

Need for protecting IPR



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The present market economy in the era of globalisation is based on knowledge, innovation and technological development. The ideas and innovations behind new technologies and inventions are manifestations of human imagination, creativity and ingenuity. These creations need to be protected through intellectual property rights (IPRs) to recognise their creators, encourage them to continue creating, and compensate them in cases of unfair competition with their creations. For these roles, IPRs have become a sine qua non in global trade and investment. Businesses now compete with each other on the grounds of IPRs, not only physical goods. In this backdrop, the Government of the People's Republic of Bangladesh has declared in 2010 a long term vision, Vision 2021, which aims to achieve a prosperous Bangladesh by the 50th anniversary of the independence of the country and to transform it into a knowledge-driven economy to survive in this era of fierce global competition. This article will outline the need for the protection of IPRs in Bangladesh in order to attain the development goals the country has set for itself.

One of the primary purposes of Vision 2021 is to achieve sustainable economic development based on information and communication technology (ICT) and innovation. In order for Bangladesh to become a middle income country by 2021, the government has set the target to turn the country into a knowledge-based society through the use of ICT, development of innovative ideas and promotion of innovation. Innovation in any field, including ICT, necessitates IPRs for the promotion and protection of knowledge-goods. Vision 2021 has an intimate



relationship with the protection of IPRs. IPRs that protect knowledge-goods include: (a) patents for products and processes in any field of technology; (b) trademarks for trade names, services, brands, etc.; (c) geographical indications (GI) for geographical indications (GI) for geographical indications, particularly qualities attributable to goods etc.; (d) designs for shapes or configurations; and (e) copyright for literary and artistic works, computer programmes, etc. To this end,

effective protection of IPRs at the domestic level is an integral part of the creation, assimilation, transfer and trade of knowledge-goods, which leads to technology-based development. Thus, the government policy of Vision 2021 and the idea behind Digital Bangladesh are largely dependent on the promotion and protection of innovations, ideas and knowledge.

The protection of IPRs aims to encourage creativity and innovation of

individuals who risk their time and money in creative endeavours by granting exclusive rights in recognition of their labours for a limited period of time. In line with this rationale, Bangladeshis who possess the potential to create innovations and ideas in sectors like agriculture, health, biotechnology, ICT, environmental engineering and digital communication, deserve such exclusive rights. So, in the context of the governmental policy to achieve

sustainable and knowledge-based development, it is absolutely essential to confer effective IPRs protection to ideas and technologies.

In light of the agenda for Digital Bangladesh, which is based on ICT development, the need for protection of IPRs in the ICT sector has become very essential. This sector finds many web content and app developers who create new webpages, design content and invent new digital applications. There are also a good number of companies doing business through the internet. Thus, internet-based marketing systems and business activities commonly known as e-commerce have very significant implications so far as IPRs are concerned. For example, e-commerce systems, search engines, mobile apps or other technical internet tools may be protected by patents, utility models or copyright; software, including the text-based HTML code, can be protected by copyright and/or patents, depending on the national law. Furthermore, business names, logos, product names, domain names and other signs of the website may be protected as trademarks. Creative website content, such as written material, photographs, graphics, and videos may also be protected under copyright. The national law covering the issues of copyright protection seems insufficient for incentives and rewards in the absence of digital IPRs protection policy. This may discourage the creator, the entrepreneur or the small/medium enterprise to pursue further creation or investment. So far as the protection of IPRs for GI goods is concerned, traditional knowledge and traditional cultural expression hold a very significant area of knowledge-goods that require adequate protection in Bangladesh.

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