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Our age-old craft Nakshi kantha was claimed by India 16 years ago (in 2008), yet no step has been taken by Bangladesh till today. We are reactive, not proactive in our actions.

In 1995, we signed the TRIPS, Trade Related Aspects of Intellectual Property Right, as a member country of WTO, World Trade Organization, but our law on GI was enacted in 2013 – almost eighteen years later that too as a hurried response to the claim of India for the GI right of the Jamdani saree.

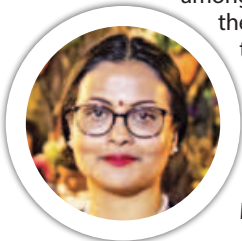
Our civil society led by BRAC, the National Crafts Council, CPD, and the History Department of Dhaka University played a pivotal role in enacting the GI Act. It would not have been possible without the efforts of the late Ruby Ghuznavi, Munira Emdad, and Dr Dipu Moni — the Minister for Foreign Affairs at the time — in making the GI law a reality. I personally had the opportunity to work as a part of the successful Jamdani GI platform in 2014.

Sadly, the hard-earned GI Law was of no use until 2015, since we failed to formulate rules under the law. By the time our GI Rules were in place, India had already claimed GI rights to 108 items!

Bangladesh has thousands of items fit to be registered as GI products but we have registered only 21 of them in the last 11 years. Now to get back to the efficiency of our neighbouring country, they have so far accredited almost 500 plus items as their GI indicator.

We have failed to domestically register the GI of *roshogolla*, *Sundarban madhu*, and *garad saree*, which have already been registered as GI products of India.

We have also failed to protect our GIs internationally. Bangladesh should have applied for the cancellation or correction of the Indian



registration of *Jamdani saree*, *Tangail saree*, *Nakshi Kantha* and *Himsagaraam* under Section 27 of the Indian Geographical Indications Act 1999.

The fault is actually ours and I believe it's due to a lack of proactive measures, vigilance, and coordination among the stakeholders. We still do not understand what GI is and the enormous economic value attached to GI tags. Even to this day, many are unaware of the actual process of GI registration— who to go to for the claim and where to get one's grievances heard.

The proper way to expedite the process would be to begin with an extensive survey of the products that can be enlisted under the GI accreditation but we have no co-ordination among different Ministries responsible for the GI registration. GI itself is under the jurisdiction of the Ministry of Industries, while crafts fall under both the Cultural Affairs Ministry and the Textile and Jute Ministry. GIs of our agricultural and natural products on the other hand come under the Ministry of Agriculture.

Once again, we need to form a GI platform with civil society, academic researchers, different government agencies and industry stakeholders to protect our GI rights in Bangladesh and abroad.

As a parting note, I would like to say that GI claims cannot remain as a cosmetic gesture, there must be economic benefit attached to it. The core benefit of GI is that it adds value to Branding Bangladesh and GI tagging opens up the door of global branding for our products. GI tagging should fetch higher prices for the producers and craftsmen. If Bangladesh does not take any steps to register our domestically recognised GI products in the international market, obtaining GI rights will remain only an academic exercise.

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GI may either comprise names of places or words used to identify products that come from certain places and have special characteristics. So, while it is apparent that Darjeeling Tea originates from Darjeeling, it may not be apparent where Tulaipanji rice originates from, because its geographical origin from Dinajpur does not find mention in its name. Tulaipanji, which is the product name, simply means scented and soft like cotton.

The registration for Tangail Saree of Bengal obtained by the West Bengal State Handloom Weavers Co-Operative Society uses both the product name and the geography – “Bengal” or “West Bengal” is used to denote the geography and Tangail saree is being used as a product name/trade term. Here, Tangail is not being used to denote a place in Bangladesh.

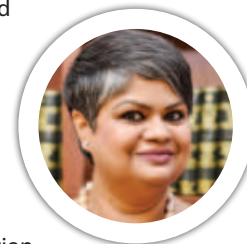
While the historical origin of the Tangail saree is undoubtedly in Bangladesh, the registration papers speak of how the craft came to our country after partition. The details in the certificate also specifically mention that the Tangail Saree of Bengal is different or can be differentiated from the Tangail Saree of Bangladesh. It is also mentioned that the Tangail Saree of Bengal is a hybrid version of Shantipur techniques and the authentic Tangail hailing from Bangladesh. So, the question naturally comes up as to whether both sarees (i.e. the original from Bangladesh and the hybrid from Bengal) can be simultaneously termed Tangail.

Ideally, these questions should be asked before the grant of registration, but in the absence of opposition or challenge of any sort, it may not be fair to assume that the Indian IP Office will refuse the registration simply because the trade name of the product matches a geographical area in Bangladesh.


The description in the registration is fairly broad and encompasses a wide variety of techniques and yarn, so in reality, it is difficult to discern from the registration what specific distinctions exist between the Tangail sarees of both countries. It is also incorrect that the mere fact that India has granted a domestic GI registration, excludes Bangladesh from making a similar application, not just in Bangladesh but also in India.

Inherent in the registration is a recognition that Tangail saree weaving originated in Bangladesh, and in that backdrop, the Indian GI Act envisages Bangladesh filing its application to register Tangail saree as a craft from Bangladesh.

The TRIPS Agreement generally notes that geographical indications have to be protected to avoid misleading the public and to prevent unfair competition. Some countries, including India, have been arguing that



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