

PRIORITY NEEDS FOR TECHNICAL AND FINANCIAL COOPERATION

Communication from Bangladesh

According to paragraph 2 of the Decision of 29 November 2005 on the Extension of the Transition Period under Article 66.1 for Least Developed Country Members, "all the least developed country Members will provide to the Council for TRIPS, preferably by 1 January 2008, as much information as possible on their individual priority needs for technical and financial cooperation in order to assist them taking steps necessary to implement the TRIPS Agreement".

The present document reproduces the information which has been received from the delegation of Bangladesh by means of a communication dated 1 March 2010, and distributed as an advance copy for the TRIPS Council meeting on 2 March 2010.

I. RATIONALE AND BACKGROUND FOR IP NEEDS ASSESSMENT

1. Business and commercial linkages of inventions and creations are increasingly becoming important in the multilateral trading system. Developed countries with high technological base and strong intellectual property (IP) regime are progressing faster than developing countries. On the other hand, LDCs in general and Bangladesh in particular could not gain much from the knowledge-based world because of insufficient IP infrastructures. They are, however, keen to develop their own R&D capabilities. At the same time, they are in dire need of technical and financial support to benefit from global innovation and technological development.

2. Essentially, Bangladesh needs to develop its own infrastructure and strengthen its financial and administrative capacities to encourage innovation and enforcement of IP rights. It needs to develop an IP policy, formulate or strengthen some of the existing laws to make them TRIPS-consistent, restructure its institutions, and undertake training and awareness-raising programmes among the policy makers, IP enforcing agencies and users. Apart from these, it wishes to preserve its genetic resources, traditional knowledge and folklores with a view to gaining from commercialization of these resources.

3. This document outlines the steps that Bangladesh envisages to achieve these objectives and identifies areas where it will require technical and financial assistance. Bangladesh also proposes a comprehensive action matrix it wishes to follow in order to ensure a TRIPS-compliant IP regime (Annex 2).

4. It is to be noted that LDCs have been granted an extension of the transition period under Article 66.1 of the TRIPS Agreement until 1 July 2013 for protection of trademarks, copyright, patents and other IP rights as contained in the TRIPS Council Decision on 29 November 2005. This

decision was taken without any prejudice to the extension of the transition period for pharmaceutical products until 2016 adopted at the Doha Ministerial Conference in November, 2001. The Decision of 29 November 2005 however, states that "*all the least-developed country Members will provide to the Council for TRIPS, preferably by 1 January 2008, as much information as possible on their individual priority needs for technical and financial cooperation in order to assist them taking steps necessary to implement the TRIPS Agreement*". As a follow-up to this decision, the Government of Bangladesh is submitting this document setting out its TRIPS Needs Assessment.

II. INNOVATION, CREATIVITY AND TECHNOLOGY TRANSFER IN BANGLADESH

5. Bangladesh has potential for innovation and creation, but unfortunately it has not been able to develop an appropriate IP regime. Interestingly in Bangladesh, the public sector plays a dominant role in research initiatives and the private sector utilises these facilities without much involvement in the research field. However, Research & Development (R&D) in the public sector cannot cope with the rising market demand. Major industrial sectors in Bangladesh like jute, ready-made garments (RMG) and pharmaceuticals could not grow properly, inter alia, due to the absence of need-based and appropriate R&D facilities.

6. Although technologies used in the country are mostly imported, the scope of technology transfer is extremely limited. Patent registration at the local level is insignificant. Whatever patent applications are filed by the local firms are not break-through innovations. Private sector stakeholders are not forthcoming with substantive R&D investment programmes. Apart from this, grants provided by the government to the public research institutions are not adequate in facilitating R&D and the scientists and professionals who work behind these innovation processes are inadequately valued and rewarded.

7. In the field of agriculture, the situation seems better. This sector enjoys more allocation of funds *vis a vis* other sectors as the sector generates more employment and contributes greatly to food security. Besides, many R&D facilities have to be continually strengthened to feed the millions, given the limited land resources, and to fulfil the needs of the emerging agro-food processing industries. Moreover, Foreign Direct Investment (FDI) is yet to play a desired role in the field of technology transfer.

8. Undeniably, technology transfer plays a vital role in the overall development of a country. Institutional linkage between our local research institutions and that of international organizations is not yet deep-rooted and widespread. Only a few research organizations, such as the Bangladesh University of Engineering Technology (BUET), Bangladesh Agricultural Research Institute (BARI) and Bangladesh Rice Research Institute (BRRI) have technology transfer agreements with some international organizations. BUET has technology transfer agreements with the Asian Institute of Technology (AIT) of Thailand and some other international research organizations. BARI has research agreements with Australian research institutions, the International Maize and Wheat Improvement Centre (CIMMYT), the Asian Vegetable Research and Development Centre (AVRDC) etc. and BRRI has a technology transfer agreement with the International Rice Research Institute (IRRI). At present, the country direly needs technology transfer agreements with other countries and international organizations, particularly in the field of pharmaceutical products, key manufacturing industries and agriculture. This may help enhance agriculture and industrial productivity and ensure availability of affordable medicines.

9. Although Article 66.2¹ of the TRIPS Agreement requests developed country Members to provide incentives for technology transfer to build the capacity of LDCs, there remain questions about the effectiveness of the provision in the context of Bangladesh. In the past, pharmaceutical industries approached a number of international pharmaceutical companies for technology transfer for production of some essential medicines in exchange of granting exclusive marketing rights for a certain period; unfortunately responses did not match the expectations.

III. THE LEGAL FRAMEWORK FOR INTELLECTUAL PROPERTY PROTECTION IN BANGLADESH

10. Although Bangladesh does not have a stand-alone intellectual property policy (IP Policy), it has however, inherited a set of intellectual property laws and rules from the colonial regime. The first IP law in this sub-continent was the Patent and Design Act, 1911. Then, the English Copyright Act 1911 was extended to India. A few years later, trademarks law was adopted in 1940. Bangladesh adopted these laws and rules after the independence in 1971 and a number of them were updated and amended over time. A brief description of the IP laws and rules of the country is presented in Annex 1.

IV. INSTITUTIONS INVOLVED IN IP POLICY FORMULATION AND IMPLEMENTATION IN BANGLADESH

11. A number of institutions in Bangladesh are involved in IP policy formulation and enforcement. These are the Ministry of Industries, Ministry of Cultural Affairs, Department of Patent Design and Trade Marks (DPDT), Copyright Office, Judiciary, Police and Customs (under National Board of Revenue). The present report however, reviewed the operations of two main IP offices: the Department of Patent Design and Trademarks (DPDT) and the Copyright Office.

12. Initially, the Patent Office and the Trademarks Registry Office worked separately under the Controller of Patents & Designs and Registrar of Trade Marks respectively. Both the offices were amalgamated in 1989 and named as the Department of Patents, Design & Trademarks (DPDT). The Ministry of Industries was entrusted with the responsibilities of administering the activities of DPDT. The patents and design wings deals with the matters related to patents and designs, while the trademark registry wing grants registration for trademarks. The office is also expected to administer geographical indication laws and utility models which are under process of formulation. Copyright issues are dealt with by the Copyright Office under the Ministry of Cultural Affairs.

13. The DPDT is located at the capital city of Dhaka and has one regional office at the port city of Chittagong. The Copyright Office is located at the capital city but does not have any regional office. These offices do not have any institutional arrangements with any district level organization or department to provide regional services on behalf of them.

14. The DPDT operates in an inadequate office space. It does not have a separate library for preserving records. The records are maintained manually within the office premises in such a way that there are chances of loss and misplacement of documents.

15. The Copyright Office does not have its own office and presently occupies a portion of the National Archive Office.

¹ Article 66.2 of TRIPS: Developed country Members shall provide incentives to enterprises and institutions in their territories for the purpose of promoting and encouraging technology transfer to least developed country Members in order to enable them to create a sound and viable technological base.

16. These offices, however, operate within other limitations including the shortage of adequate financial resources and manpower. Moreover, the officials have limited technical and legal knowledge on IP issues and none of the IP offices have any official with legal background. The technical personnel and managers of DPDT or the Copyright Offices hardly have any opportunity to avail in-country or foreign trainings on IP issues and acquire specialized knowledge on the subject.

17. These offices do not have any computer operator or programmers. A limited automation was accomplished in the DPDT, which covers nearly 5 per cent of the total activities of the organization, but the Copyright office completely runs on a manual basis. None of these organizations have internet facilities.

V. ENFORCEMENT AND REGULATORY REGIME OF IP SYSTEM

18. Enforcement of IP rights is important for encouraging innovation and creation, technological development, promotion of fair competition and protection of consumer rights. It is, however, observed that the protection and enforcement of IP rights in an LDC like Bangladesh are far behind the desired level. The reason for the low level of protection is that these countries are still fighting to meet their basic needs for their existence. Their main priorities are to ensure food security, provide basic education, health facilities, minimum shelter and clothing for its citizens and also to fight natural calamities. Moreover, these countries are dependent on foreign technologies.

19. The IP offices have weak linkages with other IP enforcing agencies, particularly with customs, police and the judiciary. Their communications with the Ministry of Science, Information & Communication Technology, Ministry of Commerce, National Board of Revenue (NBR) or Board of Investment (BOI) etc are occasional in nature. For IP enforcement, the IP offices need to strengthen linkage with the afore-mentioned enforcing agencies.

20. Although Bangladesh is rich in genetic resources and traditional knowledge, the country does not yet have any legal framework or administrative mechanism for the protection of genetic resources, traditional knowledge and folklore and to obtain appropriate benefits from these.

21. Truly speaking, IP knowledge or awareness is at a modest level among public officials, law enforcing agencies, business community and the general public at large. There are little economic incentives for protecting IP rights on the part of innovators and creators. Moreover, they are not well-organized for claiming the protection of their rights and to gain benefit from these. There had not been an IP association to protect their interests in the past. However, the issues are gradually receiving importance in the public and private sectors and an IP association has been formed recently which is yet to get necessary momentum.

22. There is an absence of fully-fledged public or private IP training institution. It is therefore difficult for the policy makers, IP examiners, attorneys and negotiators to receive the required information and knowledge on IP issues. Most of the universities do not offer IP courses, which makes it difficult to acquire IP knowledge at higher level.

23. As mentioned earlier, the IP enforcement mechanism in Bangladesh is inadequate. The country does not have updated official statistics on the infringement of IP rights. The Department of Patent, Design and Trademark and the Copyright Office only maintain records related to complaints lodged by the aggrieved parties. The users, particularly the book and software sellers have little knowledge or information about piracy and infringement of trademarks right.

24. The Government of Bangladesh accorded its approval to the International Chamber of Commerce-Bangladesh for establishing the Bangladesh International Arbitration Centre (BIAC) as a limited company with equity participation of the Dhaka Chamber of Commerce & Industry (DCCI)

and the Metropolitan Chamber of Commerce & Industry (MCCI). It is at its initial stage of operation. It needs to be made fully functional with required technology, equipment, experts and human resources.

25. Section 22(2) of the Patent and Design Act, 1911 has the provision of granting compulsory licensing for domestic purposes, but not for export. Moreover, the provision for avoiding double remuneration is not added in the Patent and Design Act, 1911. Bangladesh has not yet issued any compulsory licensing. The concept is not widely known to the manufacturers or the professionals of the IP institutions. Bangladesh also did not ratify the amendment of Article 31(f) and 31(h) of the TRIPS Agreement.

26. Specialized judicial infrastructure for resolving IP cases is almost absent. Any district level court (lower court) can hear the IP cases. Any person has the right to take resort to the normal court system for settlement of IP cases. The aggrieved person also has the right to appeal to the High Court Division if he/she is not satisfied with the judgement of the lower courts. Apart from this, the Copyright Office runs a judicial court in its office. The Copyright Board and Registrar, Copyright Office or any designated official of the Department of Patent, Design and Trademarks also hear the cases against registrations granted to any right holder.

27. The judges of regular courts need further exposure to IPR concepts, legislation and case law. The prosecutors and the judiciary do not receive formal training on IP laws. They occasionally attend seminars/training or workshops related to IPR laws.

28. The country does not have an exclusive unit within the police force and law enforcing agency for dealing with IP issues. Police forces have limited opportunity for receiving formal training on IP issues and they work with limited knowledge and expertise on IP issues, which is not at all adequate to identify pirated items. With limited manpower, the police force remains engaged primarily in maintaining overall law and order. It is difficult to engage the police as and when their services are required by the IP institutions.

29. There is no separate unit within the customs authorities for IPRs. Customs officials work under the direct administration of the National Board of Revenue. No official networking exists between IP offices and Customs. Under such circumstances customs officials have limited scope for having information on IP laws and TRIPS provisions. They actually do not receive any formal training on IP laws.

VI. INITIATIVES TO IMPROVE THE PROTECTION OF INTELLECTUAL PROPERTY IN BANGLADESH

Bangladesh Intellectual Property Office

30. The Ministry of Industries has developed a project proposal, namely "*Bangladesh Intellectual Property Office*" (BIPO) Project for setting up an integrated IP office with a view to delivering efficient IP services. The main functions of the BIPO will be to establish a legislative framework, ensure safeguard for industrial property, assist the enforcement of IP, create awareness, facilitate IP knowledge-sharing, encourage innovation and creativity etc. The estimated cost of the Project is US\$30.00 million. The government of Bangladesh is actively searching for donors for implementing the project.

Intellectual Property Rights Project

31. A three-year technical assistance project namely "*Intellectual Property Rights Project*" has been initiated in July 2008 with technical and financial assistance from WIPO and the European

Union. The objective of the project is to strengthen national capacity with a view to developing and modernizing the IP system. The three year project aims to develop an automated IP system, train officials of the IP offices and raise awareness among IP users. The total estimated cost of the project is EUR 1.60 million. Continuation of the project activities for carrying forward the results would be needed for developing a sustainable IP environment in the country.

Construction and Strengthening of Copyright Office

32. In the Copyright arena, the Government has also approved a project namely "**Construction and Strengthening of Copyright Office**" with estimated allocation of US\$3 million. The copyright office will be modernized through this three year project if implemented. Besides this, UNICEF has, in principle, agreed to grant US\$26,000 to the Copyright Office for dissemination of IP knowledge.

Establishment of an IP Knowledge Centre

33. From the private sector, the Dhaka Chamber of Commerce and Industry (DCCI) has received endorsement from the Ministry of Industries to set up an IP Knowledge Centre (IPKC) for developing institutional and legal framework to catch up with the global IP systems and reaping reasonable economic benefit from commercialization of their innovation and creation. It will primarily support the private sector with IP knowledge and information. The Centre aims to create awareness on IP issues, act as an "IP Help Desk" for the stakeholders, help identify areas for preparing Bangladesh to adjust with global IP system beyond 2013 and initiate policy advocacy. DCCI is also looking for financing to establish the Centre.

Other Initiatives for Developing the IP Regime

34. The Ministry of Cultural Affairs and the Copyright Office have formed a taskforce comprising members from different stakeholders. The taskforce will monitor the enforcement of copyrights. The Copyright Board has been reconstituted with members from private and public sectors with a view to hearing complaints related to copyright dispute and guiding the office relating to enforcement of copyrights.

35. The Ministry of Cultural Affairs has already been engaged with the major chambers of commerce, law enforcing agencies, government departments, autonomous bodies and corporations with an earnest campaign to use IP as a tool to protect their resources. The Registrar of the Copyright Office also issued communication to all government, semi-government, autonomous offices and corporations to refrain from using products which are not IP-compliant.

36. The Government also issued directives to mobile phone operators to observe the Copyright Act in using IP resources of right holders and alerted them about the legal actions.

37. The Department of Patent, Design and Trademarks has been observing World IP-Day on 26 April since 2000 jointly with Chambers and other public and private stakeholders for raising awareness on IP issues. They occasionally organize seminars, workshops and training on IP issues.

38. Bangladesh Better Business Forum (BBBF), a high profile body consisting of public-private partnership (PPP) was created in 2007. It aims at improving the business environment through interactions between the business community and public officials to boost up trade and economy of Bangladesh. Among others, it advises stakeholders for strengthening the IPR Offices for faster service delivery and better implementation of IP rights.

VII. PROPOSED PROJECTS FOR DEVELOPING AN ENABLING IP ENVIRONMENT

39. The following table indicates the proposed projects along with the estimated fund that should be available from donors as a minimum for implementing TRIPS Agreement in Bangladesh.

Sl. #	Name of the Project	Estimated Cost (US\$ million)
1.	Formulation of IP Policy (both in Bengali & English version) and dissemination of policy issues	0.5
2.	Review of the existing IP laws, amendment of IP laws and preparation of Bengali & English version of the laws, formulation of GI law and Laws related to Protection of Traditional Knowledge, Folklore and Cultural Expressions	1.0
3.	Specialized trainings for the officials of Ministry of Industries, Ministry of Commerce, Ministry of Cultural Affairs, Ministry of Agriculture, DPDT, Copyright Office, police, judiciary, custom officials, businessmen, other related people and IP users	4.5
4.	Automation of the IP offices: development of IP databank and information system and organize trainings for the concerned officials and staff for running the automated system	2.0
5.	Conduct need-based studies on IP issues – IP cost benefit analysis, negotiating impact	2.0
6.	Develop local trainers & IP professionals and IP negotiators	2.0
7.	Set up an IP Institute in the private sector or IP Knowledge Centre in DCCI	5.0
8.	Establish mechanism for encouraging innovation and linking innovation with market through strengthening capacities of the Bangladesh Council of Scientific and Industrial Research (BCSIR), Bangladesh University of Engineering and Technology (BUET) and other institutions	9.52
9.	Undertake a project for community-based museums, conduct research on traditional knowledge, folklore and cultural expression and develop a database	14.52
10.	Bangladesh Intellectual Property Office- a project for setting up an integrated IP office to deliver efficient IP service	30.00
Total		US\$71.04 million

ANNEX 1

IPR Laws in Bangladesh and the Agency Responsible for the Formulation of Laws:

Issue	Title	Date of Effect	Previous Rule	TRIPS Consistency & Comments
Copyright: Copyright Office under Ministry of Cultural Affairs				
Act	Copyright Act, 2000 and Copyright (Amendment) Act, 2005	18 July, 2000 and May, 2005 (for the amended part)	Copyright Ordinance formulated in 1962 (Ordinance No XXXIV, 1962) made effective in Bangladesh from 26 March 1971. It was repealed by the Copyright Act, 2000.	The law is consistent with the TRIPS Agreement. Definition of the existing act needs to be illustrated further to avoid confusion. It is desired that the main law and its subsequent amendment in 2005 have to be combined for friendly use of the law. An English version must be available for international correspondence.
Rule	Copyright Rule, 2006	12 September, 2006	Copyright Rules, 2006 was adopted repealing Copyright, 1967.	
Computer Programmes: Copyright Office under the Ministry of Cultural Affairs				
Act	Protected by the Copyright Act, 2000 and Copyright (Amendment) Act, 2005	18 July, 2000 and May, 2005 (for the amended part)	Original Copyright Ordinance formulated in 1962 (Ordinance No XXXIV, 1962) made effective from 26 March, 1971. It was repealed by the Copyright Act, 2000.	Consistent with the TRIPS Agreement. Additional protection for protecting textile design may be considered according to Article 25.2 TRIPS or through incorporation of a provision in the Copyright Act or Industrial Design Act.
Rule	Copyright Rule, 2006	12 September, 2006	Copyright Rules, 2006 is applicable for Computer Programmes.	
Patents: Department of Patent Design and Trademarks (DPDT) under Ministry of Industries				
Act	Patent and Design Act, 1911	26 March, 1971 (the date of Independence)	The Patent and Design Act, 1911 is still in place. A Draft Patent Act, 2006 was formulated, but not yet finalized.	Duration of protection (16 years) is not consistent with TRIPS Agreement (20 years). Provision for export under compulsory licensing (CL) must be incorporated in line with the Protocol Amending the TRIPS Agreement of 5 December 2005. Government has

Issue	Title	Date of Effect	Previous Rule	TRIPS Consistency & Comments
				issued an order for suspension of granting patent for pharmaceutical products and a mail box has been opened accordingly. However, this must be incorporated in the law. A provision has to be included for avoidance of double remuneration in case of granting CL. Provisions for parallel importation and reverse engineering have to be included.
Rule	Patent and Design Rule, 1933	26 March, 1971	Patent and Design Rule, 1933 is still in place	
Industrial Designs: Department of Patent Design and Trademarks (DPDT) under Ministry of Industries				
Act	Patent and Design Act, 1911	26 March, 1971	The Patent and Design Act, 1911 is still in place. A Design Law, 2007 was formulated, but not yet finalized.	Duration of protection is 15 years subject to renewal in two instalments. Duration is consistent with TRIPS, but in line with TRIPS the duration of protection may be for ten years for the first time and another five years subject to renewal. Additional protection for protecting textile design may be considered according to Article 25.2 of TRIPS or through incorporation of a provision in the Copyright Act or Industrial Design Act.
Rules	Patent and Design Rule, 1933	26 March, 1971	Patent and Design Rule, 1933 is still in place.	
Trademarks: Department of Patent Design and Trademarks (DPDT) under Ministry of Industries				
Act	Trademarks Act, 2009	February, 2009	Trademarks Act, 2009 was adopted by repealing the Merchandise Mark Act, 1889 and Trademarks Act, 1940 which were effective in Bangladesh since 26 March 1971, the day of independence.	The Trademarks Act, 2009 is consistent with TRIPS Agreement. Protection is granted for seven years subject to renewal. In order to avoid ambiguity about the duration of protection, it is suggested to add the phrase " <i>Protection will be granted for indefinite period subject to periodic renewal in every seven years</i> "

Issue	Title	Date of Effect	Previous Rule	TRIPS Consistency & Comments
				in the existing Trademarks Act. Section 84 should include the protection through air and land route along with sea route.
Rule	Trademarks Rule, 1963	26 March, 1971	The Trademarks Rules, 1963 is still in vogue.	
Geographical Indication: DPDT under Ministry of Industries				
Act	Geographical Indicators of Goods (Registration & Protection) Ordinance, 2008	In the process	There is no law related to geographical indication till now. A draft law has recently been prepared.	The draft law is consistent with TRIPS.
Rule	Not in place	Not applicable	No GI rule has been prepared as yet.	
Layout Designs (Topographic) of Integrated Circuits: DPDT under Ministry of Industries				
Act	Does not exist as yet	Not applicable		
Rule	Does not exist as yet	Not applicable		
Utility Models: DPDT under Ministry of Industries				
Act	Utility Model Law	In the process of formulation		
Rules	Does not exist as yet			
Trade Secrets: DPDT under Ministry of Industries				
Act	Does not exist as yet	Not applicable		
Rule	Does not exist as yet	Not applicable		
Plant Varieties and Farmers' Right: Seed Wing, Ministry of Agriculture				
Act	The Seed Ordinance, 1977 The Seed (Amendment) Act, 1997 The Seed (Amendment) Act, 2005	19 July 1977 13 March 1997 22 September 2005	Previously, there was no Act or rule for protection of plant varieties.	A draft law for protection of Plant Varieties and Farmers Right has been prepared and is awaiting approval.
Rule	The Seed Rules, 1998	18 March 1998		

Issue	Title	Date of Effect	Previous Rule	TRIPS Consistency & Comments
Border Measures: National Board of Revenue				
Act	Customs Act, 1969	26 March, 1971	Along with other issues this law has the provision for restriction of importation of the items with counterfeit trademarks and design.	The Customs Act, 1969 covers trademarks and industrial design. It does not, however, make any reference to prohibition of import of goods infringing the copyright.
Policy	Import Policy Order, 2006-9			No specific reference is made to IPR issues
Policy	Export Policy, 2006-09			No specific reference is made to IPR issues
Protection of Traditional Knowledge and Folklore: Copyright Office under the Ministry of Cultural Affairs				
Act	Protection of Traditional Knowledge and Folklore	in the process	A draft law on the Protection of Intellectual Property Rights of Traditional Cultural Expression of Bangladesh Act, 2006 has been prepared by a consultant of WIPO which is waiting for the approval of the WIPO.	
Competition Policy: Ministry of Commerce				
Act	Competition Act, 2008	in the process		No specific reference is made to IPR issues in the draft law.

Source: Ministry of Industries, Ministry of Agriculture and Ministry of Cultural Affairs and National Board of Revenue.

ANNEX 2

Action Matrix for Encouragement & Commercialization of Creation & Innovations and Enforcement of IP Rights

Issues	Present Situation	Objectives	Action Needed	Agency Responsible/Support Require from	Expected Outcome
1. IP Policy					
Formulation of IP Policy	<ul style="list-style-type: none"> • No stand-alone IP Policy exists • There is lack of effective coordination among the IP institutions & enforcing agencies due to absence of an IP policy 	<ul style="list-style-type: none"> • Develop clear vision of the government on IP issues • Encourage creation and innovation • Protect creation and innovation • Commercialize creation and innovation • Establish linkage between domestic innovation and market • Develop technological base • Make room for transfer appropriate technology • Improve efficiency and transparency in the IP institutions • Participate effectively in the bi-lateral, regional or multilateral negotiations related to IP issues • Create IP environment 	<ul style="list-style-type: none"> • Collect information on IP policy of the other countries • Share information with the stakeholders with a view to formulating an IP Policy • Formulate IP policies • Disseminate the goals, objectives and strategies of the IP policies • Analyse the present IP infrastructure • Build capacity of IP related organizations • Undertake R&D for technological development and innovation • Organise separate IP policy Unit of the Government after an in-depth study 	<p><u>Responsible Agency</u></p> <ul style="list-style-type: none"> • Ministry of Industries • Ministries of Cultural Affairs • Ministry of Science & ICT <p><u>Supporting Agency</u></p> <ul style="list-style-type: none"> • WIPO • Ministry of Commerce • DPDT • Copyright Office • Trade Bodies • Relevant NGOs 	<p>An IP Policy will be devised which would provide clear visions related to IP goals and strategies of the Government. It will also clearly define the role of different Ministries and Departments related to the formulation and implementation of IP policies and laws.</p>

Issues	Present Situation	Objectives	Action Needed	Agency Responsible/Support Require from	Expected Outcome
2. Encouragement & Commercialization of Creation & Innovation					
Creation and Innovation	<ul style="list-style-type: none"> • Country has limited technological base. Most of the technologies are imported • Private sector has limited role in R&D • Public sector research institutions cannot cater to the present needs of a globalised world • BCSIR needs to perform its responsibilities as the coordinating body of the research institutions • Lack of linkages between R&D and industrial demand • The technologies developed are not properly protected and commercialized • Most of the researches are time bound and project based. Follow up actions should be taken for commercializing the research outputs at the 	<ul style="list-style-type: none"> • Encourage R&D and innovation • Restructure the public sector research institutions so that they can deliver demand driven output in terms of development of products and technologies • Develop mechanism for establishing linkages between innovation and commercialization • Allocate adequate funds for promotion of technological development, innovation and creation. • Make arrangement so that researchers get proper financial incentives for undertaking research initiatives 	<ul style="list-style-type: none"> • Redefine the role of public sector research institutions. The institutions are to be restructured accordingly. BCSIR should accomplish responsibilities as the coordinator of the research institutions. It should be transformed into an income generating organization fully / partially through collaborative research with the private sectors / industries • Identify the technological priorities • Search for proper innovation and creation • Encourage R &D both at the public and private sectors • Publicise the innovations and creations • Provide supports for commercialization of the innovation and creation • Provide for benefit sharing of research 	<p><u>Lead Agency</u></p> <ul style="list-style-type: none"> • Ministry of Science and ICT • Ministry of Agriculture • Ministry of Industries • BCSIR • DPDT <p><u>Supporting Agency</u></p> <ul style="list-style-type: none"> • Donors • WIPO • Trade Bodies • Universities/BCSIR • NGOs 	More innovation and commercialisation of research outputs

Issues	Present Situation	Objectives	Action Needed	Agency Responsible/Support Require from	Expected Outcome
	<p>industrial level</p> <ul style="list-style-type: none"> • Research plans are developed without needs assessment of markets & industries • Agriculture researches are carried out to ensure food security. A few researches are carried out to meet the demand of the processing industries • Technologies developed through individual initiatives are not properly researched, or linked with markets • Research funds in the public institutions are extremely inadequate • Researchers do not receive proper incentives other than regular salary for conducting researches • Research outputs in the public sector are registered in the name of the institutions. This generally works as disincentives to the researchers. Patenting of innovations are time 		<p>outputs as exists in BRTC of BUET</p> <ul style="list-style-type: none"> • Accomplish Research Needs assessment on the consideration of tax structures, tariff policies and industrial demands • Organize Regular meetings /Seminars /Workshops with the individual & institutional researchers and business community • Establish IP faculty in the BUET or chambers for assessing research needs and linking research output with business people • Increase fund for researches & researchers • Provide adequate incentives for encouraging researches • Develop mechanism for reverse engineering particularly for the pharmaceutical industries 		

Issues	Present Situation	Objectives	Action Needed	Agency Responsible/Support Require from	Expected Outcome
	<p>consuming & cumbersome</p> <ul style="list-style-type: none"> • Other than BUET, researchers in the public sector institutions do not get any share when the research outputs are used commercially • There is huge brain drain from the public sector research institutions 				
<p>Technology transfers and Centre of Excellence for R&D</p>	<ul style="list-style-type: none"> • Country has poor technological base • Technology transfer mechanism particularly under Article 66.2 is not satisfactory 	<p>Technology transfer and dissemination of technologies at a cheaper prices and with reasonable terms and conditions</p>	<ul style="list-style-type: none"> • Establish a centre of Excellence of R&D and Training • Strengthen the public universities' research facilities • Raise voice in the WTO and other international forums about the commitment on technology transfers • There must be conditions for collaborative research under FDI flow and foreign aid • Identify technological needs of the country and ask for supports • Undertake measures so that the business people 	<ul style="list-style-type: none"> • University Grant Commission for centre of excellence • Ministry of Science and Technologies • Ministry of Commerce for effective implementation of Article 66.2 • Developed countries should be asked for effective transfer of technologies under Article 66.2 • Developed countries will be requested for technology transfer agreements with Bangladesh 	<p>Advance technologies will be available in the country and those technologies will be used for commercial purposes</p>

Issues	Present Situation	Objectives	Action Needed	Agency Responsible/Support Require from	Expected Outcome
			<p>can utilize the technologies for their commercial benefits</p> <ul style="list-style-type: none"> • Liaise with non-residents Bangladeshi for technology transfers • Sign technology transfer agreement with the research institutions of the foreign countries • Identify local innovators and link them with business 		
3. Legal Issues					
<p>Improve Legal systems</p>	<ul style="list-style-type: none"> • Some of the provisions of the IP laws are not consistent with TRIPS Agreement • Import Policy Order, and Export Policy do not have clear provisions for preventing import and export of counterfeit goods • Customs Act do not have clear provisions for preventing import of copyright pirated items • No law exists in the field of utility models, 	<ul style="list-style-type: none"> • Make the IP laws consistent with the TRIPS Agreement • Identify TRIPS flexibilities, incorporate them in the domestic laws and prepare plan for utilization of these flexibilities • Formulate laws related to Utility Model, GI, Trade Secret • Make provisions so that laws and regulations are available both in Bengali and English • Incorporate protection of IP in the Export Policy, 	<ul style="list-style-type: none"> • Review existing Copyright, patent, design and trademarks laws and examine their inconsistencies with TRIPS • Identify TRIPS flexibilities and incorporate them in the existing laws and utilize the flexibilities • Formulate new laws related to utility models, GI, and trade secret etc • Make user-friendly version of the copyright act • Incorporate compulsory 	<p><u>Lead Agency</u></p> <ul style="list-style-type: none"> • Ministry of Cultural Affairs • Copyright Office • Ministry of Industries • Ministry of Commerce • DPDT <p><u>Supporting Agency</u></p> <ul style="list-style-type: none"> • WIPO, WCO & WHO for technical support - Donors for financial support - Ministry of Commerce for expert opinions related to TRIPS - Ministry of Law, Justice 	<ul style="list-style-type: none"> • Laws will be consistent with existing TRIPS & flexibilities granted to LDCs will be incorporated in the IP laws • New laws relating to utility models, GI and trade secrets will be formulated • All IP laws and rules will be available both in Bengali and English for mass awareness raising

Issues	Present Situation	Objectives	Action Needed	Agency Responsible/Support Require from	Expected Outcome
	GI, and trade secret etc <ul style="list-style-type: none"> • Most of the Laws/rules are either in Bengali or English 	Import policy Order and Customs Act	licensing, reverse engineering in the Patent law <ul style="list-style-type: none"> • Establish at least one separate IP court in the capital and gradually increase the number in all divisional cities for quick disposal of IP cases • Translate existing IP laws and regulations both in English & Bengali 	and Parliamentary Affairs	
Strengthening of the IP Institutions					
Strengthening Existing IP Institutions	<ul style="list-style-type: none"> • IP institutions are constrained by extreme shortages of manpower. • Existing staff have limited technical knowledge and expertise on IP issues • Office accommodation is not enough in the DPDT. Copyright office does not have its own office space. • Bangladesh is not signatory to Madrid, Hague and PCT systems • Most of the operations are accomplished 	<ul style="list-style-type: none"> • Strengthen the IP institutions with efficient and skilled manpower • Improve transparency and efficiency in the IP institutions. • Provide improved and quick services to the clients. • Automation for better service delivery, transparency and accountability 	<ul style="list-style-type: none"> • Immediately employ skilled manpower as is mentioned in the proposed organigram • Employ lawyers in the IP offices with specialized knowledge in IP laws • Prepare and implement long term plan for developing skilled manpower in the IP offices • Improve basic infrastructure of the IP offices • Introduce automation system of the IP offices • Establish separate IP office or set up BIPO in 	<u>Lead Agency</u> <ul style="list-style-type: none"> • Ministry of Cultural Affairs • Ministry of Industries • Copyright Office • DPDT <u>Supporting Agency</u> <ul style="list-style-type: none"> • WIPO for technical support • Donors for financial support 	<ul style="list-style-type: none"> • IP institutions will perform efficiently

Issues	Present Situation	Objectives	Action Needed	Agency Responsible/Support Require from	Expected Outcome
	manually <ul style="list-style-type: none"> • There are no digital records in the IP offices • There is no separate library for preservation and record of information 		consultation with relevant Ministries & Department <ul style="list-style-type: none"> • Improve HRD 		
Improve Service Delivery of the IP Institutions	<ul style="list-style-type: none"> • Poor service delivery • Lack of transparency • No procedural manual in the IP offices 	<ul style="list-style-type: none"> • Improve efficiency • Ensure transparency • Reduce time for processing of applications 	<ul style="list-style-type: none"> • Develop procedural Manual • Set up for on-line processing system of applications • Develop one stop services • Prepare time charter for the officials • Dispose all pending applications immediately through drastic initiatives • Ensure better access of the clients in the IP offices 	<u>Lead Agency</u> <ul style="list-style-type: none"> • Ministry of Cultural Affairs • Copyright Office • Ministry of Industries • DPDT <u>Supporting Agency</u> <ul style="list-style-type: none"> • Donors for financial support 	<ul style="list-style-type: none"> • Quick and satisfactory service delivery to the clients and • Eliminate malpractices
<u>IP Enforcement</u>					
Campaign for lower pricing policies for the books, software and reading material for the LDC users	<ul style="list-style-type: none"> • Students, researchers and general users have limited financial capacities to purchase original software and book. This is one of the main reasons for piracy 	<ul style="list-style-type: none"> • Raise the issue in the WTO/WIPO to find a solution so that cheaper versions of software, CDs and books are available for the users of LDCs 	<ul style="list-style-type: none"> • The issue is to be raised in the WTO, WIPO and also to the large alliances of software and publishers so that they are willing to supply cheaper versions of the CDs, books and software to the users of LDCs 	<u>Lead Agency</u> <ul style="list-style-type: none"> • Ministry of Commerce • Bangladesh Mission in Geneva • Bangladesh Embassy in Washington • Ministry of Industries • Ministry of Science & ICT 	LDCs would have the opportunity of using cheaper versions of the books, CDs & software without violating IPRs.

Issues	Present Situation	Objectives	Action Needed	Agency Responsible/Support Require from	Expected Outcome
Enforcement of IP Laws	<ul style="list-style-type: none"> • IP enforcement is weak. • There is little incentive for protection of IP rights. The country is a net importer of technologies and small business cannot afford to use patented items/original copies • Weak linkage between IP institutions and law enforcing agencies e.g , police, judiciary and customs • There is no separate cell in police or customs • No IP tribunal exists • IP enforcing agencies have limited knowledge and skills in identifying fake goods • Judiciary/police have limited training opportunities on IP issues • Most of the writers are deprived of getting royalties from the publishers. There is no societal mechanism to protect the interests of the right holders. 	<ul style="list-style-type: none"> • Ensure better enforcement of IP rights through appropriate legal, institutional and administrative supports 	<ul style="list-style-type: none"> • Establish linkages between IP institutions and enforcing agencies such as police, judiciary and customs through continuous dialogues, training, seminars etc • IP policy to provide detail guidelines for establishing linkages • Establish separate cell in the NBR & Police Department • Establish at least one IP tribunal in the capital city and gradually expand it in other divisions • Organize specialized IP training programmes for the police, judiciary and customs • develop digital record registry system in the automation programmes of IP enforcing agencies • Incorporate a mandatory provisions for payment of royalties to the writers, composers, singers musicians • Formation of IP societies 	<p><u>Lead Agencies</u></p> <ul style="list-style-type: none"> • NBR • Ministry of Home Affairs • Ministry of Law, Justice and Parliamentary Affairs • Ministry of Cultural Affairs • Ministry of Industries • DPDT • Copyright office <p><u>Supporting Agencies</u></p> <ul style="list-style-type: none"> • WCO • WTO • WIPO • other donors (for financial & technical supports) 	There will be better linkage between IP institutions and IP enforcing agencies that will improve the existing enforcing mechanism

Issues	Present Situation	Objectives	Action Needed	Agency Responsible/Support Require from	Expected Outcome
<p>Develop a private IP institution</p>	<ul style="list-style-type: none"> There is no IP institutions for awareness raising, supporting the government with expert opinions, and working as pressure group 	<ul style="list-style-type: none"> Institution will encourage innovation and creations Support the innovators and creators Support government with knowledge and expert opinions on IP issues Work as pressure group Support IP users for protecting IP rights Disseminate knowledge on IP issues Institutions to work as a body of ADR in the long run Establish Dialogue with universities for inclusion of IP issues in the course curriculum of Departments of Law, Economics and International Relations 	<ul style="list-style-type: none"> Identify innovators and creators Support them for protection of their IP rights Link innovators with entrepreneurs for commercialization of innovation and creation Provide supports and information to the government in formulation of IP policy and strategies Provide expert opinion for negotiations on IP issues Support for awareness raising, HR development and training Lobby with authority for appropriate protection of IP rights Organize training programmes for the IP officials and negotiators Develop IP experts and legal professionals through continuous training, workshops, seminars and study tours Include IP courses in the universities' course curriculum 	<p><u>Lead Agency</u></p> <ul style="list-style-type: none"> Trade body (may be Dhaka Chamber of Commerce and Industry) for establishing IP institution <p><u>Supporting Agency</u></p> <ul style="list-style-type: none"> WIPO, WCO & WHO for technical support Donors for financial support 	<ul style="list-style-type: none"> The institution will provide supports to both the public and private organization with expert knowledge and information as well as work as pressure group. It will help to develop IP skills and knowledge among the public and private sectors It will support for technological development and assist commercialization of the technologies Work on ADR in the long run.

Issues	Present Situation	Objectives	Action Needed	Agency Responsible/Support Require from	Expected Outcome
Awareness raising	<ul style="list-style-type: none"> Public & private sectors stakeholders have limited knowledge and information about IP issues Most of the University curricula do not have any IP course. 	<ul style="list-style-type: none"> Awareness raising at mass scale about protection of IP rights through proper legal provisions and administrative procedures 	<ul style="list-style-type: none"> Systematic and specialized training programmes Organize campaigning programmes two/three times a year at the divisional levels and gradually expand the programmes at the district levels Disseminate IP knowledge and information through trainings/workshops/media /dialogues 	<u>Lead Agency</u> <ul style="list-style-type: none"> Ministry of Cultural Affairs Ministry of Industries Ministry of Commerce DPDT, Copyright Office Trade bodies <u>Supporting Agency</u> <ul style="list-style-type: none"> WIPO, WCO & WHO for technical support Donors for financial and technical supports 	<ul style="list-style-type: none"> Better knowledge about IP issues; Better understanding about legal obligation; Improve protection of IP rights;
<p><u>IP Education:</u></p> <p>Develop IP Lawyers, trainers & professionals.</p> <p>Capacity building of the private service providers</p>	<ul style="list-style-type: none"> There are very few IP lawyers in the country. Government and individual also face difficulties in receiving expert legal opinion related to IP matters 	<ul style="list-style-type: none"> Develop IP lawyers with a view to disposing IP cases efficiently both at the domestic and international levels Provide expert legal opinion to the policy makers on the IP issues. 	<ul style="list-style-type: none"> Publication of IP literature to the maximum extent Select a group of young lawyers and train them on IP cases, decrees and judgements at home and abroad 	<u>Lead Agency: DPDT</u> Trade bodies or proposed IP institution <u>Supporting Agencies</u> <ul style="list-style-type: none"> Ministry of Law Justice and Parliamentary Affairs DPDT Bar Council 	A group of IP professionals, lawyers, experts, consultants will be developed who can defend the IP cases professionally at domestic and international levels.
IP negotiations	A number of bilateral and regional agreements, WCO and other international organizations have included IP issues in various ways.	Develop negotiating expertise in the field of IP and disseminate knowledge for future participation in the negotiations	<ul style="list-style-type: none"> Take all measures for utilizing TRIPS flexibilities Bangladesh should actively participate in the bilateral, regional or multilateral IP 	<u>Lead Agency</u> <ul style="list-style-type: none"> Ministry of Commerce <u>Supporting Agency</u> <ul style="list-style-type: none"> Ministry of Industries 	Effective participation in the IP negotiations and protection of the country interests

Issues	Present Situation	Objectives	Action Needed	Agency Responsible/Support Require from	Expected Outcome
	<ul style="list-style-type: none"> Bangladesh has limited participation in IP negotiations 		<ul style="list-style-type: none"> negotiations to protect national interest Develop a forum comprising of public and private sectors who will participate in the negotiations related to IP issues and support the government 	<ul style="list-style-type: none"> Ministry of Cultural Affairs Trade Bodies Donors for financial supports to participate in the negotiations on a sustainable basis 	
Protection of Folklore, Traditional Knowledge and Cultural Expressions					
Protection of Folklore, traditional knowledge and indigenous cultural expressions	<ul style="list-style-type: none"> There are huge stocks of folklore, traditional knowledge and indigenous cultural expressions in the country Folklore, traditional knowledge and indigenous cultural expressions are gradually depleting due to lack of proper initiatives for nurturing them Customary laws are also being in the process of extinction 	<ul style="list-style-type: none"> Identification and protection and preservation of traditional knowledge, folklore and indigenous cultural expressions 	<ul style="list-style-type: none"> Establish community based museums in the natural environment for about existing 100 indigenous communities and groups Enact Traditional Cultural Act or incorporate provision for protection of folklore, traditional knowledge and indigenous cultural expressions in the Copyright Act, 2000 The concerned communities have the right of benefit sharing for using their traditional knowledge Identify the folklore, traditional knowledge and indigenous cultural expressions Assess the traditional 	<u>Lead Agency</u> <ul style="list-style-type: none"> Ministry of Cultural Affairs Ministry of Hill Tracts Affairs District administrations Local communities <u>Supporting Agencies</u> <ul style="list-style-type: none"> WIPO and other donors Develop long term projects and involve researchers 	<ul style="list-style-type: none"> Traditional knowledge will be protected, restored and its lost heritages regained. Tourism industry will be developed and the community will benefit which will in turn bring positive results to overall economy.

Issues	Present Situation	Objectives	Action Needed	Agency Responsible/Support Require from	Expected Outcome
			<p>expression and marks which have commercial values</p> <ul style="list-style-type: none"> • Protect the items which have commercial value right now • Items which do not have commercial value right now, initiatives should be taken for making them commercially viable through mass campaign and diversification of uses • Develop community-based IPR • Raise awareness among the indigenous people about the economic and social values for protection of folklores, traditional knowledge and indigenous cultural expressions • Involve them in the listing process and encourage them to lobby with the relevant authority for protection of their resources 		
