

Country Paper of Bangladesh

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Brief History of IP in Bangladesh:

- ❖ IP laws owes its origin to British India;
- Patents & Designs Act -1911;
- Copyrights Act -1914;
- Trademarks Act- 1940

Existing IP Laws of Bangladesh:

Laws & Regulations	Enforced	Remarks
Trademarks Act	2009	Compatible with TRIPS Agreements.
Trademarks Rules	1963	Draft rules are being framed.
Patents and Designs Act	1911	Traditional Patents Granting system and Designs registration system. To make it TRIPS compatible a draft has been prepared.
Patents and Designs Rules	1933	After enactment of the Patent Law new rules will be framed.
Copyright Act	2005	Compatible with TRIPS Agreements
Copyright Rules	2006	Revised in 2006 to make it workable with the new law.

Treaties and conventions

International Agreements	Signatory from
(i) Convention establishing the WIPO,1985	May 11,1985
(ii) GATT, 1940	April 15,1994
(iii) The Paris Convention for the protection of Industrial Property 1883	May, 1985
(iv) Berne Convention for Protection of literarily and Artistic works	May 4,1999
(v) Universal Copyright convention	May 5,1975

Who administers IP Acts & rules

- After independence in 1971

Acts	Administered By	Controlling Ministry
Patents & Designs Acts - 1911	Patents office	M/O Commerce
Trademarks Act - 1940	Trademarks Registry	M/O Commerce
Copyright Act - 1914	Copyright office	M/O cultural affairs

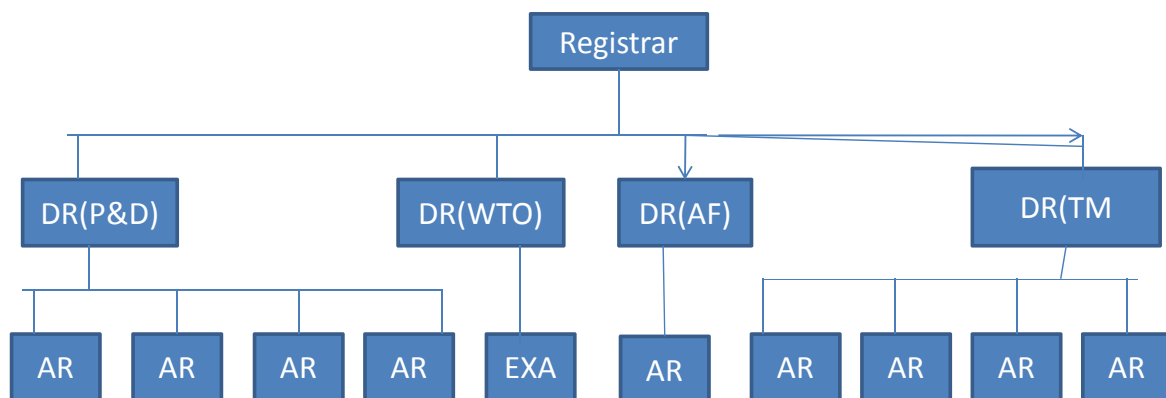
Present Scenario

Acts	Administered By	Controlling Ministry
Patents & design Act -1911	Department of Patents, Designs & Trademarks	M/O Industries
Trademarks Act-2009	Department of Patents, Designs & Trademarks	M/O Industries
Copyright Act - 2005	Copyright Registry	M/O Cultural affairs

Department of Patents, Designs & Trademarks(DPDT)

- Patents Office & Trademarks Registry were amalgamated in the year 1989,
- DPDT has three wings; Patent, Design & Trademark.
- Every wing is headed by a DR.
- I am DR(TM); from filing of application to issuance of TM certificate and the PRS come with in my charter of duties.

Organizational chart of the Department

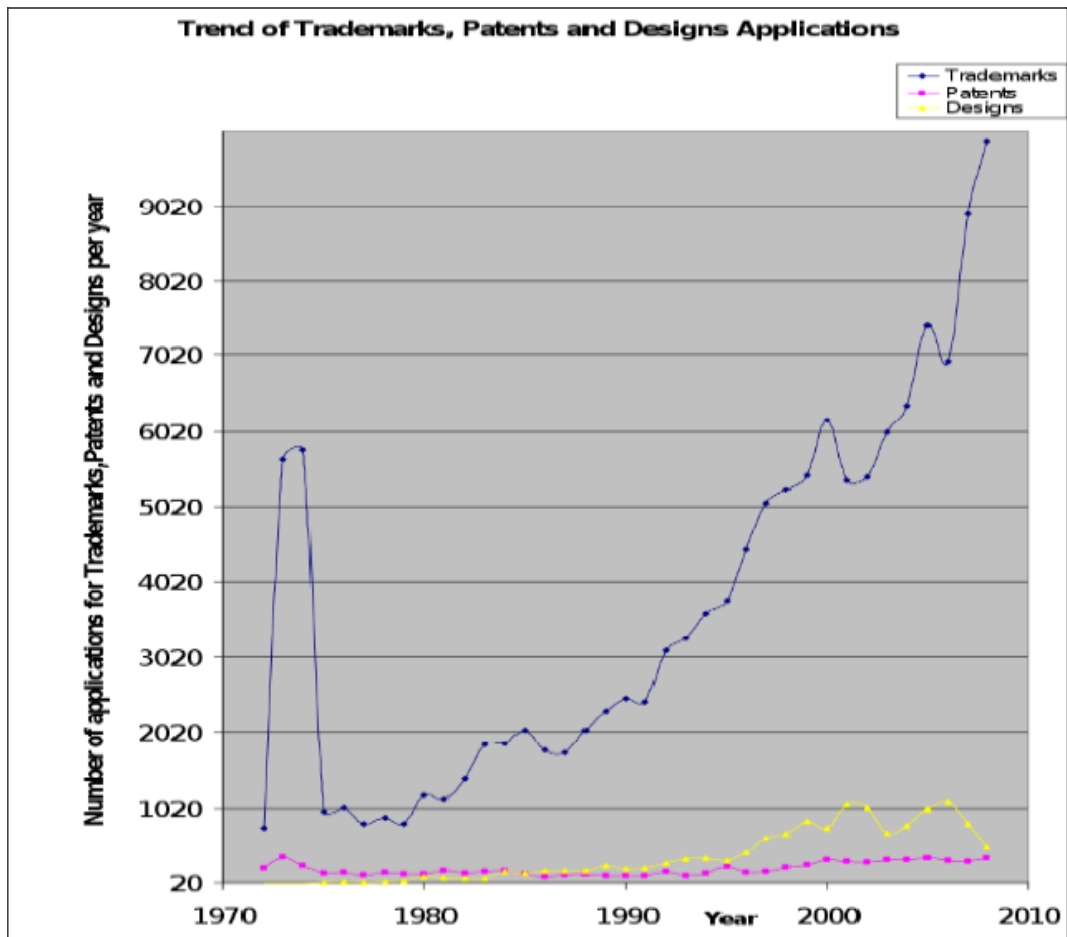


Manpower

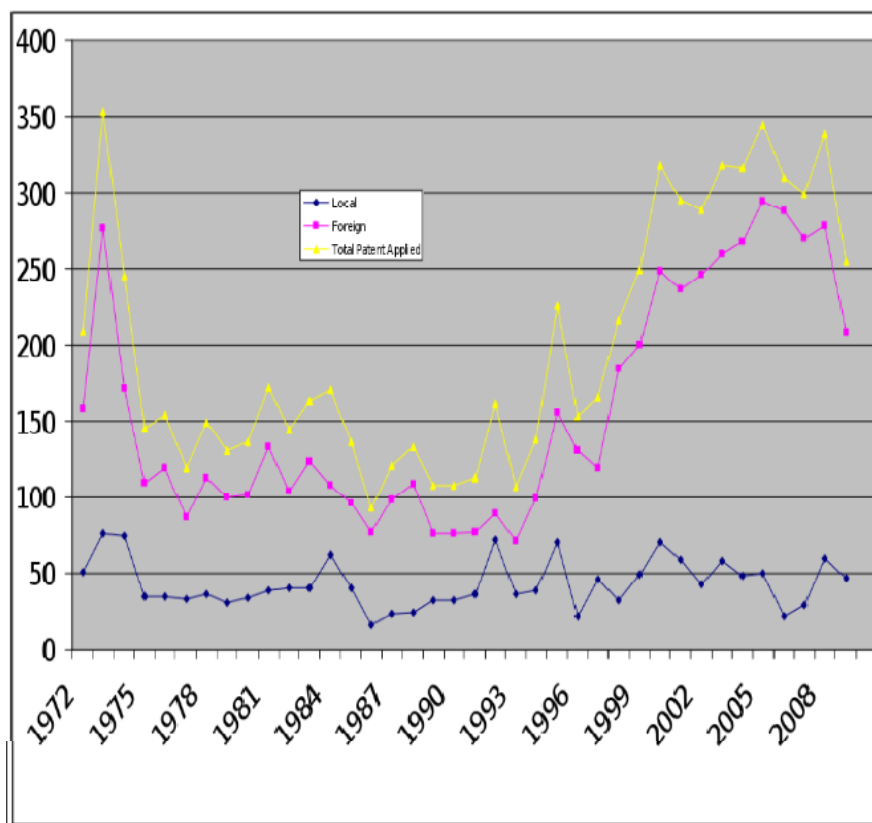
- Registrar - 01
- Deputy Registrar - 04
- Assistant Registrar - 09
- Examiner (Patents) - 10
- Examiner (Designs) - 02
- Examiner (Trademarks) - 12
- Examiner (WTO & International Affairs) - 01
- Asst. Examiner(Trademarks) - 03
- Administrative Officer - 01
- Librarian - 01
- Other supporting staff – 68
- Total manpower - 112

What rights are protected under these IP laws

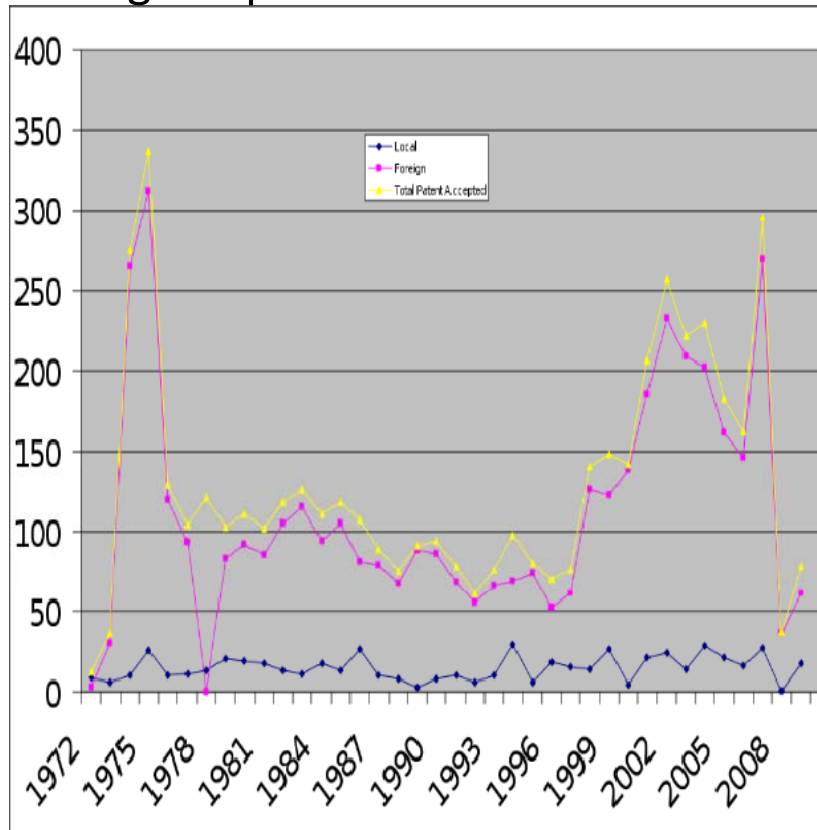
Subject matters	Field of protection	Period of Protection in	Protection in International Agreements
Patent rights (Patent & Designs Act)	Novel and industrially applicable inventions that utilize a law of nature	16 years from the date of filing	20 years from the date of filing
Trademark rights (Trademarks Act)	A mark (letters, figures, signs, etc.) used for goods or services	7 years from the date of registration (The term of the right can be renewed)	10 years from the date of registration (The term of the right can be renewed)
Design rights (Patents & Designs Act)	The design of shapes, patterns or colors of articles with an original and aesthetic appearance	5 years (The term of the right can be renewed two times , 5 years each)	10 years from the date of registration
Copyrights (Copyright Act)	Copyrights are protected for original intellectual work of literature, art, music, software, etc.	Copyrights are protected for 50 years after the death of an author of an original intellectual work of literature, art, music, software, etc.	Copyrights are protected for 50 years after the death of an author for an original intellectual work of literature, art, music, software, etc.



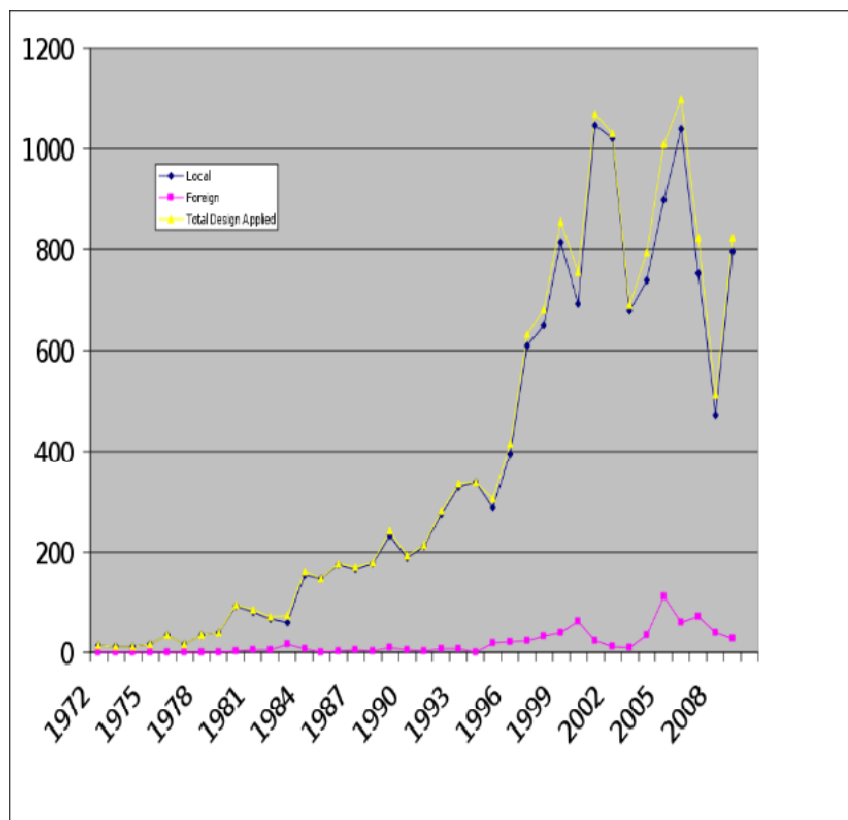
Growth of applications for patents, both domestic and foreign



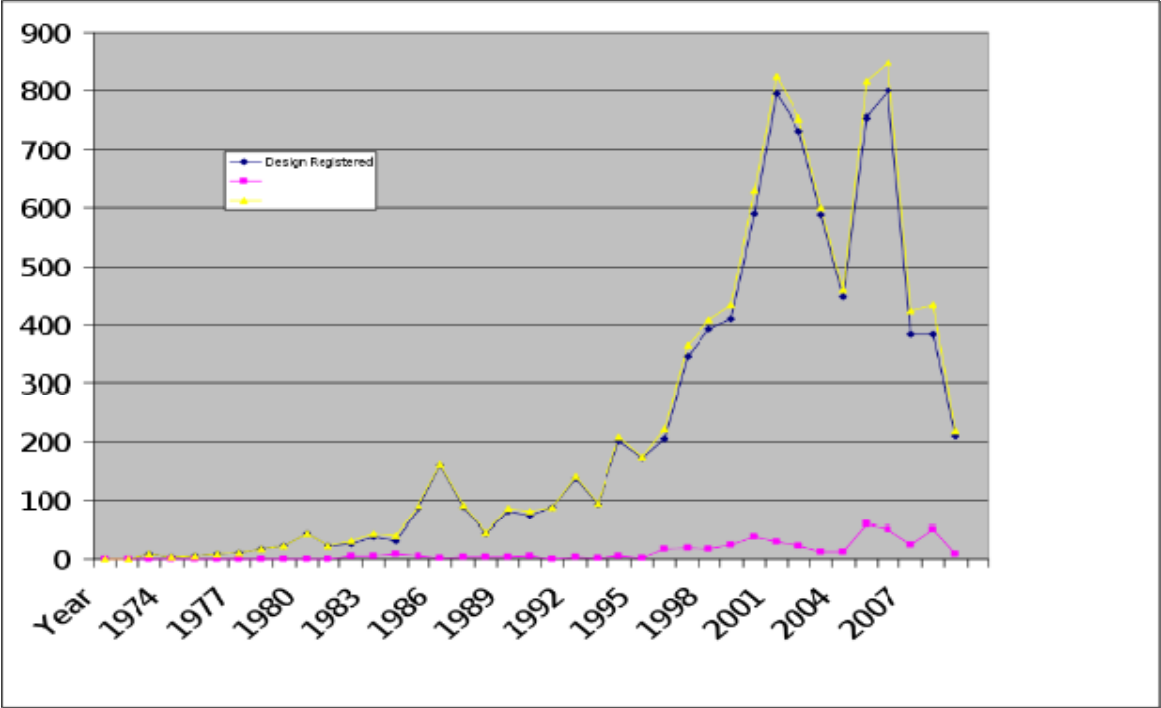
the trend of patent applications, both local and foreign, accepted during the period



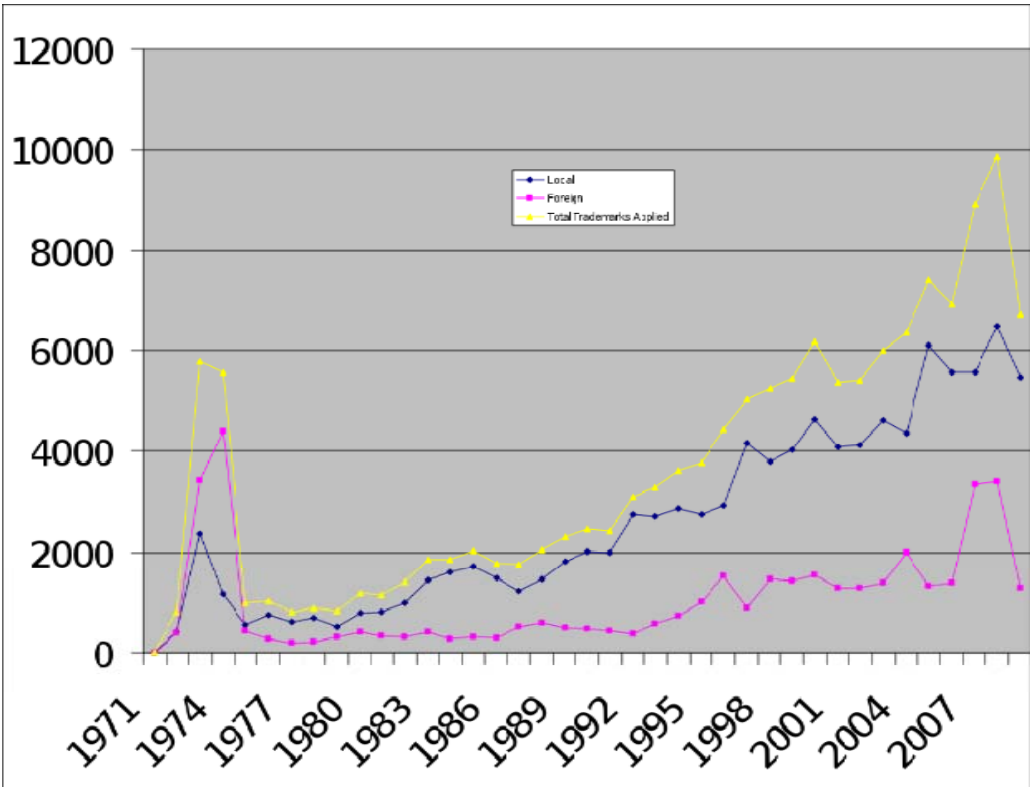
The trend of applications for Design registration by the domestic and no-domestic manufacturers.



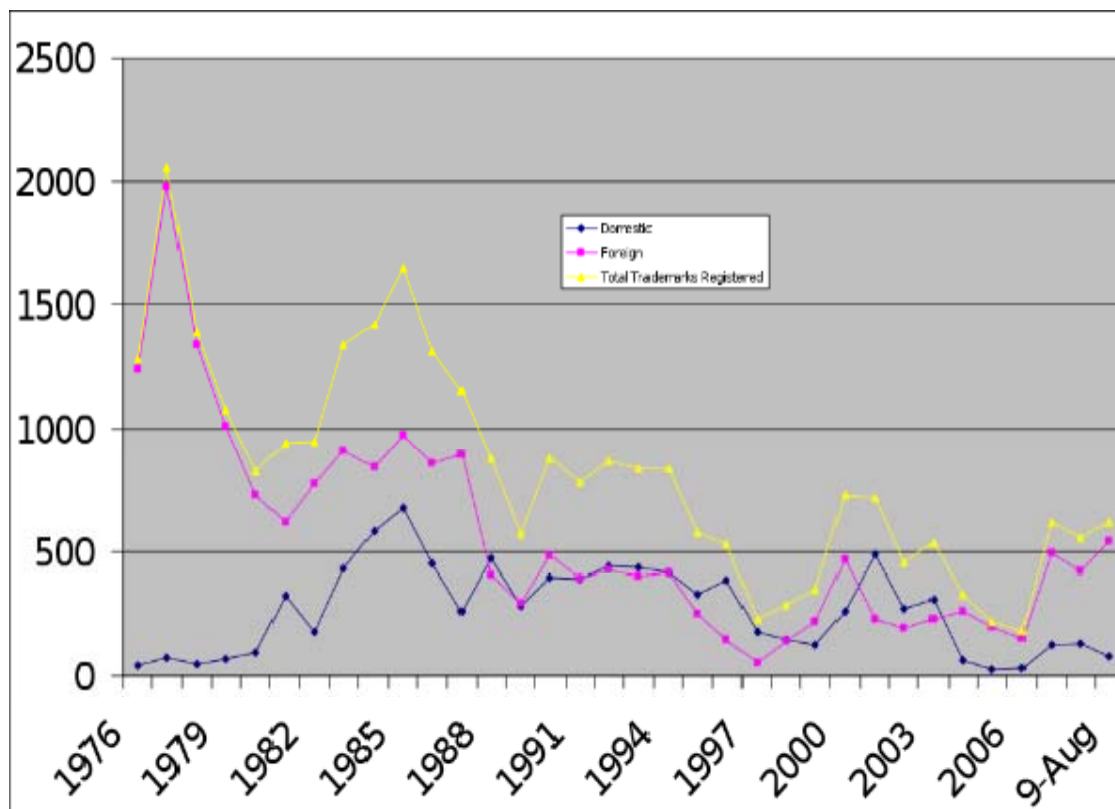
Designs registered so far can be understood from this diagram



Applications for trademarks received by DPDT during the period from 1976 to 2008 can be seen from the diagram



Registration of Trademarks given by DPDT during the period



Problems we are facing

- All laws are not compatible with international treaties and conventions.
- We do not have integrated IP office. We have no permanent office as yet.
- IP related functions are perform manually.
- Lack of skill work force in both public and private sector.
- The number of officers and staff are also disproportionate to the requirements.

Problems continues

- Scope of human resource development is very poor. No IP related graduation or post graduation course; Existing curriculum is not modern;
- Both the DPDT and Copyright Office have no training facilities;
- Awareness among the people is very little;
- No technology transfer office; no link between the universities and the industries.
- R & D activities of the industries are not adequate also.

Problems continues

- National IP Strategy is yet to be formulated.
- The cases of Copyright piracy and infringement on other IP rights are very frequent.
- Enforcement is not up-to the desired level.
- The officers of customs, police and the judiciary virtually do not receive any training on IP issues;
- Both the DPDT and Copyright Office have no legal retainer of their own.
- The DPDT has partial data base on patent and Copyright Office has no database as yet.
- IP offices have little connectivity with the global or other database.

Future program

- With the technical and financial assistance of WIPO and EC we are implementing a project;
- That IPR project has following components:
 - automation of IP service system,
 - improvement of IP teaching,
 - public awareness building,
 - training,
 - Improve the legislative framework.

Future program

- Under the project data capturing work will start very soon;
- WIPO experts are now trying to improve curriculum after having discussions with the universities;
- For creating awareness among the teachers and the govt. officers recently a seminar was organized under the project. Similar other programs will be organized for other target groups.
- For creating IP awareness among the cross section of people in every year on April 26 we observe IP day.

Future program

- Going to introduce national IP policy; Provision will be created to connect universities with the industries;
- Trying to create unified IP office. Government has given a plot of land for all IP offices;
- Trying to fill up all the vacant posts of DPDT & Copy Right office within December 2009.
- Newly recruited examiners will be given training in home and abroad.
- In house IT Training has already been introduced.
- Sanction has been given by the govt. to include 90 computers in our TOE.

Programs for improving legislatures

Laws & Regulations	Remarks
Draft Patents law & Designs Law, 2009	Law commission has made draft laws. WIPO has checked those and has given opinions
Draft Geographical Indications Law, 2009	Under process to finalize the draft.
Utility Model Law, 2009	Under process to finalize the draft.
Draft Law on Lay Out Design (topographies) of integrated Circuits, 2009	Requested Bangladesh Law Commission to prepare a draft Law .
Draft Law on Trade Secrets, 2009	Requested Bangladesh Law Commission to prepare a draft Law .
Draft Law on Unfair Competition, 2009	Draft prepared by the Ministry of Commerce, which is not yet finalized.

Vision of the country

- The present govt. has a vision to develop Bangladesh into a middle-income country by 2021, by digitalizing the economy.
- IP development is a precondition for such ambitious step.
- If the development partners come forward to cooperate Bangladesh, I think it would be possible.

THANK

THANK YOU ALL.