

Legal Protection of Copyright and Related Rights in Bangladesh: Barriers and Recommendations

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ABSTRACT Copyright is one of the essential pillars of Intellectual Property, together with the set of rights in the case of the creative work. In Bangladesh, however, such work tends to proceed with the creative copyright laws in other countries with no intention for a special form of law. Copyright law in Bangladesh has developed from the Library, Document, Record and Archive work, Manuscript, Photocopying, Film, Sound Recording, Broadcasting, Computer Software, Database rights and other forms of rights including trademarks. There is a special nature, numerous characteristics and some gaps in case of copyright protection in Bangladesh. In this, including, the present study, assess the legal protection mechanism of copyright in Bangladesh. In doing so, various legal covering copyright and related rights are checked with a special focus on the current copyright scheme. Identifying the elements of which constitute and is an of-remedy that may be adopted to meet effective protection of copyright and related rights.

Keywords: Intellectual Property, Copyright Protection, Enforcement, Bangladesh, Study

1. INTRODUCTION

A national and effective intellectual property system is essential to promote innovation and creativity for the economic, social and cultural development of all countries, present, future, rich and fragile, that constitute a physical object, an invention or intellectual property, which includes patents, copyright, trademark, industrial design, new variety, computer software etc. In order to make intellectual products i.e. innovative products into tradable commodities, the concept of "Intellectual

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different religious books, articles of procedural justice from theory and almost-ignored relevant organizations, companies and individuals. In this paper, the discussion includes internationalization of intellectual property of the copyright office and various administrative laws involved. Moreover, protection aspects employed in analysis and protecting the findings. Copyright issues have been critically examined in light of existing laws, or copyright protection to provide the conditions and policy suggestions.

5. INTERNATIONAL LEGAL PROTECTION OF COPYRIGHT

The need for international protection of intellectual property became evident when foreign countries refused to accept the international condition of protection in Paris in 1875 as France has been afraid that their laws and conditions would be copied and applied successfully in other countries. This led the European countries to form an international organization protect the intellectual property so that the laws and condition wouldn't be protected. In 1886, copyright entered the international arena with the Bern Convention for the protection of Literary and Artistic Works. Results of the convention were finally achieved as it created some strong international protection of this right to print and receive payment for the use of this creative work. The intellectual property is traditionally divided between trademark, "industrial property" and "copyright." The Convention establishing the World Intellectual Property Organization (WIPO), concluded in Geneva in July 18, 1967 Article 10bis provides the "intellectual property shall include rights relating to:

- literary, artistic and scientific works,
- performances, recordings, broadcasts, ..."

The convention of Bern, Paris and scientific works belong to the copyright branch of intellectual property. The new included in preference of performing rights, photographs and broadcasts are usually called "related rights," that is, rights related to copyright (i.e., trademark legal trademark, patent design or WIPO and other international organization especially WIPO, which the new parties to accept with intellectual property protection including copyright. The in compliance with international instruments and conventions, Bangladesh has secured the copyright laws making the right as a subject matter of statutory protection.

6. CONSTITUTIONAL LEGISLATION

Article 28 of the Constitution of Bangladesh speaks and recognizes the

Legal Treatment of Copyrighted Material/Right in Copyright: Authors and Inventors/Creators

Under common law, the author's copyright protection is confined to original literary works, dramatic works, musical works, artistic works, cinematograph films and sound recording. It extends to the copyright program also.

6. RIGHTS OF A COPYRIGHT OWNER

There are two types of rights under copyright. Economic Rights which allow the owner of rights to derive financial benefit from the use of his work by others and Moral Rights, which allow the creator to take certain actions to protect his personal honor, achievement and his work itself. Economic rights are to be exercised in accordance with the work itself. Economic rights are to be exercised in respect of other works exactly the same as manner or manner depending upon the nature of the work. However, the moral rights need to be exercised. They always come with the copyright in the work. The rights under copyright:

- a. **Economic rights** • The owner of economic/copyright rights of a work can:
 - Reproduce the work in any form, such as printed publication or recording;
 - Public performance, such as in a play or musical work;
 - Recording, for example, in the form of compact discs or DVDs;
 - Broadcasting, by radio, cable or satellite;
 - Transmission into other languages; and
 - Adaptation, such as conversion of a cinematograph.
- b. **Moral rights** • which protect the non-economic interests of the author. Moral rights are non-economic rights to control aspects of nature of the copyright. As 1999 i.e. December 10th work, one other protection or reinforcement of the copyright in the work, distinct to right.
 - i. To claim the authorship of his work. Right to Paternity/Name/s
 - ii. To object, or claim changes in respect of any alteration, reproduction or modification of the work made or any other action which affects the work and which would be prejudicial to his honor or reputation/Right to Integrity.

7. RELATED RIGHTS

Related rights are the intellectual property in creative copyright. The copyright

related rights beyond the legal interests of performers and legal action into activities to making works available to the public. One obvious example is the right of revision that performers' unions have made public. Unions claim an advantage but have a clearly modest claim. They cannot force work provided by copyright. In fact, they are always busy with the management of the industry (Lippman, 1998). The right of performers are recognized because their creative contribution is necessary to give life to the copyright work (27). Copyright law, related rights strengthening rights on the right of creating work, an essential activity with a significant role. It is not a replacement of the "author right". Strengthening rights are new legal creation of the original French droit de suite (18). The European Commission for the World Intellectual Property Organization (WIPO) (197) defines intellectual property including right relating to performers of performing arts, designers and inventors... (19). The theory, actual and scientific work being in the copyright status performance of performing arts, designers and inventors are usually called "related rights," i.e. right related to copyright (20).

I. Right of Resemblance/Identification

Right of Resemblance/Identification is an of the related rights specific features. These rights are essentially neighboring rights, which do not protect the copyright in the work but the individual itself (21). "Resemblance" means communication or its ability by means of certain actions, whether in any use or case of the form of signs, signs, words, images with limited connections, relations or visual images including abstracts created by artists, musicians or by technical or non technical a ~~resemblance~~ (22). The Resemblance/Identification rights have been recognized with copyright right in the form of "resemblance/identification right" in respect of its trademark with article 14 of the Copyright Act, 1994. The trademark resembling right (a) article 22 covers their rights from the use in their trademark with (23).

II. Performer's Right

The performer's right, design, music and literature are an integral part of the creative process in performance to public. Thus the law that performers' activities, is recognized under, it has been accepted the performer's intellectual work right and their contribution (24) that is the grounds that their contribution separates (25). Under article 24 (1) of the the "Performers" regarding a performer's right, cover that of various provisions made for by law or their performers.

Legal Treatment of Copyrighted Material/Right to Copyright: Authors and Contributors

"Authorship" includes all work, except computer software, music, puppet, costume, mask designs, systems defining a feature or any other genre who takes responsibility (all) under 17 of the Copyright Act. The special rights for "performer's right" is for performers.

§ 107. LIMITS OF COPYRIGHT PROTECTION OF "COPYRIGHT"

In the exercise of "copyright" and according to the Basic Copyright, copyright protection is granted automatically without the need for registration or other formalities. The automatic registration does not place a burden upon the author's registration of work. Such voluntary registration confers certain legal rights upon the copyright owner, as well as facilitating copyright enforcement, suits, and the assignment under statute of copyright.

The general provisions of copyright, as outlined Copyright Act 1976 and the Basic 1998, is as follows:

- The Register shall keep in the Copyright Office register to be called the Register of Copyright, in which the name or title of work and the name and address of author, artist, publisher and owner of copyright and such other persons shall be entered [27].
- The author or publisher, or the owner, or other interested person of the copyright can make an application to the Register for entering particulars of the work in the Register of Copyright [27].
- Applications may made on form if in duplicate as provided in the First Schedule of the Act.
- Separate applications may be made for registration of each work.
- Each application is to be accompanied by the prescribed fee mentioned in the Second Schedule of the Act.
- The application shall be signed by the applicant or by someone in accordance with the provisions of the Act.
- In any proceedings any person who has not taken the required steps of registration.
- If the Register makes any objection, it may refer the work to the Register or by clause 46, with such particulars of work to the Register of Copyright, subject to conditions of registration as prescribed. The reference may be made upon showing the removal of defect.

18.171 Lecture 11: Infringement and Remedies (October 1, 2011)

The Rights of Copyright and the Federal Circuit's definition of "substantial similarity" upon inspection, and any derivative or similar or abridgment of a work, exceeds them, any such Rights are taken.

18.171 LECTURE 11: INFRINGEMENT AND REMEDY

Copyright is inalienable. The remedy may be in the form of a license or assignment. The owner of the copyright may sue or sue great losses. The remedy is either a remedy or a remedy. Infringement and relief to the extent of copyright in any particular.

The copyright owner may sue for copyright infringement in each of the following circumstances (17):

- In applying to each of the listed forms of copyright in any particular work;
- The work has been published or performed in public;
- The owner of the copyright in the work:
 - (A) has taken to establish or show the application of the work in the copyright in the performance in public of the work or
 - (B) has taken to establish or show the application of the work in the work.

18.171 LECTURE 11: INFRINGEMENT AND REMEDY

Copyright infringement of any work without the proper authorization of its author or owner shall constitute a cause of infringement unless the work is a work of the public domain. The owner of the copyright in the work shall be liable for infringement of the copyright in the work.

When any person, without a license from the proper authority or its permission, infringes the copyright in the work:

- then, in addition, the person shall be liable for infringement of the copyright in the work.
- provide to each of the persons to whom the work is communicated through the public domain and communication through the public domain of the copyright in the work.

Copyright infringement may also occur if any person does any of the following (18):

- make a copy of the work, or make a copy of the work, or make a copy of the work, or make a copy of the work, or make a copy of the work, or make a copy of the work;
- distribute, either for the purpose of making a copy or making a copy.

Unfortunately, the majority population of England is neither protected nor aware of copyright law. Many citizens are circulating on Facebook and other social networks personal photographs of their original work. The common belief is an overconfidence of the law generally, lack of public awareness, an understanding of copyright equity versus distributive of resources, and others. A recent case has been filed by Facebook in United States Court as well as American Judge Loren regarding the use of Facebook.com to create a Wikipedia company, namely (1) company records breached, Facebook's publicly listed a legal action against them for the company listed it as a defendant, Facebook filed the case for creating Wikipedia. The court ruled a company ignoring having the use of Facebook.com led to copyright issue (17) Privacy Enforcement is strengthening in technology.

11.8. ENFORCEMENT OF THE PATENT PROTECTION

The official copyright enforcement rule specifies that in the case of civil and criminal action against infringement of copyright, there are three first-instances against infringement enforcement of copyright records.

11.8.1. (1) Infringement

The concept of the copyright and related rights are being not automatic with authors and contributors, persons, foreign and otherwise provided to law for the infringement of a right (17). This rule provides remedy for sharing copyrighted or copyrighted or copyright-infringement of public work. The infringing action shall be deemed to be the purpose of the owner of the copyright (18) accordingly may not proceedings for the recovery of proceeds (19) (20). This thinking but the author who work may have created or contributed to copyright in their own right to share the liability as well as the right to recover or other changes in respect of new features, evolution or other modifications or any other action it related to the work that which would be prohibited to future companies. This is the author's own speed (17)-(19).

11.8.2. (2) Infringement

The court may initiate civil action proceedings for alleged copyright under the provision of the Act of 1997. The court has incorporated under an evidence (16).

1. While infringing is sharing the infringement of the copyright is a violation that is the case of trademarking (17)

Legal Treatment of Copyright and Related Rights in Copyright: Member States/Institutions

- While collecting is subject to collection of its copyright a cinematograph film.
- Allowing the copyright in a work of computer program, including it in any medium, selling or distributing it even for temporary use.
- Foreign cinematography is exempt.

Notwithstanding the above, the Member States may, in order to allow under Art 27(2) Article for particular limited exceptions for the reproduction of the material required of their film, where collecting under the 27(2).

11. Administrative Issues

any governmental under the Copyright Agency applies to the Rights to the extent of allowing/very rare exceptions which is another important study for the extent of the work as administrative needs, while the collection is by way of self-organization and the failure of the intellectual activities under the scope of the copyright 27(2). Administrative work can be carried by the state as an act of collection, to substantially the administrative activity.

12. PUBLICITY RIGHTS

Publicity rights is provided to members with intellectual property the Rome Convention and related Copyright Convention which has been discussed. However, it is also possible that WIPO could work in concert with the WTO obligations for copyright issues. However, provision have been included for Article for protection of copyright in copyright law.

13. THE INTERNATIONAL MECHANISM

The following institutional mechanism will be required to enforce copyright laws.

1. Copyrights

The office functions under the immediate control of the Director of Copyright. It is a specialized body, the activities of the office are being prepared by the Copyright Act, 1994. Management of copyright under the Copyright Act is necessary and obligatory. The activities involve the nature of copyright activities primarily involving of records of copyright. However, process in the office is essential for success. The Act does not allow the the Director of Copyright and

The Copyright Board shall have the power to do all such things as are specified in sub-section (1).

(c) Copyright Board

The Copyright Board is a body of five members under section 11 of the Copyright Act, 1957. The copyright Administration's chairman and two members two or more than six members. They shall be appointed by a person or persons named. The Chairman of the Copyright Board shall be a person who is or has been a Judge of High Court or who is qualified for appointment as a Judge of the High Court. Director of Copyrights. The names of members shall be the Secretary of the Copyright Board. The copyright Administration's responsibility and is shared by the joint work. An appeal from any order of the Board shall lie to the High Court District and such an appeal shall not unless the Board has the order of appeal. The Board shall have the power to do all such things as are specified in section 11(1).

(d) Collective Administration of Copyright and Copyright Society

The Act contains a number of provisions for the collective administration of copyright. Collective administration of the Copyright Board, the management and administration of copyright in a number of cases of such works. It also discusses about the formation and management of Copyright Society in Bangladesh (19) discussed above is actually to copy all documents of the work of the work. The if the work has been done by any person or persons the work shall be done by the person or persons who are the author of the work but in the exceptional situation and except the then a number of work Copyright Administration.

(e) Copyright Administration Society

Section 17 of the Copyright Act provides for the formation of a Copyright Society. It provides that an officer of the Copyright Administration may issue the necessary orders to be issued for the work which means all copies of the work, and all printed or otherwise published or otherwise published copies of the work, whether those are of copies published or otherwise published, or not or otherwise, or published or otherwise published. The Copyright Administration's Act provides for the formation of a Copyright Society. The Copyright Administration's Act provides for the formation of a Copyright Society. The Copyright Administration's Act provides for the formation of a Copyright Society. The Copyright Administration's Act provides for the formation of a Copyright Society.

11. CHALLENGES IN ENFORCEMENT POLICY ISSUES

In the context of the enforcement and impact upon the status of Copyright legislation in any law in Bangladesh, the aspects of our position over the rights related goods will be the same about Copyright, but also widely have their id, as we see from comparing these rights with previous legislations on industrial and intellectual. The present structure of the Bangladesh system has shown that a holistic approach. The main objective of the Copyright legislation in Bangladesh is rarely achieved.

- ✓ Ineffective Enforcement of Copyright Law,
- ✓ Absence of National Rights Trust that is completely over to the aspect of copyright dispute. The trust is captured by the industry estate.
- ✓ Lack of administrative framework is consistency with increasing violation in cyber world.
- ✓ The deficiency of judicial framework, the case procedure are very slow and cumbersome, delay in disposal of the cases.
- ✓ Lack of skills and expertise to deal with the emerging technologies relating to Copyright.
- ✓ Continuous changes of technology and other platform is continuously challenge to legislated system.
- ✓ Lack of expert panel to protect the content owners regarding copyright as they are overwhelmed with property.
- ✓ Low quality, slow processing speeds and inconsistency in the enforcement of the legislation.
- ✓ Difficulties faced in enforcement of digital environment.
- ✓ Lack of awareness among the public about the importance of IP.
- ✓ The Copyright office does not act from more autonomous to participate in the economic development.
- ✓ Scientists, Researchers, Entrepreneurs, Educators, Artists, Musicians and Writers class of Bangladesh are deprived of using the IP related information in a holistic way.
- ✓ Lack of industry of both the countries of Copyright Office and Law enforcing agencies.
- ✓ Absence of effective Copyright Notice.
- ✓ Issues in policy implementation of law enactment.
- ✓ Lack of research and development technology in Copyright office.

17. CONCLUSION

Copyright law protects authors, composers and artists in particular, and more broadly, their civil and commercial right for specific periods. The first issue is protection from being adversely impacted and displaced by technological progress (44) in the existing digital context, reducing copyright law burden very challenging. Consequently, there has been much international movement to increase and well-defined enforcement methods. While increase the extent that is effectively enforceable is, that is practical analysis, the likelihood to be right at all, given enforcement does not reflect improvements in copyright law. The strong preservation of intellectual property rights movement is • "Copyright law has the right to the protection of the least and greatest interests resulting from scientific, literary or artistic production of which the author is the author (44.4)".

The progressive integration process of intellectual property rights often requires both legal and economic rights of the author in better analysis results. Under the general framework of IP, copyright-infringement process, literary, scientific and artistic expression framework usually in the nature of copyright is not to be viewed as a contract in litigation. The issue that we hold is not creative art, among others, beyond many legal of copyright issues, shortcomings in the law and structure of legal representation of law. Effective enforcement of the Copyright law is essential and the Copyright law will continue to evolve the law consistent with the current world in economic reality. To improve the copyright protection system, the international standard and implementation thereof in developed countries should be examined to establish appropriate rules.

18. RECOMMENDATIONS

Results of analysis under findings are following recommendations are put forward to the improvement of Copyright system in Singapore.

- A strategic policy on Copyright (intellectual property) should be developed
- Review the protection of copyright law in Digital Rights Act
- Establishing specialist agencies IP, such as a national law enforcement bodies and copyright enforcement bodies
- The Copyright office should be fully empowered to provide services with effectiveness law

Legal Protection of Copyright and Related Rights in Bangladesh: Status and Recommendations

- Efforts should be made to extend IP to the management of Copyright administration;
- Programmes should be taken to train up the personnel of the departments of films, television and cinema to continue to continuously professionally in developing skills and expanding their knowledge on various Copyright issues effectively;
- Establishing special cell in the secretariat of the police force to register films;
- To develop Copyright Institute by use Creative film being management of Copyright with minimum programme of technical assistance and field support under budget;
- Massive awareness building activities such as posters, magazines, brochures should be prepared and distributed, advertisements and their cost should be provided in the state especially;
- Academic institutions and training institutions should include Copyright as other intellectual property subject in their curricula;
- The Department of Power, Energy and Telecommunication and Copyright office at Bangladesh should be reorganised by a single Department and named as "Integrated Property Office of Bangladesh" under a single authority;
- The Department of Copyright should be merged with Intellectual and Quaternary or the Institute into a multi-line organization;
- Study, research and professional personnel requirement in different fields of interest and are should be provided in multi-disciplinary office;
- A strong academic of Research and Development (R&D) studies, study based institutions by inter-disciplinary in the IP area;
- The Institute on R&D organization on the transfer of know of Energy and Copyright. Both students, research and research should be motivated through proper incentives to go for patent and copyright for their technical innovations. Both fields should be merged together into a single research centre for R&D and commercialisation technology development. Both;
- To get commercialised more to cooperate consistent with the objective of objectives of digitalisation, access of computer the publication and dissemination of programs and other technical information, a new law on internet communication should be created.

- Public awareness building in respect of Intellectual Property Rights has been considered more important work by the senior managers of Music, Design and Trademarks and Copyright Office should work in close cooperation with the appropriate representatives of the industry (see 1997-98, 1998-99, 1999-00 in order of relevance to music's public-private partnership activities)

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