FIGUREDAY, APRIL 16, 1998 FOR US SERVICE SERV

IPRs, TRIPS Agreement and Bangladesh

by Khalilur Rahman

The Agreement will have a substantial impact on IP regimes of developing countries. The impact, however, will differ from country to country depending on their existing IPRs systems, the levels of economic and technological development and the modes of implementation. The adverse effects will be more on those developing countries and the LDCs who have not yet amended their legislations or have only partially done so.

Implications for the **Developing Countries**

terms of access to technologies.

phase-in periods, by establishing new intellectual property regimes and by promoting inward transfer of technology from the developed world, though the task of bringing national laws, institutions and procedures in line with the provisions of the Agreement could become a difficult endeavour for them. The implementation of the Agreement requires significant improvement, adaptation and enlargement of legal, administrative and enforcement frameworks, as well as human resource development. Such a task is also likely to entail significant expenditures and social implica-

substantial impact on IP regimes of developing countries. The impact, however, will differ from country to country depending on their existing IPRs systems, the levels of eco-These negative impacts may, nomic and technological devel-

opment and the modes of implementation. The adverse effects will be more on those developing countries and the LDCs who have not yet amended their legislations or have only partially done so. Though the implications may be broad in scope, they will differ by sectors. There are at least three sectors - pharmaceuticals, biological resources and computer programmes — where the implications of the Agreement are

ing pharmaceutical patents are likely to outweigh its benefits in the developing countries specially by increase in price of drugs. The likely sufferers of patenting biological resources (plants) are the small and medium farmers and breeders through prohibition of re-use of saved seeds resulting in increase in costs and dominance by large seed companies, ban on breeding based protected varieties, disincentive to tradi-

tional innovation at farm level. hindrance to production, commercialization of important crops, erosion of biodiversity and increased concentration in farming and seeds industry. Patenting software will limit the scope of reverse engineering and development of competitive How Bangladesh can formu-

late her policies on IPRs for compliance with obligations under the TRIPS Agreement? For compliance with the obligations under the TRIPS Agreement, Bangladesh should undertake reforms in following Making National Legisla-

tions: Taking full advantage of the lacunae in the TRIPS Agreement, appropriate national legislations should be made and sui generis systems be developed. These are essential to protect our national interests specially in sectors like pharmaceuticals, biological resources and computer programmes. An "IPRs Cell" may be established in the Ministry of

Law for this purpose.

2. Establishment of a Unified National Body: A National Body may be set up to deal with IPRs issues. Many developing countries have established this type of unified body following the conclusion of the TRIPS Agreement. This Body may be headed by a Joint Secretary from Commerce Ministry.

3. Technical and Financial Assistance: For ensuring assistance to projects on IPRs from WIPO, WTO and developed countries, arrangement should be made for their quick finalisation by the competent authority. Experiences show that because of delayed finalisation of projects, allocated assistance from WIPO was lapsed on some occasion.

4. Human Resource Development: Equal emphasis should be given to the selection of officials for training on copyright and related rights and on enforcement. Mid-level and junior officers should be given preference over seniors so that they can contribute to the development of IPRs for a longer period. Attention should be paid to ensure that the trained officials are transferred within the relevant Ministries and Departments of the Gov-

nomic policies, invest in hu-

man and social capital, map out

a legislative agenda and address

critical and strategic concerns

to include population manage-

ment, human health, food secu-

rity, human settlements and

Possible New Areas of Ca-

pacity 21

support to the formulation and

implementation of an inte-

grated National Agenda 21.

Human resource and institu-

tional capacity building for sus-

tainable development, public

awareness, information and

dissemination, development of

pilot community-based action

programmes on sustainable de-

velopment and communication

networking on Agenda 21 are

some areas where the country

social and environmental poli-

cies for sustainable develop-

* Development of economic,

Involving private sector in

* Development of appropri-

ate environment standards and

requires global support.

environment protection.

ment.

Bangladesh really needs

land use.

ernment.

5. Awareness about IPRs: Awareness programmes on IPRs should be strengthened through symposia, seminars and electronic and print media. Courses on IPRs should be introduced at college and university levels.

Activation of Bangladesh

Mission, Geneva - Since, both

WIPO and WTO are located at Geneva, Bangladesh Mission at Geneva should play an active role in the TRIPS Council in WTO specially in trying to extend the transitional period granted to the LDCs, beyond 2005. As speculated, if Bangladesh loses her privileges as an LDC in 2003 for being graduated as a developing country, efforts should be made in extending transitional period for five more years from the year of graduation as a new developing country. Bangladesh delegation should also try to accrue benefit highlighting the Articles 66 and 67 of the Agreement favouring the LDCs, in the TRIPS Council. It can also be involved in negotiations with WIPO and WTO on behalf of the line Ministries in Dhaka, on projects on IPRs seeking technical and financial assistance. (Views expressed in this Article DO NOT represent any

Government's position).

management indicators.

disaster management.

* Participatory decision-

* Capacity development for

Industrialised countries vi-

sualised that with globalisation and liberalisation in developing countries, patents and other IPRs would provide a coverage for exports of their products incorporating the patented innovations. They could also foresee that an agreement within GATT would permit the application of trade sanctions for non-fulfilment of specific obligations. That was why, despite the presence of relevant organizations nology to the LDCs.

The TRIPS Agreement

Garfield ®

WATCH THE DISTANCE ON THIS

I D-D-DON'T UNDERSTAND

CAST, GARFIELD! IT'S GONNA BE

A NEW WORLD'S RECORD!

Agreement is likely to have a far reaching implications for the developing countries and in particular, for the LDCs.

▼ NTELLECTUAL Property

elements like economics.

law, international relations.

politics and even element like

ethics. They include various

categories of rights such as

Copyright and Related Rights

(Neighbouring Rights),

Trademarks, Geographical

Indications, Industrial Designs,

Patents, Integrated Circuits

Designs (also known as layout

designs; mask works and

semiconductorship topogra-

phies), Trade Secrets, Breeders'

Rights and Utility Models. The

conclusion of the TRIPS

Agreement has given a new di-

mension to IPRs issue. The

Rights (IPRs) involve diverse

reduced to a considerable extent the scope for the developing

countries to frame their own IPRs systems. The Agreement for its best part provides a transitional period of five and ten years to the developing countries and the LDCs respectively to delay application of the Agreement. It also contains provisions for technical and financial assistance in favour of developing countries, and transfer of tech-

like WIPO, UNESCO, the TRIPS

negotiations were concluded

within GATT and their outcome

will be enforced in the frame-

viewed by many as a tool to es-

tablish a new and refined form

of technological protectionism

against the developing coun-

tries. The Agreement embodies

a detailed set of provisions

which are of universal charac-

ter and enforceable through

trade retaliations. It sets uni-

versal in standards on patents.

copyrights, trademarks, indus-

trial designs, geographical in-

dications, integrated circuits

and undisclosed information

(trade secrets). It supplements

with additional obligations set

forth in the Paris, Berne, Rome

and Washington Conventions

in their respective fields. It has

The TRIPS Agreement is

work of WTO.

Integration of intellectual property law into international trading system means, for a number of developing countries, short and medium-term institutional and financial implications. It may also mean for them potential long-term benefits in terms of prospects of enhanced market access, relief from unilateral trade sanctions and a more conducive framework for foreign investment and transfer of technology, if the provisions of the Agreement could be fully utilized to their benefits. Its implementation is likely to engineer fundamental changes in industrial structure. market competition and growth in many developing countries. Numerous short to mediumterm impacts could well be negative for poor countries with respect to product prices and

by Jim Davis

I HEAR A

TROUT CHUCKLE?

— Star photo

Ghat change

Rocket service and all launches

bound for Pirojpur will ply

from Badamtali launch ghat

instead of Sadarghat till April

terday said the temporary ar-

rangement has been made due

to the repair work of a pontoon

quested to collect their tickets

and board the launches from

DRU to form

cultural team

By Staff Correspondent

Dhaka Reporters' Unity

Interested persons have been

(DRU) will form a cultural team

comprising Dhaka-based re-

porters and their family mem-

asked to submit their names

along with field of interest to

the Sports and Cultural Secre-

bers, says a press release.

tary of DRU by April 30.

A BIWTC press release yes-

Passengers have been re-

27, reports UNB.

at Sadarghat.

Badamtali ghat.

BITWC's Khulna-bound

however, be slashed by long likely to be more. The social costs of introduc-

The Agreement will have a

HE magnitude and

problems Bangladesh face

seriousness of

are daunting. But as a nation,

surely, we can chart our future.

In post-Rio era China, the

Philippines, Singapore and

others have already shown it.

We must swiftly respond to and

heed the call of the Earth

Summit held in Rio six years

ago when the world leaders

offered the world a blueprint for

of world leaders, they have

made critical decisions about

how we can run our economies

and secure our future. In that

monumental gathering, 179

nations agreed to establish na-

tional mechanisms to formu-

late and implement their own

agenda of action for sustainable

make her own national agenda.

But Bangladesh could not

In that largest-ever meeting

a global agenda for change.

ENVIRONMENT

Capacity 21: Role of Civil Society

by Quamrul Islam Chowdhury

Can we now run for formulating and implementing a comprehensive Bangladesh Agenda 21? Can we ensure that it will echo the voice of the people — in the depth of its substance, in the comprehensiveness of its vision, in the set of principles it advocates and in the broad range of parameters it delineates to guide this nation towards a sustainable path into the future?

True, she has made significant progress by preparing globally acclaimed National Environment Management Action Plan NEMAP, Bangladesh Health and Environment Action Plan BHEAP, Forestry Mater Plan and National Conservation Strategy. Again those plans and strategy are yet to enter into implementation phase. So can we now run for formulating and implementing a comprehensive Bangladesh Agenda 21?

What does Capacity 21 Mean in Bangladesh?

Globally Capacity 21 is a major new initiative that helps developing countries to implement the global plan of action; popularly known as Agenda 21 which was adopted in Rio and it ment. Capacity 21 stresses on multi-sectoral approaches that are nationally developed and executed, the involvement of all members of society, and the creation of a body of expertise in capacity building and sustainable development. The ability of a country to follow a path of sustainable development is determined by the capacities of her people and institutions. Capacity building is the sum of efforts needed to nurture, enhance and utilise the skills of people and institutions to progress towards sustainable

development. But this is yet to take firm root in Bangladesh. Bangladesh has prepared a participatory Perspective Plan (1995-2010) which addresses some of the sustainable development issues but not in a systematic fashion. The Fifth Five Year Plan (1997-2002) has been finalised recently by the Planning Commission, but Agenda 21 has little place in this plan also in an integrated way. Though sustainable development, poverty alleviation, food security and environmental management issues have been touched upon in the plan but broadly speaking, Agenda 21 which envisages environmental, economic and social integration, has been glossed over.

However, things are moving positively. In developing our Agenda 21, our concept of development must be grounded on both an image and shared vision of our society. The essence of sustainable development in our case should be in the harmonious integration of a sound and vibrant economy, good governance and ecological balance to ensure that development is a life-enhancing process function. The development should be defined in terms of human development now and through future generations. The key actors of sustainable development in our case are of course the government and civil society. It is essential that Agenda 21 be integrated in the whole planning process, and that both the government and the civil soci-

ety are equally committed to it. Where are We Now? We are endowed with so many globally famed NGOs.

professionals, businessmen and policy planners and a number of reputed institutions, yet 120 million people of Bangladesh are earning less than a dollar a day. Because we have not been successful in empowering our people for achieving a sustainable livelihood in the past. But in post-Rio era, we have marked a lot of improvements as civil society has taken a lead in changing socio-economic-environmental landscape of the country. Because of this activism, the importance of considering the environment at all stages of project financing has been recognised by all nationalised banks in Bangla-

Environmental impact assessment (EIA) is now mandatory to get any bank loan. Pri-vate sector is taking up clean and environment-friendly technologies. There is no denying that it is a daunting task to achieve sustainable development in a country like ours. Human development, science and technology and institutional trends are improving at a very slow pace. We must accelerate it.

Lessons Learnt from **NEMAP**

In post-Rio era, Bangladesh is the first country to formulate a really pro-people and grassroots National Environment Management Action Plan after five years of unprecedented consultation across the country involving all sections of the society in national environment planning. The beauty of NEMAP is that it has been produced by Ministry of Environment and Forest but written by the cross-section of people. The people really seized the opportunity to speak out in NEMAP formulation in a unique way. They dictated the proceedings while the consultants took a the grassroots people.

civil society can be made equally committed. People's participation can change the mindset of consultants and policy-makers. The government and civil society have learnt to work hand-in-hand during the NEMAP formulation process. We have learnt that our grassroots people can shape destiny, can make plan, can set priorities. The widely acclaimed plementation phase. The government and civil society have already prepared a number of NEMAP follow-up programmes which will definitely strengthen national capacity for sustainable development.

Bangladesh surely can chart out a future for 21st century. We can prepare a National Agenda 21 with essential elements of a shared vision of a better quality of life for all through development of a just, economically vibrant, caring, creative, moral, spiritual yet cohesive society characterised by appropriate productivity, participatory and democratic processes and tolerance and living in harmony within the limits of the carrying capacity of the Nature. We have to concertise the vision through this National Agenda 21 describing a path of images

* Capacity development for environmental impact assess-* Capacity development for

water resource management. * Involvement of youth in sustainable development. * Sustainable development of indigenous people and com-

* Regional cooperation for

sustainable human develop-

Build on our Perspective

Plan, Fifth Five Year Plan, NEMAP and all the ongoing initiatives related to sustainable development with international support, Bangladesh can develop a people's participatory National Agenda 21. It is also important to recognise that communities, private sector, professional bodies, NGOs and other representatives of civil society are equally in need of further capacity building as government and many activities to empower people and bring them into the planning process can be supported under Capacity 21. At this crucial juncture of her history, Bangladesh really needs international support.

The author is Chairman of Forum of Environmental Journalists of Bangladesh

is the main post-Rio international effort to carry forward CHITTAGONG, Apr 15 the principles that were agreed Bangladesh Railway has introat Rio and assist countries to duced a fast non-stop inter-city achieve sustainable developtrain named Subarna Express

on Chittagong-Dhaka route from April 14, the first day of the Bangla new year, reports

Secretary, Ministry Communications, Rezaul Hayat inaugurated the express at a simple ceremony which was attended by general manager of Railway Eastern Zone Farhad Reza and senior railway offi-

press will ply on the route with as many as ten coaches, mostly imported from Iran. Each coach costs Taka one crore 21 lakh and 22 thousand.

ting arrangement for 60 passengers and the fare has been fixed at Taka 150 railway sources said.

Court verdict

Zahir, Gazi-led DUJ not valid

verdict to the affect that Dhaka Union of Journalists (DUJ) headed by Zahirul Haq and Ruhul Amin Gazi as president and general secretary respectively are not legally elected leaders of the executive body and also not valid one as per constitution of the organisation, a DUJ press release said on Monday, reports BSS.

first court, Dhaka after a full hearing of both parties, in a judgement made on March 30, 1998 dismissed the civil title suit filed by Haq and other five years ago. The judge termed the claim of petitioners as contrary to the constitution of DUJ and said the executive committee headed by them cannot get legal

The judge in his verdict further declared that since the plaintiff are not the legal functionaries of DUJ, they cannot claim legal right of the organisation. He also mentioned that the suit was not properly framed, rather defect of party and hence barred under section 42 of the specific relief act.

begins

The three-week long 6th Judicial Administration Training Course began at the old High Court Building in the city yes-

Administration Training Institute (JATI) Justice Md Badruz-A total of 39 additional and sessions judges, working in the different parts of the country, are participating in the train-

the Institute Mohammad Ja-

back-seat. It was a triumph of We have learnt lessons from NEMAP experience that all parts of the government and

NEMAP is now entering its im-

Capacity 21

Programme to Implement

If NEMAP follow-up programmes including SEMP and other sustainable developmentrelated programmes are implemented properly, then it would definitely contribute to raise the national capacities. The community empowerment programme, advancement of women programme, nonformal employment programme, sustainable food security programme and governance programme - all supported by UNDP will contribute to gaining momentum towards sustainable development and to advancing the objectives and measures embodied in Agenda

Shared Vision

for our society, for our ecosys-

Our national agenda should not duplicate others but build on existing and ongoing initiatives related to sustainable development. It should be owned by various stakeholders in government and civil society. To go ahead we have to integrate sustainable development in governance, provide enabling eco-

Government of the People's Republic of Bangladesh

Office of the Executive Engineer, RHD Road Division, Khulna

Notice Inviting For lease Out Quotation of RHD (2nd Call)

Notice inviting for the year of 1998-99 (only one year) lease out quotation in sealed cover in Bangladesh Form No 2911 along with lease out (Including supplying fuel & lubricant) quotation documents for Jhapjapia Ferry Ghat at 21st Km. of Gollamari-Batiaghata-Dacope Road under RHD, Road Division, Khulna are hereby invited from eligible RHD, "A" to "E" General category contractor according to the financial limit & expeinced lease holder who has up-to-date VAT registration & tax payers identification number. The lease out quotation documents can be purchased Tk. 525/each (Not refundable) from the office of the Divisional Commissioner, Boyra, Khulna/Executive Engineer, RHD, Planning (Road & Bridge) Division, Sarak Bhaban, Ramna, Dhaka/Planning & Design Division, Khulna/Road Division, Khulna/Bagerhat/ Satkhira & Sub-Divisional Engineers' offices under RHD, Road Division, Khulna on all working days except Govt. holidays up to 22-4-98.

Lease out quotation documents will be received in the office of the Divisional Commissioner, Boyra, Khulna/Addl. Chief Engineer, RHD, Khulna Zone, Khulna/Superintending Engineer, RHD, Monitoring & Evaluation Circle, Sarak Bhaban, Ramna, Dhaka/Superintending Engineer, RHD, Road Circle, Khulna/Executive Engineer, RHD, Road Division, Khulna/Bagerhat/Satkhira up to 12-30 PM on 23-4-98 & to collect the same from the mentioned offices by the undersigned in sealed cover state. All quotation will be opened on 28-4-98 at 11-00 AM in the office of the underesigned in presence of the quotationer who may like to remain present. Intending quotationer are requested to write the names of Ferry Ghat on the sealed envelope containing the quotation. 10% (Ten per cent) earnest money of the quoted amount should be submitted along with the lease out quotation documents in the forms of BD/CD in favour of the Executive Engineer, RHD, Road Division, Khulna those who are fixed deposit holder under RHD. They will be submitted attested copy of order sheet by the concerning Executive Engineer.

DFP-7648-6/4

G-768

Ashraful Islam Khan Executive Engineer, RHD Road Division, Khulna.

Chehlum of Md



MPA, will be held at his native village of Abdullahpur at Devidwar, Comilla, tomorrow from 9 am to 2 pm,

says a press release. March 7.

Poet Shamsur Rahman addressing the launching ceremony

of Milia Ali's CD of Tagore songs, 'Amar Na Bola Bani,' at

■ Metropolitan ■

About forty research scholars from Europe, America, Australia and Bangladesh will attend the three-day workshop, hosted by the Centre for Development Studies, University of Bath, said a press release. The workshop will look at

a city hotel Tuesday.

Habibullah Bahar's

death anniversary

observed

of Habibullah Bahar Choud-

hury, a former minister, noted

writer, journalist and football

player, was observed in the city

A milad mahfil was held

marking the day. His only son

Iqbal Bahar Choudhury,

friends and relatives attended

Weather

Comilla in 12 hours till 6 pm today, reports UNB.

Jessore, Kushtia, Pabna, Bogra, Comilla and Noakhali.

Rain, gusty wind likely

may occur at one or two places over Dhaka, Rajshahi and Sylhet

divisions and the regions of Jessore, Kushtia, Noakhali and

Kalbaishakhi squalls with speed of 65-85 kph or more at one or

two places over Dhaka and Sylhet divisions and the regions of

Met office cautioned of temporary north/north-westerly

Weather is likely to remain mainly dry elsewhere across the

Day temperature may remain nearly unchanged over the

Weather is likely to deteriorate in the next two days, the Met

Country's highest temperature 36.5 degrees Celsius was recorded

office predicted, but may improve in the first half of subsequent

yesterday at Dinajpur and the lowest 21.4 degrees, also at

The sun sets today at 6:20 pm and rises tomorrow at 5:36 am.

Rain or thundershowers with temporary gusty or squally wind

the milad.

country.

country.

Dinajpur.

five-day period.

yesterday, says a press release.

The 32nd death anniversary

the perspectives of poverty analysis of various disciplines and seek to broaden the theoretical basis of the analysis by focusing on people's livelihood strategies in different arenas and relationships.

Bath University to

host workshop on

Bangladesh Apr 16-18

European Network of Bangla-

desh Studies, on "Policy res-

ponses to poverty and its re-

production in Bangladesh," be-

gins today at the University of

Bath, UK, reports UNB.

The fifth workshop of the

The University Press Limited (UPL) of Dhaka will hold an exhibition of books from Bangladesh during the workshop sessions.

Meanwhile, ten participants including research scholars, NGO workers, writers and academics from Bangladesh left for London on Monday to participate in the workshop.

Obituary

Prominent communist leader Dr Saif-ud-Dahar died in the city on Tuesday, sources close to the 77-year-old communist veteran said, reports

He was suffering from various old-age complications. A well-known communist leader of the sub-continent, Dr Saifud-Dahar was a renowned freedom fighter in Khulna-Jessore

His body will be kept in front of Dhaka University Teachers-Student Centre (TSC) today from 10 am to 12 noon.

His namaj-e-janaza will be held after Johr prayers at Dhaka University Central Mosque

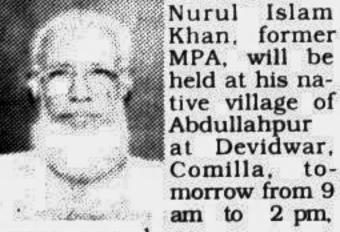
A memorial meeting will be held in the afternoon on April 22 in front of the TSC.

Qulkhwani

Qulkhwani of Rowshanuzzaman, a former treasurer of Bangladesh Tennis Federation. will be held today after Asr prayers at House No 513/Cha. Cantonment residential area in the city, reports UNB.

He was killed in a road mishap at Tejgaon Industrial Area on Monday.

Chehlum



Nurul Islam Khan, 64, died of cardiac arrest in Comilla on

Subarna Express inaugurated

development.

cials. Initially the Subarna Ex-

Each of the coaches has a sit-

A court in Dhaka has given

Md Shahabuddin, sub-judge

JATI course

terday, reports UNB. Director General of Judicial

zaman inaugurated the course. ing course.

hangir Alam also spoke on the occasion.

The Director-in-charge of