

Draft



National Intellectual Property Policy 2018

Ministry of Industries

Government of the People's Republic of Bangladesh

Handwritten signature
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ইয়াসমিন সুলতানা
যুগ্ম সচিব
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গণপ্রজাতন্ত্রী বাংলাদেশ সরকার

1.0 Introduction

1.1 Intellectual property (IP) is an effective policy tool for unlocking creative, inventive and innovative potential. It stimulates the transfer and use of technologies and creative works and encourages fair competition, thereby fosters social, cultural and economic development. The importance of IP has significantly increased in the present knowledge economy, in which knowledge assets rather than natural resources are the primary sources of wealth creation and growth. Bangladesh has documented the 7th Five Years Plan (FY2016 - FY2020), Perspective Plan (2010-2021) and has been working to achieve the Sustainable Development Goals towards transforming Bangladesh to a middle income country by the year 2021 and developed country by the year 2041. The Government of Bangladesh also recognizes that the broad development vision and goals articulated in national and sectoral development policies and strategies can effectively be met using IP by enacting IP laws and setting up institutions to administer the laws in order to facilitate the protection and exploitation of innovative and creative works.

1.2 This National Intellectual Property Policy 2018 has been developed taking into account the development aspirations and goals of the country, reflected in various national and sectoral development policies, strategies and laws, and the relevant international treaties to which Bangladesh is and will be a party.

1.3 The Policy will be used as a framework in the promotion of innovation and creativity; development of national IP laws; further integration of IP into national and sectoral development plans and strategies; and linking the national IP system with the international IP system.

2.0 Vision

2.1 Transform Bangladesh into an innovative country and to use IP as a tool for the social, cultural and economic development of Bangladesh.

3.0 Mission

3.1 Establish a development-oriented and balanced IP system in the country and make IP an integral part of the national development strategy, by declaring the period 2018-2028 as the Innovation Decade.

4.0 Scope

4.1 Intellectual Property is an intangible creation of the human mind, usually expressed or translated into a tangible form that is assigned with certain rights of property.

4.2 IPR refers to the legal rights given to the inventor or creator to protect his invention or creation for a certain period of time. To enjoy the IPR there are certain protection tools designed such as patent, copyright, trademark, industrial design, geographical indications, trade secret, layout design, plant varieties protection, utility model etc. Such protection is known as Intellectual Property Protection.

5.0 Objectives

5.1.1 Integrate IP issues in all relevant national policies of Bangladesh;

5.1.2 Mapping the existing IP innovations in Bangladesh and its valuation at different levels of IP creation.

5.1.3 Encourage and foster creativity and innovation for the generation, management and use of IP assets for the benefit of economic growth and development and also to achieve the targets of Sustainable Development Goals (SDG);

5.1.4 Promote advancement in science and technology, arts and culture, traditional knowledge, traditional cultural expressions and bio diversity resources;

5.1.5 Establish and strengthen institutions for the protection, administration and enforcement of IPR;

5.1.6 Develop capacity of individuals, institutions and organizations on

innovation and creativity;

5.1.7 Promote awareness, skills and knowledge about IP among the people of the country;

5.1.8 Establish and strengthen linkages between the national innovation system and the market;

5.1.9 Provide policy guideline for innovation and commercialization of intellectual property;

5.1.10 Build national capacity to facilitate beneficial integration of the national IP system with global IP system;

5.1.11 Improve the efficiency and transparency of IP offices and modernise their services.

5.1.12 Address IP related emerging issues and take initiatives for commercialization and exploitation of IP.

6.0 Policy guiding principles

6.1 Policy guiding principles include:

6.1.1 Promotion of a culture of better understanding and use of the IP system and greater respect for IPR;

6.1.2 Integration of IP policies and laws into national laws and development strategies;

6.1.3 Development of balanced IP laws responsive to national development policies and priorities;

6.1.4 Ensuring better access to the IP system to empower all stakeholders to develop, protect, enforce, manage and commercially exploit IPR for the use of economic growth and development;

6.1.5 Protect the rights of innovators considering the users perspective.

7.0. Goals and strategies

7.1 Goal 1: Enhance IP awareness and encourage creativity and innovation in Bangladesh

7.1.1 Strategies

7.1.2 Introduce IP education in all academic institutions including public and private universities and various training/technical/vocational institutions and also promote IP education and knowledge through the National Education Policy;

7.1.3 Formulate comprehensive IP outreach programmes for raising awareness about IP among the people. This will include a systemic promotion campaign to highlight Bangladesh's comparative edge in areas of innovation and creativity and how IP can further leverage their value and strengthen development and economic benefits;

7.1.4 Involve industry-related associations in IPR awareness-raising programmes to ensure diffusion of innovation geared towards economic growth and development;

7.1.5 Promote and create awareness through appropriately designed awareness tools and campaigns for the relevant stakeholders for the promotion of innovation, creativity and entrepreneurial competitiveness;

7.1.6 Increase IP knowledge among all media and communication sectors to promote IP awareness to larger communities;

7.1.7 Create effective communication materials based on existing IP laws/instruments for IP advocacy and for disseminating information about IP.

8.0 Goal 2: Modernize IP administration and management

8.1 Strategies

8.1.1 Develop and strengthen the human resources of institutions involved in the protection, exploitation and enforcement of IP skills capacity\

8.1.2 Improve the efficiency and transparency of the IP system. This will be achieved by e-enablement of processing of various applications (e.g. patent, designs, trademarks, GI, copy right applications etc. as well as post-registration activities);

8.1.3 Create a citizen's charter explaining the registration process for various forms of IP (e.g. trademarks, patents, geographical indications, copyright and design);

8.1.4 Establish a National Institute of Intellectual Property Management to provide training on IPR administration and management for all relevant stakeholders' groups;

8.1.5 Develop strengthening IP administration by setting up a single development and service-oriented IP office;

8.1.6 Initiate and strengthen partnerships with relevant public and private sector bodies locally, as well as with regional and in international organizations, and promote the use of IP as a tool for promoting innovation and creativity and fostering development.

9.0 Goal 3: Create IP and derive economic and commercial benefits from its use

9.1 Strategies

9.1.1 Strengthen the institutional framework and the major entities involved in the creation, protection and commercialization of IP;

9.1.2 Promote and facilitate the establishment of institutional IP policy, including in universities, research and development organizations, and public research organizations;

9.1.3 Facilitate university-industry linkages towards innovation and its commercialization;

- 9.1.4 Support access to and use of international technical and scientific digital information databases, including patent information, for building the capacity and knowledge base for the purposes of innovation;
- 9.1.5 Promote and facilitate the establishment, development and strengthening of technology information centres in the country, with special focus on universities, research and development organizations, National Science Museum, business and industry chamber organizations;
- 9.1.6 Design and implement national programmes for the promotion of innovation culture with young men and women;
- 9.1.7 Support start-ups and individual innovators to enable them to leverage IPR to create a niche and gain a competitive edge in the market;
- 9.1.8 Provide financial assistance to or facilitate access to finance by start-ups to leverage IPR;
- 9.1.9 Establish a national innovation fund to promote innovation and the commercialization of home-grown innovations;
- 9.1.10 Set up IP facilitation centres in chambers of commerce and industry associations to create IP awareness among their members;
- 9.1.11 Allot adequate funds to promote science and support development of a national innovation ecosystem in the country;
- 9.1.12 Provide exclusive IP support to micro, small and medium-sized enterprises and individuals;
- 9.1.13 Promote the use of IPR tools for business development. Some important sectors can be music, movies, DVDs, graphics, information technology-enabled services, software and financial services etc;
- 9.1.14 Provide IP support to creative industries (e.g. film, music, media houses, artists and photographers etc.);
- 9.1.15 Provide support to establish collective management organizations and Technology Transfer Office (TTO) to administer and manage the rights of creative and innovative individuals/entities;

- 9.1.16 Establish strong linkages between academia, scientific research and technology institutions, and industry;
- 9.1.17 Ensure the necessary institutional/governmental support to universities and research organizations to encourage research and development;
- 9.1.18 Educate local scientists on technology transfer issues, including IPR protection, mechanisms for commercializing research results, and means of attracting financing for research;
- 9.1.19 Assist local scientists and research entities in the commercialization of their technological innovations (technology push) and in the utilization of local research capacities (market pull) by industry through matchmaking of local scientists with foreign and local industries
- 9.1.20 Establish a mechanism to coordinate innovation and the commercialization of IP in different public sector research facilities (agriculture and trade, health education etc.), and allocate adequate funds for the promotion of technology development.

10.0 Goal 4: Strengthen the legal and legislative framework

10.1 Strategies

- 10.2 Undertake a review of the national IP legal regime and enact appropriate and comprehensive IP laws that will encourage creativity and innovative activities, stimulate transfer of technology, enhance fair competition, maintain a balance between the interests of IPR owners and the public, and ensure that such laws comply with the requirements of relevant international IP treaties;
- 10.3 Efforts to be taken to ratify relevant IP treaties and becoming a part of international IP registration systems;
- 10.4 Establish a national multi-stakeholders consultation process for all issues related to review of laws and their modernization;
- 10.5 Periodically review the impact of IP laws and their contribution to the socio-economic development of the country.

11.0 Goal 5: Foster respect for IPR

11.1 Strategies

- 11.1.1 Launch a comprehensive IPR awareness and business strategy, including the provision of specialized IP training programmes for the police, judiciary and customs.
- 11.1.2 Provide systematic and specialized training programmes for raising awareness;
- 11.1.3 Ensure better enforcement of IPR through appropriate legal, institutional and administrative support;
- 11.1.4 Establish linkages between IP institutions and law enforcement agencies;
- 11.1.5 Set up dedicated IP and commercial law courts, initially in each Division which would cover the whole country.
- 11.1.6 Strengthen the Anti-Piracy Task Force of the Ministry of Cultural Affairs.

12.0 Goal 6: Protect, promote and manage Traditional Knowledge (TK), Traditional Cultural Expressions (TCE) and genetic resources

12.1 Strategies

- 12.1.1 Enact new laws to protect TK and TCE, and facilitate equitable sharing of benefits arising from the use of TK and TCE;
- 12.1.2 Review existing IP laws to complement the laws that will be enacted to protect TK and TCE;
- 12.1.3 Set up databases of TK, TCE and genetic resources; initiate and implement a data collection programme.
- 12.1.4 Put in place necessary mechanisms regulating access to and use of the TK, TCE and genetic resources database.

12.1.5 Establish an institution to build effective cultural relations with other countries, to uphold the cultural image of Bangladesh before the world community;

12.1.6 Support capacity-building of TK, TCE and genetic resources holders to enable the communities to protect and manage their TK, TCE and genetic resources, including raising of awareness of communities about the significance of IP and other tools in protecting their rights and meeting their needs, and support them in using the instruments;

12.1.7 Establish the Folklore Institute for the collection, preservation and publicity of the folk tradition and folk literature.

13.0 Implementation and Monitoring of the National Intellectual Property Policy 2018

13.1 Time frame for implementation

The National Intellectual Property Policy 2018 will be implemented over a 10-year period, beginning from the date of its approval. As with any policy, it will be forceful and be revised from time to time, taking into account new needs and developments, based on findings of impact evaluation and monitoring activities.

13.2 Institutional arrangements

A National Council and Sectoral Committee on intellectual property will be created for the purpose of overseeing implementation at the national level, as well as follow-up and monitoring. The Council should be constituted at two levels:

13.2.1 A National Council on Intellectual Property.

13.2.2 A Sectoral Committee on Intellectual Property for each identified thrust sector.

13.3 The National Council of IP will be established under the Minister, Ministry of Industries and will consist of members representing the following:

1	Minister, Ministry of Industries	Chairman
2	Principal SDG Coordinator, Prime Minister's Office	Vice Chairman
3	Chairman, National Board of Revenue	Member
4	Secretary, Ministry of Industries	Member
5	Secretary, Ministry of Foreign Affairs	Member
6	Secretary, Security Services Division	Member
7	Secretary, Public Security Division	Member
8	Secretary, Finance Division	Member
9	Secretary, Energy and Power Division	Member
10	Secretary, Ministry of Agriculture	Member
11	Secretary, Ministry of Textile and Jute	Member
12	Secretary, Secondary and Higher Education Division	Member
13	Secretary, Technical and Madrasah Education Division	Member
14	Secretary, Ministry of Information and Technology	Member
15	Secretary, Ministry of Science and Technology	Member
16	Secretary, Ministry of Cultural Affairs	Member
17	Secretary, Ministry of Fisheries and Livestock	Member

18	Secretary, Health Services Division	Member
19	Secretary, Health, Education and Family Welfare Division	
20	Secretary, Legislative & Parliamentary Affairs Division	Member
21	Secretary, ICT Division	Member
22	Registrar, Department of Patents, Designs and Trade Marks	Member
23	Registrar, Copyright Office, Bangladesh	Member
24	Professor, faculty of law, University of Dhaka	Member
25	Professor, Faculty of Science, University of Dhaka	Member
26	Professor, Faculty of Science, BRAC University	Member
27	Preofessor , Faculty of Science, Ahsanullah Engineering University	Member
28	Professor, Bangladesh University of Engineering and Technology	Member
29	Chairman, Bangladesh Council of Scientific and Industrial Research (BCSIR) Bangladesh	Member
30	Chairman, Bangladesh Atomic Energy Commission Bangladesh	Member
31	Director General, Bangladesh National Institute of Biotechnology Bangladesh	Member
32	Director General, Bangladesh Oceanographic Research Institute Bangladesh	Member
33	Chairman, Competition Commission, Bangladesh	Member
34	Executive Chairman/Representative, Bangladesh Agriculture Research Council (BARC)	Member
35	President, Bangladesh Federation of Chambers of Commerce and Industries Bangladesh	Member
36	President, Metropolitan Chambers of Commerce and Industries Bangladesh	Member
37	Secretary, Bangladesh Computer Council	Member
38	President, Bangladesh Association of Software & Information Services	Member

39	President, Dhaka Chambers of Commerce and Industries, Bangladesh	Member
40	President, International Chambers of Commerce and Industries, Bangladesh	Member
41	President, Inventors Association, Bangladesh (numbers to be determined by the Government);	Member
42	President of the Intellectual Property Association of Bangladesh (numbers to be determined by the Government);	Member
43	Additional Secretary/Joint Secretary, Ministry of Industries, Bangladesh	Member Secretary

The Council can co-opt any required number of members as per their necessity.

13.4 The responsibility of the National Council on Intellectual Property

13.4.1 The National Council on Intellectual Property will be made responsible for facilitating Policy coherence between the national IP Policy and national and sectoral development Policies, and the integration of IP. It will also facilitate and coordinate national positions on IP issues for national as well as international purposes.

13.4.2 The Council will also act as the body to monitor the impact of the policy in various sectors of the economy.

13.4.3 One of the key areas of responsibility of the Council will be to initiate and oversee periodic review of the policy to keep it up to date with evolving national development priorities.

13.4.4 A road map for implementation will be prepared what will be based on inputs provided by the members of the Sectoral Innovation Committee. The road map would also indicate the time frame for the implementation of the national IP policy, following its approval by the competent national authority.

13.4.5 The Council will take necessary steps to promote innovation and the creation of IP, and encourage their utilization. The overall goal of the process would be to develop a national framework for the creation

and protection of IP, and such a framework should continuously evolve to meet national development needs and priorities, and the country's international obligations in the area of IP.

- 14.0 The Sectoral Committee on Intellectual Property will be headed by the Secretary and be formed as per requirement of the sponsoring ministry.

15.0 Popularization of the policy

- 15.1 In order to generate momentum and popularize IP, and in the context of implementing the National Intellectual Property Policy 2018 the Government will consider declaring a decade, for example 2018-2028, as the Decade of Innovation, and accordingly take comprehensive national mapping exercises to identify areas in various sectoral development policies, plans and strategies where IP interfaces exist and where IP can play a contributory role. The Government will also promote within its organizations the need for institutional/organizational innovation and social innovation, and ensure the diffusion of innovation and IPR in economic development.
- 15.2 Effective implementation of the National Intellectual Property Policy 2018 and achievement of its objectives require knowledge and understanding of the Policy by different stakeholders.
- 15.3 The IP offices (the newly Single IP office that may be established in line with this Policy) in cooperation with public print and electronic media and relevant public and private bodies may undertake a campaign to sensitize key stakeholders, including potential users, IPR holders, officials of the Government, members of the business community and the general public about the Policy following its approval.
- 15.4 Popularization of the Policy will also be the part of the IP popularization strategy and plan of the IP office. That is, the dissemination of the Policy is not a one-time activity, but part of a continuing activity that aims to raise the significance of IP and promote its use as a tool for development.

16.0 D. Mobilization of resources

16.1 Implementation of the National Intellectual Property Policy 2018 will need adequate financing. The national road map will be formulated to identify the strategies to mobilize necessary funding sources for the successful implementation of this Policy. The possible sources, in addition to the Government, may include development partner countries, international donor agencies, regional and international intellectual property organizations, and private sector organizations.

17.0 E. Monitoring, evaluation and review of the National Intellectual Property Policy 2018

17.1 The implementation and impact of the National Intellectual Property Policy 2018 will be monitored and assessed to determine whether the policy objectives and the various goals set to address identified policy issues are met. The national IP Council will be the main body responsible for monitoring and evaluating or assessing the implementation and impact of this Policy. The Council will devise mechanisms of monitoring the implementation and impact of this Policy. The mechanisms will include reviews of the Policy implementation reports of the IP offices (office). The IP offices or office will be responsible for organizing an IP database, analysing data, undertaking study on the implementation and impact of the Policy, and reporting to the Council on a periodic basis.

17.2 The implementation and impact of the IP Policy will be evaluated and reviewed by independent consultants after five years or at any other time as the need arises to evaluate the progress and impact of the implementation of the Policy.

