

Legal Framework of IP Rights: Panorama Bangladesh

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In Bangladesh, protection of Intellectual property mainly other than copyright comes under the purview of Ministry of Industries. On behalf of Ministry of Industries, Department of Patents, Designs & Trademarks (DPDT) administers all the activities relating to industrial property (i.e. Patent, Design, Trademark, GI etc). Before 1989 Trademark & Patent offices were in separate entity under Ministry of Commerce. Trademark office & Patent office merged in 1989 and came under the purview of Ministry of Industries and virtually, as a department namely DPDT started its work from 20.3.2004

Bangladesh inherited a century-old legal framework for intellectual property Rights (IPR). The patent system was introduced in this sub-continent by the British based on their own patent system in 1856. That act was gradually modified year after year to comply with the demand of age. Finally, the Indian Patents & Designs Acts come into existence in 1911. After Independence of Bangladesh, this Act in the name of Patents & Designs Act, 1911 has been continuing in operation till now with certain modifications and The Then Patents & Designs Rules, 1933 with few amendments is also in effect till now.

There was no specific law for Trademark protection until 1940. The protection of Trademark was regulated under penal code 1860 (Chapter XVIII, from section 478 to 489). At that time there was merchandise marks Acts, 1889 to prohibit fraudulent marks and in case of infringement & passing off problems were solved by applying section 45 of specific Relief Act, 1877. Indian Trademark Acts was passed in 1940 and has continued in operation till 2007. President of Bangladesh adopted the Trademark ordinance, 2008 which was ratified in parliament in 2009 which is currently known as Trademark Act, 2009. Trademark Rules, 1963 is going to be replaced by Trademark Rules, 2013. Drafting of Bangladesh Patent Act, 2013 & Bangladesh Industrial Design Act, 2013, are under process to cope up with the modern trade & commerce.

Bangladesh Copyright Office is a quasi-judicial organization under the Cultural Ministry. The activities of the office are being governed by the Copyright Act, 2000 (amended in 2005). The first legislation on Copyright was introduced in 1914 based on British Copyright law of 1911. Then new law on Copyright was promulgated in 1962. After independence that ordinance continued into operation till 1999. Copyright Rules, 2006 was revised in 2006 to make it workable with the new law.

Geographical Indications (Registration and Protection) Act, 2013 was passed in the parliament in the year 2013 with an aim to safeguard the patent rights of the country's centuries-old indigenous products.

A request has been sent to Bangladesh Law Commission to prepare a draft on "Lay out Design (topographies) of integrated Circuits, 2009" & "Trade Secrets, 2009".

Draft law on "Utility Model Law, 2009" & "Unfair Competition, 2009" are being prepared by Ministry of Commerce yet to finalize.

Furthermore, "The Penal Code of Bangladesh, 1860", "Right to Information Ordinance, 2008"; "Civil Procedure Act, 1908"; The Custom Act, 1969 comprises several measures against the violations of various intellectual property rights in Bangladesh.

Bangladesh became a member of World Intellectual Property Organization (WIPO) on May 11, 1985; GATT on April 15, 1994; Universal Copyright convention on 5 May, 1975; Paris Convention for the Protection of Industrial Property on 3 March, 1991 and of the Berne Convention for the Protection of Literary and Artistic Works on 4 May, 1999; International plant protection Convention on October 2, 2005; International Treaty on Plant Genetic resources for Food & Agriculture on June 29, 2004; Convention on Biological Diversity on August 1, 1994; Treaty between the United States of America and Bangladesh concerning the Reciprocal Encouragement and Protection of Investment on July 25, 1989.

Bangladesh is also a signatory of the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement, which came into force on January 1, 1995. The TRIPS Agreement sets detailed, compulsory and common standards for all countries following the dispute settlement system of the WTO. Being a member of LDCs Bangladesh is enjoying the extended transition period to bring herself into compliance with its rules. The tenure for waiver for pharmaceutical patents for LDCs will continue until 2016.

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Courtesy:

Sayed Raas Maswod: Intellectual Property Law of Bangladesh in a Nutshell

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<http://copyrightoffice.gov.bd/>

<http://www.wipo.int/wipolex/en/profile.jsp?code=BD>