

# **Bangladesh needs to protect its Intellectual Property**

Intellectual Property Rights (IPR) protect inventions, literary and artistic works, industrial designs, commercial symbols, images and nomenclature from piracy. The IPR in totality stipulates the protection of intangible assets, that is, intellectual property. Intellectual property is intangible property because it cannot be felt or touched like physical property.

An industry can patent to protect its industrial designs, trademarks, geographical indications, trade secrets, layout designs of integrated circuits, etc. The government in any country is responsible for protecting the rights by adopting measures and policies, compatible with the Trade Related Aspect of Intellectual Property Rights (TRIPS) Agreement of the World Trade Organization (WTO).

Patent protects an invention, a new product or a new process. It provides an inventor the exclusive right to make, use and sell a patented invention. Patents have a fixed term and are territorial in nature. An inventor has to apply for a patent in each country where he wants to have his invention protected. The countries could have their own terms and conditions and application process to adhere to the rules of TRIPS.

Trademarks protect interests of those who sell products or services. A Trademark protects a word, symbol, or combination thereof, used with a product or service. Some countries allow sounds, smells, slogans or shapes to be registered as trademarks. Like patents, trademark protection is generally territorial in nature and action needs to be taken in each country where protection is sought. Trademark rights are usually acquired by registration, although in common law countries, rights can also be obtained through use. Although, rights in registered marks are granted for a fixed term, the registration can be renewed indefinitely or for further terms.

The importance and scope of IPR is going to increase in the coming years. Discussions are going on to establish a relationship between TRIPS and the Convention of Biological Diversity (CBD) to protect traditional knowledge (TK) and folklore. It is one of the contentious issues in the decision of Doha Ministerial declaration to examine relationship between TRIPS and CBD.

At the Doha ministerial conference, there were several decisions on TRIPS. Some of these were on extension of additional protection on geographical indication (GI) to the products other than wine and spirits, review of the implementation of the TRIPS agreement under article 71.1, relationship between the TRIPS agreement and the convention on biological diversity (CBD) under article 27.3 (b), protection of traditional knowledge and folklore.

Doha stipulates a provision of submission of detailed reports on the transfer of technology in pursuance of commitments of the WTO member-countries under article 66.2. These submissions will be subject to a review in the TRIPS council and information will be updated by members usually.

So far, two different views were expressed about the disclosure of generic information while going for patenting. The contentious issue to explore CBD and its relations with the TRIPS agreement incorporating the concerns of the least developed countries (LDCs) is undecided. Some opined that in order to set a better result, further study is required, including sharing of experiences to examine details of the issue.

The Maseru LDC declaration clearly mentions the commitments of the developed countries to provide incentives to enterprises and institutions within their territories, effective technology transfer to LDCs in accordance with Article 66.2 of the TRIPS agreement as one of the requirements. It also clearly mentions that such measures must go beyond workshops and seminars to include measures that provide incentives to enterprises and institutions in the developed WTO members to work in direct conjunction with enterprises and institutions in LDCs in a manner that result in technology transfer.

In the Maseru declaration, there was also a call for commitment by developed partners to provide financial and technical assistance for need assessments and implementation of bankable project identified by the LDCs.

Benefits of TRIPS went to the developed countries as they are technologically advanced. They want to protect their strength by the agreements. It is also true that the LDCs are not capable of protecting whatever technologies they innovate because of absence of required policies. It creates a chain on non-development of technologies and products.

Some special measures to anti-counterfeiting measures are awaited. The TRIPS agreements stipulate some mandatory measures the states have to take to create judicial or competent authority for the protection of intellectual property.

In the near future, TRIPS will provide the measures to protect the border, technology and other intellectual property. Muisic of Miles, a Bangladeshi band music group has been copied in India without permission. The high court of Calcutta gave its verdict in favour of the applicant and warned the would-be violator. Bangladeshi jamdane saree, 'nakshi kantha,' and 'fazlee mango' has already been registered in India as GI products. So far they have registered 117 GI products.

Bangladesh needs to make its GI law and update other related laws to protect the country's intellectual properties. Export policy, import policy and customs act should stipulate provisions to protect intellectual property. The Dhaka Chamber of Commerce & Industry (DCCI) has been trying for long for establishing an intellectual property centre to follow up of the activities of the WTO and WIPO on TRIPS to be able to provide the related information to the private sector.

An Intellectual Property Knowledge Centre (IPKC) at the Dhaka Chamber of Commerce & Industry would be able to provide the service to enhance the capacity of the private sector on intellectual property education. The centre can create intellectual property awareness and help create WTO compatible policies with support from the World Intellectual Property Organization (WIPO) and the relevant ministries in Bangladesh.

Bangladesh needs both soft and hard infrastructure for a supportive intellectual property regime in the country. It needs to have a full stock of GI products in the country which can be protected to develop its culture and traditions.

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