

Legal issues in 3D printing

Dr. Md. Ershadul Karim

ATCHING three-dimensional (3D) movies in sophisticated screen wearing a pair of gorgeous glass is a recent trend. Though the figure and letter '3D' is known to us primarily for this purpose, the developed countries see huge prospects attaching these figure and letter with a printer or scanner i.e. 3D printer or scanner. A 3D printer or scanner enables the owner to design, copy and manufacture any product of his will. World renowned weekly, the Economist considers disruptive technology as the 'Third Industrial Revolution', whereas to the World Economic Forum (WEF) it is the harbinger of 'Fourth Industrial Revolution', as it will have similar

manufacturing as any kind of products can theoretically be developed. Instead of traditional basing, bending or cutting materials, 3D printers make things by depositing materials layer by layer.

3D printers and scanners enable to make three dimensional solid objects from a digital file. Initially, a computer design is developed in a Computer Aided Design (CAD) file either by a 3D modeling program (for making new object) or by using a 3D scanner (for copying existing object). Then the model of the object is sliced into hundreds or thousands of layers, which ultimately enable to create the object layer by layer. To make it easier, a similar technique is used in this technology the way we use our

computer to draw or scanner to scan

anything and then to print it out.

The WEF revealed that the 3D

printing technology can change the

world in ten ways. It can- (a) enable the

blind and visually impaired people the

chance to see, (b) create body plants e.g.

bone implants to limbs, (c) produce

lightweight casts for broken bones, (d)

stronger and safer vehicles, (f) ensure

the number of factory workers and

waste produced by the industry, (g)

(h) promise less pollution from

education in science, technology,

miniaturized devices to guarantee

Implementation of laws of patent,

initially as design of any existing

product can be copied and made

least \$100 billion per year globally.

Thus, if the 3D printing technology

of intellectual property rights i.e. to

targeted medical treatment.

raised many legal concerns.

shipping, (i) guarantee better

ensure faster design and innovation,

engineering and mathematics as using

printers the schools can make subjects

more engaging, and (j) enable to make

As a new technology, it has already

copyright and design will be important

immediately, which may cause loss of at

remains unregulated, the basic purpose

ensure faster medical progress, (e) make

better and cleaner factories by reducing

3D PRINTING

compromised.

Rampant availability of 3D printers and scanners in the market will threat citizen's right to life, privacy and security. Availability of fake and counterfeit productsin the market will be very normal. The impacts of these products on human health and environment after the end-use disposal will be another concern. It will be challenging to establish liabilities of 3D printed products. The government is going to lose tax and revenue as people will make their own products.

3D printed guns and firearms, which are as effective as the industry

already detected in different developed countries as these 3D printed guns are unregulated. This compelled those governments to tighten legislation to introduce 3D printed gun.

country like Bangladesh should consider this issue seriously to regulate human actions and needs to take initiative to develop competence on this area. Licensing system for industrial manufacturers should be introduced immediately. The Customs department should be vigilant before permitting the import of 3D printers and scanner, etc. As anyone can collect or download the blueprint of 3D printed object and bring it to the manufactures to develop the object, the manufacturer

If the 3D printing technology remains unregulated, the basic purpose of rights, i.e. to foster an environment to flourish the creativity and innovation will have to be

the patent, copyright or design right of other people. They need to remind the customer in clearly terms that the 3D printed product liability will be on the customer.

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foster an environment to flourish the creativity and innovation will have to be

The serious issue of concern is that

manufactured counterparts are

The policymakers of developing

intellectual property compromised.

should ensure that they do not infringe

MALAYA, MALAYSIA.

Lifelong life imprisonment

RAISUL ISLAM SOURAV

ECENTLY a debate has been triggered regarding the provision of life imprisonment with a statement made by Chief Justice Surendra Kumar Sinha that life sentence literally means imprisonment until one's natural death. This raised a question whether imprisonment for life denotes imprisonment till natural death or any defined period of time. According to Section 53 of the Penal Code

(PC) 1860 the punishments include capital punishment; imprisonment for life, which will be rigorous imprisonment; simple or hard labour imprisonment, forfeiture of property and monetary fine. However, the perplexity mainly arises from the provisions of the PC, the Jail Code and the Code of Criminal Procedure (CrPC) 1898.

Section 55 of the PC suggests that the Government may commute the sentence of imprisonment for life by giving any specified period not exceeding twenty years. In addition to that, Section 57 of the Code further implies that life sentence shall be counted as 30 years of rigorous jail in calculating fractions of terms of imprisonment. Moreover, according to Section 511 of the

PC, "whoever attempts to commit an offence punishable by this Code with imprisonment for life or imprisonment, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this Code for the punishment of such attempt, be punished with imprisonment of any description provided for the offence, for a term which may extend to one-half of the longest term of imprisonment provided for that offence, or with such fine as is provided for the offence, or with both." It means that the time limit of imprisonment for attempt to commit any offence lies at the discretion of the court, to apply or calculate the fractions of terms of imprisonment.

Furthermore, Section 124A of the PC refers the punishment for 'sedition' is imprisonment for life or any shorter term, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine. Now if we think about a person found guilty of an offence of 'attempt to commit sedition' then there is no clear provision of law that which punishment can be imposed. In this situation, Section 511 will apply and punishments have to be imposed by 'calculating the fractions of terms of punishment' as stated in Section 57. Hence in accordance with the above stated sections, it has to be assumed that imprisonment for life shall be reckoned as equivalent to rigorous imprisonment for thirty years and after 'calculating the fractions of terms of punishment', i.e. 30 years, the highest punishment for the attempt to commit sedition will be 15 years.

Moreover, Section 65 of the same Code entails that if any offence is punishable with imprisonment as well as fine and if the Court directs the offender to be imprisoned in default of payment of the fine then the term of imprisonment shall not exceed one-fourth of the term of maximum custody fixed for the offence. Here section 57 again will come to resolve the period of punishment for life

Nevertheless, the President has prerogative power to pardon anyone under Article 49 of the Constitution of the People's Republic of Bangladesh and under Section 402A of the CrPC. Additionally, the Government also has discretionary power to suspend, remit or alter sentence with or without condition as per Sections 54 and 55 of the PC and Sections 401 and 402 of the CrPC.

In the Gopal Vinayak Godse v The State of Maharashtra and Others, AIR (1961) SC 600 and in many other cases, the Indian Supreme Court observed that "....unless the sentence is commuted or remitted by appropriate authority under the relevant provisions of the Indian Penal Code or the CrPC, a prisoner



sentenced to life imprisonment is bound in law to serve the life term in prison." Moreover, our apex court in the Government of the People's Republic of Bangladesh v Abdul Quader Molla promulgated that "A sentence of imprisonment for life must be treated as one of imprisonment for the whole of the remaining period of the convicted person's natural life..."

Section 57 does not say that imprisonment for life shall be deemed to be imprisonment for thirty years for all purposes nor does it enable to draw any such inference. So, prison authorities are bound to keep the accused persons who are sentenced to imprisonment for life in jail treating such sentence for the whole of the remaining of the convicted person's natural life unless he has earned recursions for good conduct.

Defining the precedents and substantive laws, it can be said that the Honorable Chief Justice is very much ingenuous in his position in computing tenure of life sentence albeit there is confusion about duration of imprisonment for life among legal fraternity.

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BUP seminar on human rights

MD. ABU BAKAR SIDDIQUE

impact like ICT or internet.

The prospect of 3D printing or

additive manufacturing (AM) or rapid

prototyping has been documented in

started to get the benefits for the last

company ZhuoDa has exhibited the

couple of years. Very recently, Chinese

building of a two-story villa capable to

withstand a magnitude 9-earthquake in

printed structures assembled like LEGO

blocks. Dubai government has started to

use an entire office building, including

printers. The first ever 3D printed car is

about to enter the market. Besides, the

entrepreneurs from around the world

have been exhibiting 3D printed

medical devices, human organs etc.

Based on the popular theory of

economics, i.e. 'economies of scale', the

scale of operation, etc. These factors help

them to offer products in a cheap rate i.e.

manufacturing of small quantity of goods

production cost leading to price of the

will increase the price. In such context,

manufacturers receive cost advantages

due to the factors like size, output or

more production will decrease the

this 3D printing technology has

introduced a new concept of

goods. On the other hand,

the furniture and interior inside the

Emirates Towers complex using 3D

less than three hours by using six 3D-

literature for years and consumers

UMAN rights norms are considered to be the most non-violent weapon of 'rebellion against tyranny and oppression'. Despite the existence of normative framework of international human rights, massive human rights violations occur in scores of country. Armed

human rights and imperialism' which needs to be re-examined in this era of advanced global capitalism. Speakers at a seminar titled 'Human Rights in the Age of Imperialism', organized on 26 July 2016 by the Department of Law under the Faculty of Security and Strategic Studies (FSSS), Bangladesh University of Professionals (BUP),

SEMINAR ON **HUMAN RIGHTS IN THE AGE OF** IMPERIALISM Session Chair: Keynote Speaker: Brig Gen Arif Maula, nde, afwe, pse Professor, General Education Department Faculty of Security and Strategic Studies (PSSS finistry of Law, Justice and Parliamentary Affairs nment of the People's Republic of Bangladesh Organised by: ecial Guest:

conflict is one of such violations regardless of the UN Charter's prohibition against the use of force. The increasing evidence of international community's (or the concerned superpower) questionable interventions in the internal affairs of a sovereign State (e.g. Rwanda, Bosnia, Yugoslavia, Iraq, Afghanistan, Syria, Egypt, Ukraine, etc.) on the ground of human rights protectioncan potentially trigger a legitimate query, i.e. how can one distinguish a humanitarian intervention from an imperial conquest with a moral

façade? It is often argued that there is a 'symbiotic relationship between

emphasized that any intervention on the ground of humanitarian assistance must pass the test of 'last resort and proportionality', and breaching State's right of territorial sovereignty in the name of human rights protectionism can never acceptable.

Mr. Anisul Huq, Honourable Member of the Parliament and Minster for the Ministry of Law, Justice and Parliamentary Affairs, was the chief guest and Professor Dr. Nazmul Ahsan Kalimullah, Pro-Vice Chancellor of BUP was the special guest. Professor Dr. Salimullah Khan, Director of the Centre for Advanced Theory,

University of Liberal Arts Bangladesh

(ULAB), presented the keynote paper at the seminar while Md. Abu Bakar Siddique, Lecturer of Law at BUP, anchored the same. The interactive discussion session was moderated by Brigadier General Arif Maula, Dean of the FSSS at BUP.

Dr. Khan with his excellent eloquence spellbound the audience and illustrated different narratives of human rights dynamics mostly from critical legal analysis and theoretical discourse based on historical evidences of imperialism in disguise of human rights. He remarked that in case of inevitable humanitarian intervention the question of 'deontological double effect' (i.e. killing innocent and non-combatants must not be an intentional one but only permissible under unintentional consequences) should be dealt with much cautions.

criticised the oxymoronic role of the developed nations specially for their double standard behavior in partaking human rights records of the developing nations in bilateral or multilateral state agendas. Honorable Minister Mr. Huq commented that the government is committed to promote and protect human rights of her citizens and is well aware of any hidden agendas.

The spokesmen of the seminar

Among other deans and chairpersons of different faculties along with faculty members of law department around 200 students of different departments were present.

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The undiscovered potential of mediation

N financial sectors like banking or insurance, "time is money" is not a mere quote, it is indeed the case. An alternative course of action, if present, would actually save time and expenses by averting cumbersome litigation proceedings.

Mediation refers to such a form of alternative dispute resolution (ADR) in which the parties to a lawsuit meet with a neutral thirdparty to help them come to a conclusion. The third-party is called a mediator. It is this person's job to address and refer to the evidence, help the litigants perceive each other's point of view and interests, and then catalyse the negotiation of a voluntary resolution to the case. It's a form of out of court settlement, which is less expensive and also less time consuming.

For example mediation affords banks an opportunity to deal with borrowers for repayments outside traditional remedies like debt or bankruptcy proceedings. In that way, banks get to keep a positive non- aggressive image with their clientele, get crucial repayment of often large amount of debts in time, and do not have to invest in long duration court battles. Mediation is also cost effective in the way that both sides bear their own costs or they share the fees.

The party with outweighing interest doesn't incur a huge amount in his effort to resolve the dispute, which unfortunately is not unheard of in

litigation. There is a potential that

the cost of enforcement will absorb

10% -15% of any recovery through

litigation. There is no measure of the worry, stress and anxiety that debtors, their families and bank representatives will endure throughout the litigation process.

The mediation process is conducted on a without bias and parties retain their legal rights. If an outcome/settlement cannot be sorted out then the parties' legal rights as against each other are preserved. Hence, exploring of mediation as a possible means of achieving a result does not compromise either party's

to use the mediation facilities of Bangladesh International Arbitration Centre (BIAC) to conduct a formal and international standard mediation to resolve money loan and other banking

BIAC has already conducted Mediations between banks and their client's ends acting as the mediator. They have 37 enlisted mediators from various backgrounds like lawyers, ex government officers and advisors, former justices and judges and

disputes with their other ends.



position.

Parties are free from prejudice but at the same time they retain sufficient control over the dispute too. The solution comes from the parties themselves, through mutual formal compromise.

To facilitate mediation in banking sectors, Bangladesh Bank has given an advice to all the banks

from various field of profession. If we rely more on Alternative Dispute Resolution, then we will be able to overcome with the current backlog of cases in the Courts. To know more about the facilities that BIAC provides please look into http://biac.org.bd.

BY LAW DESK.