url?sa=i&url=https%3A%2F%2Fwww.dnaclient.com%2Ftorfahphathai%2Fvote%2Fprofile.php%3Fp%3D10&psig=AOvVaw2k03MLNAfc_33OvGNigshy&ust=1676193751929000&source=images&cd=vfe&ved=0CBAQjRxqFwoTCPDL7bqSjf0CFQAAAAAdAAAAABAE

Considered the overall picture, it can be found that creative techniques in Batik are flexibilities to integrate with many methods that are not complicated but can be adapted. It is as well can correspond to the content and stories that appear in each local cultural society and environment uniquely. It can be seen that Patterns appearing in batik works of communities in different areas of Thailand will significantly reflect the attitudes and customs that appear in the society.

Style refer to social environment

When considering through the design work on batik fabrics in different regions of Thailand. It can be seen that there are social and cultural elements that appear in each area. Such as incorporating folk motifs, color pairs, and iconic shapes and figures representing the region, local flower animals in forests, mountains, seas, as well as stories of folk tales. These stories referring to the way of life in each locality has been used as raw materials for creation in order to convey the identity of each community.

That is how the scenery and rich life of the sea appear on the batik cloth of Phuket. Elephants foraging in the fog on the mountains in Chiang Mai's batik. As well as how the

local tie-dye patterns interspersed with wax writing on the fabrics of Nakhon Si Thammarat province. And the unique winter flowers appears on fabrics from the North while the popularity of raising betta fish appears on the fabric from the Northeast. These little things that all represent the culture and way of life of the people reflected on the batik cloth in Thailand.



Phuket Batik

<https://m.facebook.com/ISMAN-Ban-Thon-BATIK>



Chaingmai Batik

https://www.tripadvisor.de/Attraction_Review-g293917-d3318326-Reviews-Chiang_Mai_Batik_School-Chiang_Mai.html



Nakhon Sri Thammarat Batik

<https://nakhonsi.cdd.go.th/2021/02/18/cddnakhonsi18022564-05>



Thailand 's Northern-style Batik

https://www.facebook.com/chiangmaibatikthailand/?locale=hr_HR



Thailand 's North-East-style Batik

<https://www.facebook.com/kayabatiksilk/>

Since Thailand's economy generates its main income from tourism. Therefore, there is a process to push and promote cultural products and services in each locality continually and concretely as cultural cost of state. It is can be seen that arts and culture are sources of ideas and important factors in the design and creation of various types of cultural products and services among the popular Eastern trends that have spread throughout the world. And the philosophical meaning hidden in various karmic activities Promoting acceptance and understanding of diversity based on equality to extend cultural boundaries into design, learning and into everyday human activities. It is an important problem in creating art from the cultural dimension which is a sub-element of society.

'Mutelu' (Modern amulets) as cultural cost

In addition to the environmental component. The social atmosphere is also one of the key inspirations in the design. Especially when the social atmosphere changes from an agricultural society to an industrial society, which directly affects the way of life of people living in a state of urgency and competition amidst continuous economic decline (Lertsaeangkit N. 2021 p.275). As a result, there is a tendency to go back to superstitious beliefs and supernatural powers that have been with Thai society for a long time. And actively pushing for products, services and faith industries. Over the past decade, products related to superstition have been continuously flooded into Thai market. Unlike in the past, which was limited to the circle of temples and occult organizations only.

Contemporary amulet products are adapting to the changing conditions of society rapidly. Erase the fearsome and dignified image and subtly appear in entertainment and fashion media. As a result, it quickly became a part of many people's daily lives. Interestingly, many of the younger generation, who tend not to be superstitious, become supporters of this core group of religious goods and services³.

As visual art aspect, it is considerate as challenge to drive the creative learning process John Hawkins proposed the concept of the creative economy that allows to move beyond the culture to design and to all human activities. It enhances and adds value to the economy by using creative industries. In adding value to the products of the manufacturing sector and various service sectors (Mitphakdi, P., 2019⁴) success in driving the economy in many countries around the world during the past 2 decades, believing that Every human being can change society with the power of creative ideas, such as the Policy to Promote Korean Popular Culture Overseas by the Ministry of Culture for Economic Development of the Republic of South Korea. Until becoming a wave of Korean culture during the year B.E. 1990s, the UK creative economy development policy in 1998 that focused on creativity for economic growth and cultural development, and Creating a Creative Economy Ecosystem of Indonesia in 2016⁵ by learning independently. Being creative and exploring new things is a development process. Hawkins stressed that freedom of creativity is fundamental to the country's education system. Especially education for all (Education for all) that will help develop creative potential for people in society.

Given the author's area of expertise in cultural-based art and design, the author seeks to highlight the alignment of the Mutelu trend with the principles of the creative economy. Which is an important factor in driving economic movement and expansion. Integrating human science knowledge with design and learning through art as part of the process of creating social change (John Kowkins, 2009⁶) is therefore a concept of creative expression from what It is a cultural identity of Thais through a creative process to expand the knowledge and understanding of one group of people in Thai society to knowledge that can

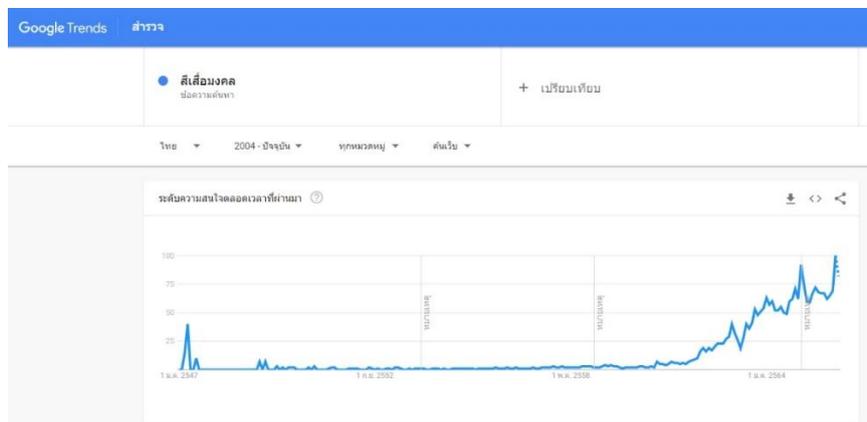
³ Capitalism Magic Thailand: Modernity With Enchantment (Jackson, P., 2022)

⁴ by enhancing and adding value to the real sector using creative industries to add value to the products of the manufacturing and service sectors which has been successful in driving the economy in many ways countries around the world during the past 2 decades (Mitphakdi, P., 2019)

⁵ Ibid

⁶ Creative Economy, How people make money from ideas (Howkins, J., 2009)

Currently, the concept of 'Mutelu' or modern amulet has experienced a significant increase in popularity throughout Thailand. Since 2017, the search term 'appropriate color calendar' has experienced a notable rise in Google Trends data.



Google trend on appropriate color calendar

Source: Author

The aforementioned results consistent with research report, A STUDY OF MAN'S BELIEF IN COLOR: A CASE STUDY IN BANGKOK (Petisan, P., 2014) reveals that 6.7% of men place great importance on choosing clothing colors based on superstition, and 66.7% place an emphasis on color and superstition. At a moderate level, while 26.6% do not trust colors and superstitions at all. While the research report A STUDY OF WOMEN'S BELIEF IN COLOR: A CASE STUDY IN BANGKOK (Petisan, P., 2014) indicates that 13% of women give a lot of importance to choosing the color of clothes according to superstition and 60% give importance to color and Moderately superstitious, while 27% do not trust colors and superstitions at all. These data show that beliefs and superstitions are quite influential in the decision-making of Thai consumers when it comes to shopping for clothes and related fashion accessories including shoes, wallet, smartphone case, etc. Which demonstrates the impact of the Mutelu trend on the fashion industry, making it a noteworthy subject for design analysis and study.

Conclusion

From the observations in this article, Author sees that although the creative design process from studying the concept of superstition has arguments for discussion in many aspects. But

this trend comes naturally with societal dynamics. This may also be considered as one representation of the ideology in our era. Which Author found worth to considerate as creative material. However, this article is merely a guide for creativity R&D in art and design. To develop the creative process by integrating the body of knowledge in humanities and culture with the body of knowledge in art and design. This is a necessity for creative researchers to have further studies to improve and further develop. Likewise, observing social phenomena is a necessity to promote learning along with the creation of knowledge and awareness of artistic value through education in dimensions. The author therefore sincerely hopes that this article will help spark the awareness of society in terms of cultural capital. And it is beneficial to the creation of works of art and design, which is the starting point of creating a creative ecosystem of society.

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COPYRIGHT OF BATIK DESIGN IN INDIA

Dr. Umeshwari Dkhar¹

Introduction

Batik is an art of decorating the cloths. The words batik is derived from the words ‘ambatik’ which means ‘a cloths with a dots’ whereas ‘tik’ means little dot, drop, point or to make a dot. Batik is a unique ancient art in which a melted wax is applied on the fabric following the design imprinted on the cloths and when the wax is removed, the contrast between the dyed and undyed areas makes the pattern. Batik art involves three stages such as waxing, dyeing and dewaxing (removing of the wax). The art of batik is believed to have originated in Egypt and have been carried out to other part of Africa, Indonesia, Malaysia, India and other places.

The history of Indian batik can be traced as far back as 2000 years. Indians were conversant with the resist method of printing designs on cotton fabrics long before any other nation had even tried it. Rice starch and wax were initially used for printing on fabrics. It is believed that after initial popularity of batik in the past, the tedious process of dyeing and waxing caused the decline of batik in India till recent times.

Batik textiles can be used to make all types of clothes, from sarees to kurtas, kurtis and many more. Indian batik is also found in accessories such as scarves, shawls, dupattas and handbags this adds an instant touch of ethnic flair to the outfit. Further, it can also be used to make home décor items like wall-hangings, curtains, cushion covers, rugs and so on. In addition, batik in present time have a great value in term of fashion.

Fashion trends in batik

In recent years, ethnic prints and fabrics have become extremely trendy in western fashion and Batik is no exception. It has become a huge fad, especially as a casual wear fabric, and has been frequently used in high fashion designer collections. Hence the question arises of legally protecting the creative artistic batik design. Can batik design be copyright?

Fashion designs can be copyrighted under two laws in India, the Copyright Act, 1957 as ‘creative works and the Design Act, 2000 as designs. Primarily, there are two aspects of clothes designs, which can be protected through these laws.

Firstly, the drawings/colour combinations on the garment can be protected as ‘artwork’ under the Copyright Act.

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Secondly, the shape of the garment attributing to its distinctive fabric and couture can be protected under the Design Act.

Copyright protection for designs

Different IPRs (such as copyrights, trademarks and patents) serve different purposes- patent protects 'inventions', copyright protects 'creative works and trademark protects 'brand-names' (or elements of a business which act as source indicators). The Intellectual Property (IP) of a designer, i.e., 'designer clothes' are best described as 'creative works' and are therefore eligible for copyright protection.

While creative works such as artistic works are typically protected under the Indian Copyright Act, designs applied to clothes can be copyrighted under the Designs Act 2000. Under the Designs Act, designs which are applied to a specific class of articles (including garments) can be registered. A design must be registered for a particular class of articles as enumerated in the Third Schedule of the Designs Rules, 2001. 'Articles of clothes and haberdashery' fall in Class 02 under the Designs Rules.

Under Section 11 of the Designs Act, a registered design is copyrighted for a period of 10 years from the date of registration of the design. The copyright protection can be further extended for five years. Piracy of a registered design is prohibited under section 22 of the Designs Act - this makes it unlawful for a person to apply the registered design or any "fraudulent or obvious imitation" of the design to any class of articles in respect of which the design has been registered. A person who knowingly facilitates the sale of an article which bears a pirated design is also liable for piracy of the design. This means that retailers who consciously sell articles containing pirated designs can also be punished under the Designs Act.

Under section 22 of the Copyright Act, the term of protection granted to copyright-holders subsists during the life of the copyright-owner and for 60 years thereafter. According to section 15 (1) of the Copyright Act, protection under the Copyright Act is not applicable to designs which are registered under the Designs Act. Therefore, once a clothes' design is registered under the Designs Act, the Copyright Act will not apply to it and the work will only enjoy protection under the Designs Act. If a design (which is capable of being registered under the Designs Act) has not been registered, it will be protected under section 15(2) of the Copyright Act; however, the copyright protection will expire on an unregistered design if the design has been reproduced on more than 50 articles.

Copyright fortifications the intellectual property of artists, which means that your design cannot be reproduced or duplicated without your permission. Clothing, on the other hand, is termed as a 'useful article'. This means that you cannot copyright the clothes or even the design and that's

what makes it difficult to be copyrighted. However, certain design elements of clothing, such as logos or other decorations, can be registered as a copyright.

in *Rajesh Masrani v. Tahiliani Designs Pvt Limited* (2008 PTC (38) 251 (Del.)) whether patterns printed on fabrics qualify as artistic work or not and can these be protected under the Copyright Act and the Design Act? The present case was an appeal against the single judge interim injunction granted in favour of Tahiliani Designs, where Rajesh Masrani was prohibited from producing, selling, or advertising similar fabric. There were very cogent arguments raised by the defendant-appellant worthy of discussion. The first argument was that the garments and drawings were not 'artistic works for the purpose of copyright protection, and the second argument was that the drawings are required to be registered as designs as per Section 15(2) of the Copyright Act. The Delhi High Court opined that such designs come under the ambit of copyright protection if produced below 50 in number and if not produced for commercial use, implying that the objective of creating a work is decisive for qualifying it to be copyright worthy. The fashion brand of Tarun Tahiliani created only 20 such pieces with the specific design due to which protection was granted, and printing, selling, or advertising of a similar design was prohibited.

Copyright of Batik Fashion Designs

Colour

Under the fashion or clothing domain, colours are not copyrighted if you want to protect a signature colour or a unique colour scheme in your fashion design, copyright is not the way to go. However, this does not imply that you have no options for safeguarding your intellectual property. In these cases, trademark protection is sometimes available.

Sketches

Original sketches of your designs are protected by copyright law if you create them. That is, no one may copy, distribute, publicly display, or otherwise use your sketch without your approval. Copyright, on the other hand, protects ideas and not the original expression of work. As a result, because the protection lies in the drawing aspect of the design rather than the fundamental idea, it does not actually prevent others from creating fashions that are similar to your sketch.

Cut

It is a known fact that Copyright does not protect the way design elements are cut and put the pieces together. In *Star Athletica v. Varsity Brands*, the United States Supreme Court stated that copyright gives 'no right to prohibit any person from manufacturing clothing of identical shape, cut, and dimensions. However, this does not prevent you from exploring other options. A design

patent may be able to protect your creation. A design patent, as opposed to copyright, can help stop others from producing fashions that look similar your sketch.

Designing graphics

The law of copyright safeguards designs on the surface of clothing in the same way that it protects designs on the surface of canvas or paper. In *Star Athletica v. Varsity Brands*, the United States Supreme Court stated that ‘two-dimensional designs appearing on the surface of clothing’ including ‘combinations, positionings, and arrangements’ of shapes, colours, lines, and so on are protected by copyright.

Design of textiles

Copyright can be used to protect ‘designs imprinted in or on fabric especially if the design contains an adequate amount of creative expression.

Conclusion

In conclusion it can be stated that a copyright is a protection of any original work it helps to prevents that work from being used without authorization. Hence, when the work is copyrighted, it may not be reproduced in any fashion unless the owner of the work grants proper right.

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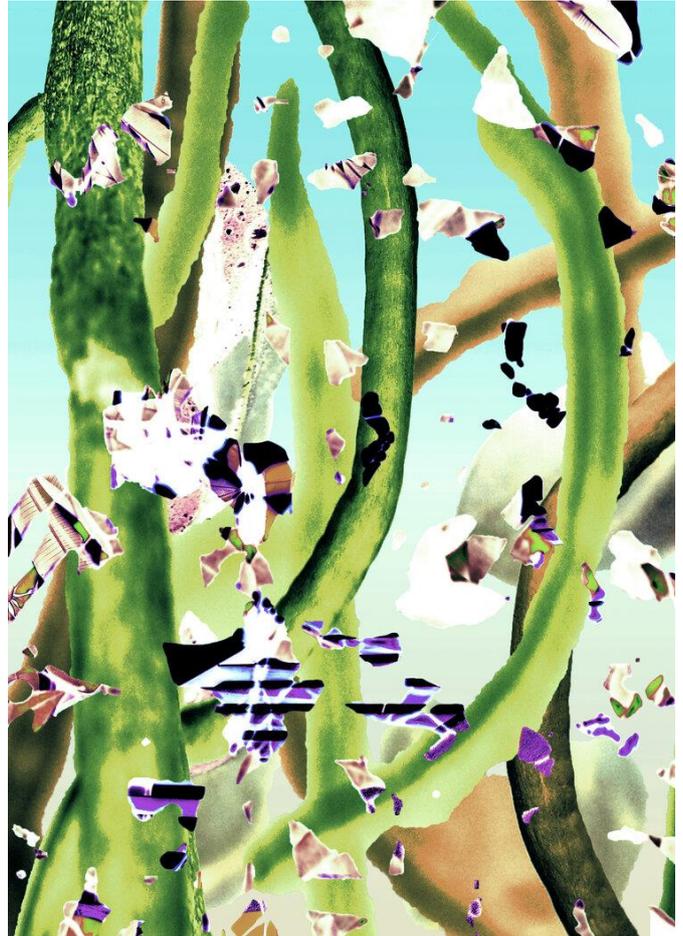
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Creative Work

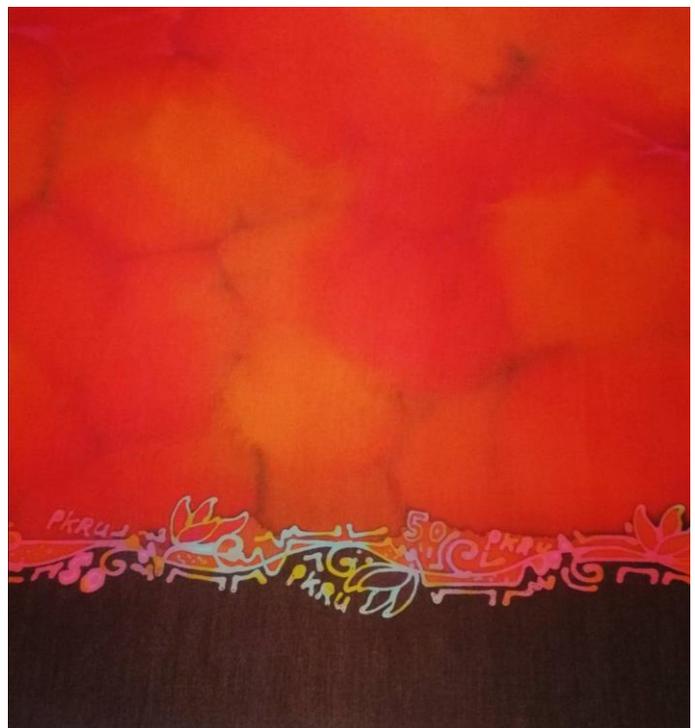
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Noppasak Naksena	: Thailand
Paithoon Thongdee	: Thailand
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Pichanun Poolkerd	: Thailand
Pimpisa Tinpalit	: Australia
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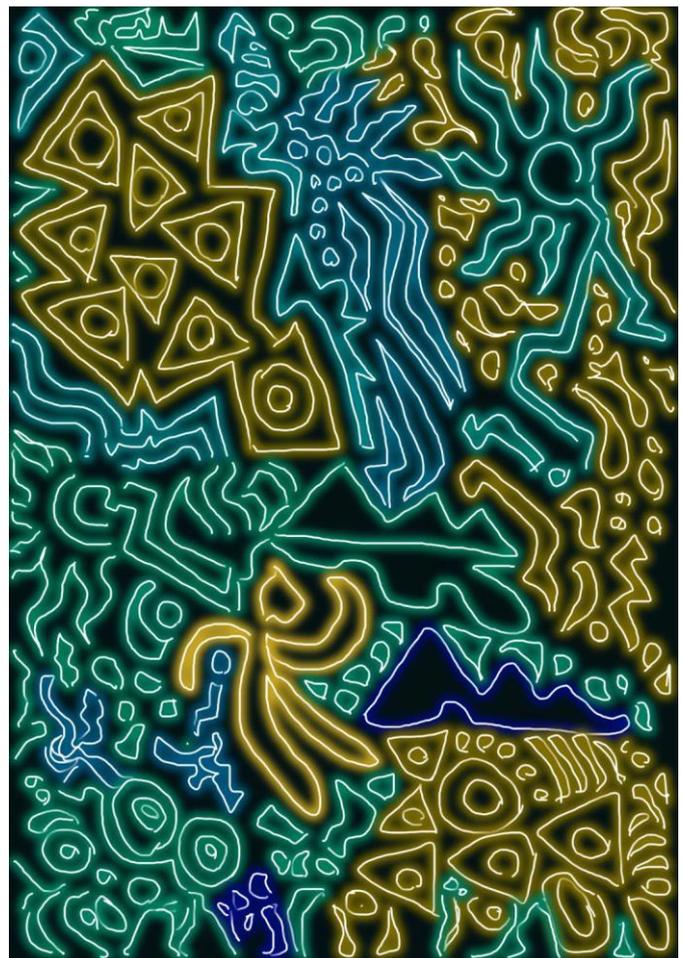




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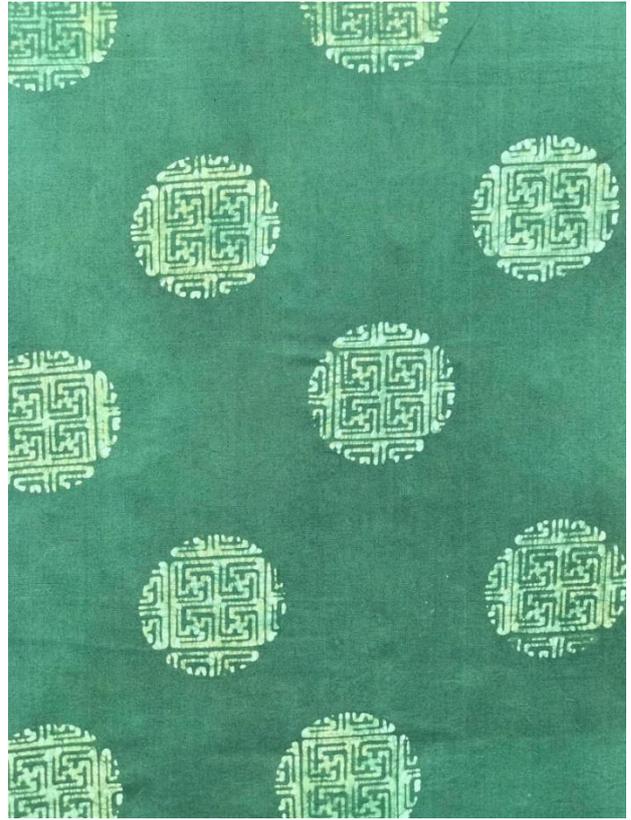


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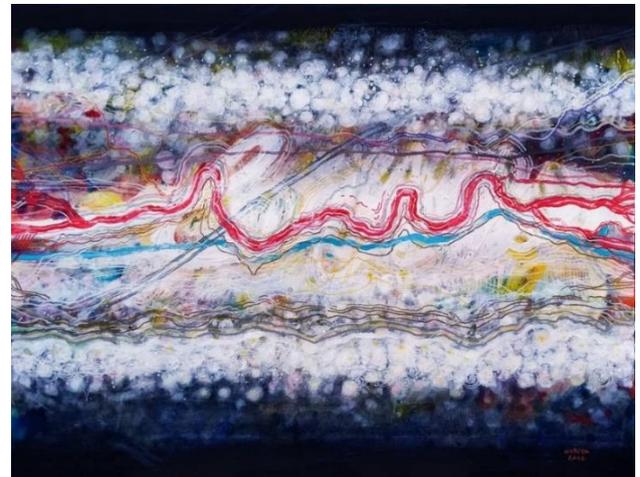




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Nawat Lertsawaengkit	: Thailand
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Nancy Oktyajati	: Indonesia
Sri Mayasari	: Indonesia
Prakash Kishore	: India
Umeshwari Dkhar	: India
Sirichai Gansongsang	: Thailand



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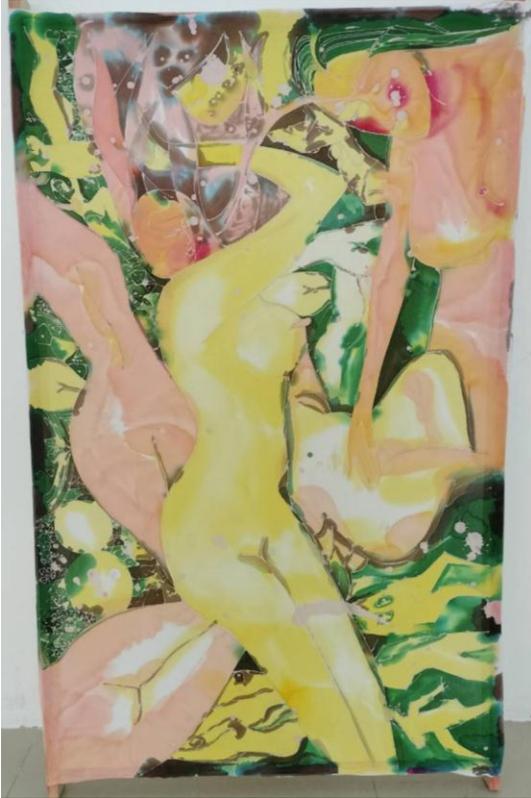


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