

# A GLIMPSE OF CHITTAGONG SEA PORT: ENCOUNTERING THE BARRIERS OF IPR ENFORCEMENT TO COMBAT TRADEMARK INFRINGEMENT



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**Presentation on MASTER'S THESIS,**  
**of Strategic Management of**  
**Intellectual Property Rights**  
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**Road Accident**



**Effects of Counterfeit motor vehicle parts**

**Effect of Counterfeit Baby Food**



**Effects of Counterfeit life saving medical items on Cardiac Patients**



# WHAT IS INTELLECTUAL PROPERTY?



Intellectual Property  
refers to creations of the  
mind:  
inventions;  
literary and artistic works;  
symbols,  
names  
images used in commerce.

It encourages  
people's  
innovations  
and ensures  
consumers to  
get original  
products.



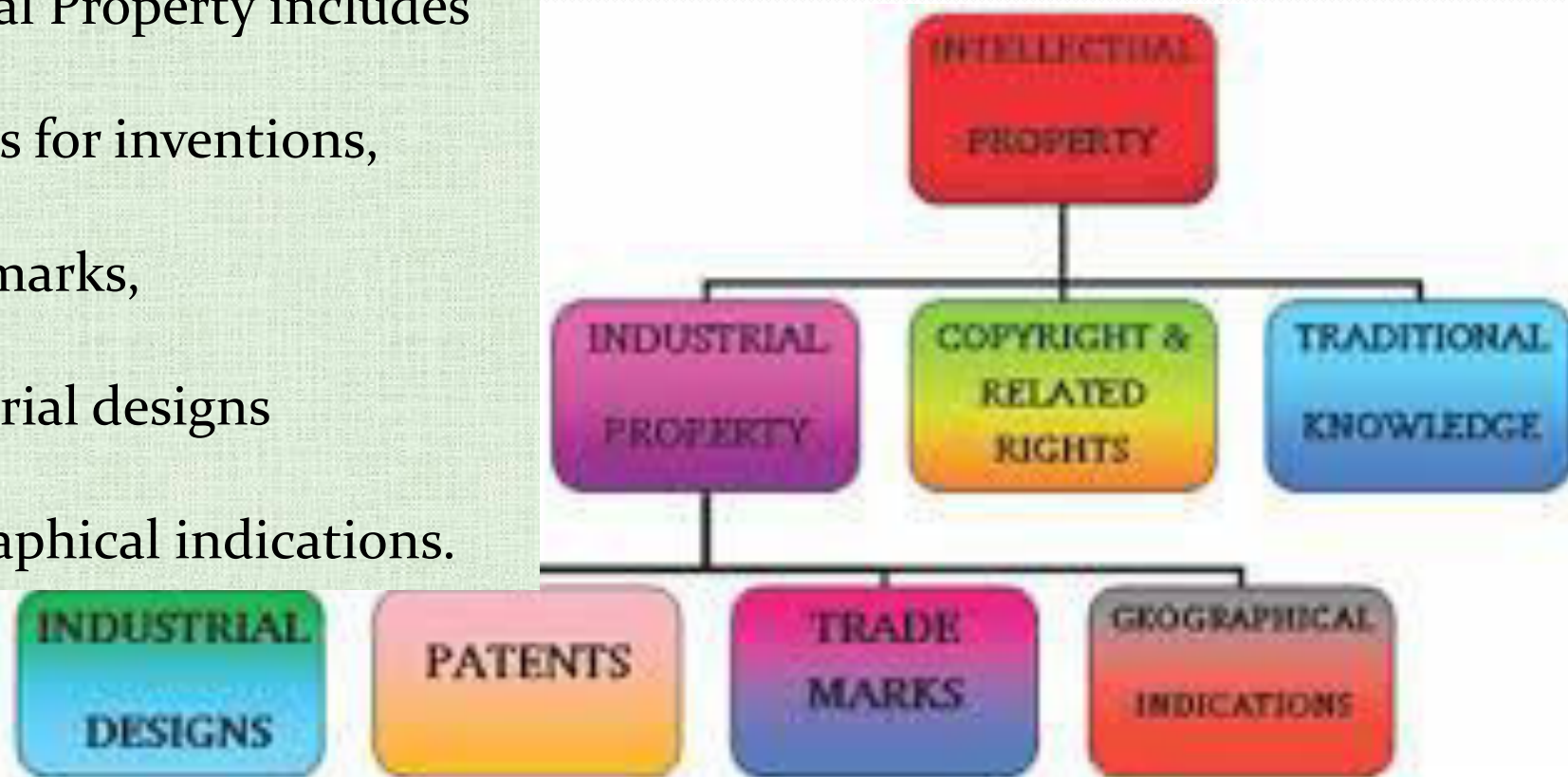
# Types of Intellectual Property Rights:

Intellectual Property Rights is divided into two categories:

Industrial Property includes

- Patents for inventions,
- Trademarks,
- Industrial designs
- Geographical indications.

Copyright covers literary works (such as novels, poems and plays), films, music & artistic works



# Intellectual Property Rights (IPR)



and the Berne Convention for the Protection of Literary and Artistic Works (1886).

- The importance of intellectual property was first recognized in the Paris Convention for the Protection of Industrial Property (1883)

Both treaties are administered by the World Intellectual Property Organization.

(WIPO), (WIPO, n. d. p. 3)

- These rights are outlined in Article 27 of the Universal Declaration of Human Rights,

With globalization, the world economy witnessed significant structural changes in the area of intellectual property rights (IPRs) which have been widely recognized as a growth enhancing factor.

## ABSTRACT

After the creation of World Trade Organization (WTO), IPR related legislation has undergone radical changes in line with Trade Related Aspects of Intellectual Property Rights (TRIPS). At the same time, enforcement of the IP laws has been given significant priorities too.



# Trademark



- A trademark is a unique sign which distinguishes certain goods or services of one entrepreneur from those of the others.

It is initiated from ancient times when craftsmen used to put their signatures as 'marks' on their own handmade artistic work or functional goods.

With passage of time those 'marks' have evolved into today's 'Trademark' which is based on its specific characteristics, quality and uniqueness.

- Trademarks may be one or a combination of words, letters or numbers.
- They may consist of drawings, symbols or three dimensional signs,
- The shape and packaging of goods
- Holograms, motion, color, sound, smell or taste.



The system of registration protects it on behalf of the entrepreneur to whom it belongs.

# Madrid Agreement and the Madrid Protocol

- WIPO administers an international registration system for trademarks which is governed by two treaties:

The Madrid Agreement and the Madrid Protocol, (WIPO, n. d. p. 11).



# Counterfeiting



Counterfeiting relates to trademark infringement, (Mainwaring, 2013). A counterfeit is a product that is forged, copied, or imitated without having the right to do so.





Unfortunately at present Bangladesh Customs has no specific organizational structure for managing Intellectual Property Rights

▪ **Being the leading border protecting agency Customs can play a vital role in securing IPRs.**

▪ **And is obligated to safeguard the society as well as public life against the fatal effect of importation and exportation of counterfeit goods.**


Precisely




which causes:

- ❑ Threat for securing the society
- ❑ Threat for securing public life from counterfeit articles

Without the consent or authorization of the owner, anyone using the registered mark for misleading consumers about the origin of the goods or a service, commits infringement, at present the whole economy is under the threat of this serious problem.



The current legal basis of trademarks is The Trade Marks Act 2009 which has been formed by promulgation of the Trade Marks Ordinance of British-India period.



The Trademark Rules which has been operative since 1963 is very old and provides poor statutory support

- Bangladesh inherited its IPR related legislation dates back to the late nineteenth century from British-India but the effective enforcement of these laws had been always in questions.



## **BANGLADESH IS A SIGNATORY OF THE FOLLOWING INTERNATIONAL TREATIES FROM:**

- Convention establishing the World Intellectual Property Organization (WIPO) – May 11, 1985
- The GATT & TRIPS (WTO Agreement) – April 15, 1994
- The Paris Convention for the Protection of Industrial Property – March 3, 1991
- Berne Convention for Protection of Literarily and Artistic Works – May 4, 1999
- Universal Copy Right Convention – May 5, 1975

# CURRENT IP ADMINISTRATION IN BANGLADESH:

- The Department of Patent, Design and Trademarks (DPDT) is the apex organization of the Government of Bangladesh for administering Intellectual Property Rights.

# National IP Legislation:

- ❖ The Patents and Designs Act, 1911
- ❖ The Patents and Design Rules, 1933
- ❖ The Trademarks Law, 2009
- ❖ The Trademarks Rules, 1963
- ❖ The Copyright Act, 2000 (amended in 2005)
- ❖ Draft Patent Law, 2009 (on-going)
- ❖ Draft Design Law, 2009 ( on-going)'
- ❖ Draft Geographical Indication Law, 2009 (on-going)
- ❖ Draft Law on Layout Designs (topographic) of Integrated Circuits (on-going)

## Clause (109) of 'Trademark' law 2009,

- Authorized the customs officials
- to call for records and reveal the source of importing items
- prohibited under the Customs Act, 1969, Section 15(d) (e) & (f), (Shahabuddin, 2003).



Bangladesh has been trying to establish as a mid-income country.

Only very few people are aware of the fact that, purchasing pirated material is an act of crime, and a punishable offense.

Lack of awareness among the Right Holders (RH) and the general public are another reasons behind this problem.

'Chittagong port' is the largest deep water seaport and is the major gateway for the country's trade with the outside world.

It handles nearly 80% of the total trade of Bangladesh.

The counterfeiting or 'Trademark infringement' issue is not new but currently the magnitude has risen in an alarming way.



MAP OF BANGLADESH  
(Showing Chittagong sea port)



## Purpose of the Study

The purpose of this study was to evaluate the current situation of 'Trademark infringement' at Chittagong seaport Custom station to identify the barriers and facilitators to protect IPR to combat 'trademark' infringement.



# Research Objectives/Questions

The study had been tried to find out the following questions:

1. What is the current situation of 'Trademark' infringement at Chittagong seaport Custom station?
2. What are the barriers/challenges of IPR enforcement at Custom stations in Bangladesh?
3. What are the facilitators of IPR enforcement to encounter trademark infringement at Custom stations in Bangladesh?
4. What would be the ideal situation for IPR enforcement at Custom stations?



## Literature Review:

❑ Disappointingly not much data and statistics are available in journal articles and Bangladesh Government's website regarding Intellectual Property Rights issue in Bangladesh.



❑ Precisely, no seizure report of trademark infringing goods at Chittagong seaport Customs station could be found while conducting this study.

# Literature Review:

According to the report of 'Frontier Economics, released in 2015,

- the global loss due to piracy and counterfeiting has been anticipated to reach between 1220 billion to 1770 billion US dollars
- the stipulated job losses would be over 2.5 million.
- It competes with genuine industries and reduces the production and sale of authentic goods.
- This causes substantial damage to producers, traders and abiding right holders, (Ene & Mihaescu 2014, p 55).

- Being the "crime of the 21st century", counterfeiting has also become a source of cross border organized crime.
- Affecting the global economy
- Consumer confidence
- their health, safety and environment.

# Current IPR Situation in Bangladesh:

- Due to globalization a large number of counterfeit or trademark infringed goods, have been entering from China and India through the porous borders.



- Regrettably attempts for educating public or creating consumer awareness are inadequate in Bangladesh.

- As the prices of genuine products are enormously high, non-affordability drives people to go for counterfeits even though they are unwilling to purchase those.

- RHs are not aware of registering with Department of Patent Design and Trademark as well as with Customs.





in Bangladesh:



# **IPR ADMINISTRATION SITUATION AT PRESENT**

**MINISTRY OF STATES  
AND SECURITY WHICH IS  
THE PARENT MINISTRY  
FOR POLICE  
DEPARTMENT, RAPID  
ACTION BATTALION  
(RAB), ARMY AND NAVY**

**MINISTRY OF POSTAL  
AND  
TELECOMMUNICATION,  
WHICH IS RESPONSIBLE  
FOR POSTAL GOODS  
AND COURIER**

**MINISTRY OF INDUSTRY  
WHICH IS THE MINISTRY  
FOR PATENT AND  
TRADE MARK (DPDT)  
OFFICE**

**MINISTRY OF  
CULTURAL AFFAIRS  
WHICH IS THE PARENT  
MINISTRY FOR COPY  
RIGHT OFFICE**

## Current IPR situation in Bangladesh Customs:

➤ Since the current focus of Bangladesh Customs administration is only on securing government revenue, when tax is paid perfectly for legitimate trade, the customs officers do not seize any goods.

➤ Unfortunately there is no collaboration in anti counterfeiting activities among these OGAs, (Khondokar & Nowshin, 2013).

➤ To take effective actions under different provisions of the law for IPR enforcement in Bangladesh, Government agencies such as: the DPDT, the Copyright Office, Mobile Courts, Rapid Action Battalion (RAB) and the local Police, have been working under different teams in diverse areas, (Hossain, n. d.; Khondokar & Nowshin, 2013).



# Hurdles of Customs Administration at present:

➤ Customs administration does not have any legal and technical expertise in IPR related issues.

➤ Customs officials do not have adequate knowledge about trade mark or IPR related issues.

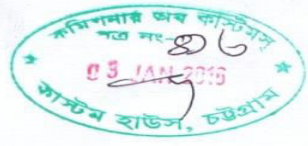
➤ They hardly have any knowledge to identify fake and genuine goods.

➤ They also do not know what measures needed to be taken in case of suspected IPR infringement.

# A detention memo and seizure report of Chittagong Airport Customs station has been presented here.


➤ Even though there is high possibility of discovering counterfeit goods in this consignment, absence of trademark related legislation in the seizure report is easily noticeable.

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার  
শাহু আমানত আন্তর্জাতিক বিমানবন্দর  
কাস্টম হাউস, চট্টগ্রাম।



০১। আটক মামলা নং ও তারিখ : ৯৬০/২০১৫ তারিখ : ০৬/০২/২০১৬  
০২। আটকের তারিখ : ১৭/১২/২০১৫ ইং।  
০৩। আটকের স্থান : শাহ আমানত আন্তর্জাতিক বিমানবন্দর, চট্টগ্রাম।  
০৪। যাত্রীর নাম, ঠিকানা ও পাসপোর্ট নং : জনাব মোঃ শাদাত হোসেন,  
পাসপোর্ট নং- AC 9634363 .  
০৫। আটককৃত মালামালের বিবরণ : ডি এম নং-০১৪০৯৪৯ তারিখ- ১৭/১২/২০১৫ ইং  
(ক) 500 W 1 gang dimmer switch single pole = 10X05=50pcs=6000/-  
(খ) 15A 1 gang switch round -pin socket = 10X04=40pcs=2400/-  
(গ) 10A 1 Bell Switch (bell) BSEN 60669-1=10X03=30pcs=3000/-  
(ঘ) 1 gang 1 way plate switch BS-60669-1=10X10=100pcs=8000/-  
০৬। আটককৃত মালামালের আনুমানিক সর্বমোট বাজার মূল্য : ১৯৪০০/- (উনিশ হাজার চারশত টাকা)  
অনলাইন থেকে প্রাপ্ত।  
০৭। আটক ও মামলা সংশ্লিষ্ট আইন ও ধারাসমূহ :  
1) The Customs Act 1969 এর ধারা ২ (এস) ও ধারা-১৬  
2) The Import and Export (Control) Act, 1950  
3) The Special Power Act, 1974 এর ধারা-২৫(বি)  
4) Money Laundering Prevention Act, 2012  
০৮। আটককারী কর্মকর্তা/ কর্মচারীদের নাম ও পদবী : -  
১) জনাব মোঃ মুস্তাফিজুর রহমান, এ্যাসিস্ট্যান্ট কমিশনার, কাস্টম হাউস, চট্টগ্রাম।  
২) জনাব নূর মোহাম্মদ চৌধুরী, রেভিনিউ অফিসার, কাস্টম হাউস, চট্টগ্রাম।  
৩) জনাব মোঃ সোহেল শাহনেওয়াজ, এ্যাসিস্ট্যান্ট রেভিনিউ অফিসার, কাস্টম হাউস, চট্টগ্রাম।  
৪) জনাব রেজাউল কবির কাজল, এ্যাসিস্ট্যান্ট রেভিনিউ অফিসার, কাস্টম হাউস, চট্টগ্রাম।  
৫) জনাব মোঃ মতিয়ার রহমান, এ্যাসিস্ট্যান্ট রেভিনিউ অফিসার, কাস্টম হাউস, চট্টগ্রাম।  
৬) জনাব জাফর আহমেদ, সিপাই, কাস্টম হাউস, চট্টগ্রাম।  
৭) জনাব শ্রীরাম চন্দ্র দাস, এম এল এস এস, কাস্টম হাউস, চট্টগ্রাম।  
০৯। পণ্য চালান জমাদানের স্থান : কাস্টম হাউস, চট্টগ্রামের কাস্টমিডিয়ান শাখার লট নং- ২৫৮৭/১৫  
(ডি), তারিখ : ২২/১২/২০১৫ ইং।  
১০। আইন ভঙ্গের ধারাসমূহ : যাব্তী অপব্যতিক ব্যাগেজ (আমদানি) বিধিমালা-২০১২ (সংশোধিত ৬ জুন, ২০১৩) এর বিধি-১০ ভঙ্গ করে এবং এই বিধিমালার তফসিল-১ ফর্মের ঘোষণা এন্টান না করায় The Customs Act, 1969 এর (2S) ধারা এবং আমদানী প্রণালি নিয়ন্ত্রণ আইন, ১৯৫০ এর ধারা-৩(১) এর লংঘনজনিত কারণে।

চলমান পাতা-০২



বাঃসঃমুঃ-২০০৫/০৬-১৮০০৮কম (এফ)-৫,০০০ বহু, (১৭/০৫) ২০১৫

❖ Unfortunately no seizure report on IPR infringing goods could be revealed from Chittagong seaport Customs station, as there is hardly any seizure case of IPR infringing goods.



❖ The Assistant Revenue Officer (ARO) who detained the consignment, doesn't have any proper knowledge to detect, 'Trademark infringing goods' so he failed to identify the authenticity of the goods in this consignment.

# Why the ARO failed to identify the authenticity of the goods?



- Lack of training is a major obstacle in this concern.
- Absence of IPR section at Chittagong Custom station and at National Board of Revenue (NBR).
- AROs unable to discuss the issue with any knowledgeable senior officials to acquire some suggestions on IPR.

▪ Due to lack of cooperation between RHs and Customs authority, the trademark owners neither register with Customs authority nor provide any intelligence information.

▪ RHs do not conduct any training programs to guide the customs officials to recognize fake goods from the genuine ones.

# Strategies of combating Trademark infringement:

## Cooperation among Government agencies and RHs:

According to the TRIPS Agreement

- The rights holders should apply to the Customs authorities to intercept shipments of counterfeit and pirated products.
- The right holders will be in the best position to identify infringing products.
- As intellectual property rights are ultimately private rights, right holders have the largest immediate financial stake in ensuring the protection of IPR, (Balkeny, 2005, p. 42)

❑ As part of an ongoing collaboration, Australian and Singapore Customs regularly invites trademark holders to educate officers on how to distinguish fakes from genuine goods, (ACS, 2006, p. 12); (“Working with Right Holders to Protect Intellectual Property”, 2015).





**Counterfeit motor parts**



**Pace Maker**



**Counterfeit items identified by Australian Customs officials**





## **Cooperation and coordination among relevant Government Agencies for effective IPR enforcement:**

With an aim to achieve cooperation and coordination for effective IPR enforcement, there is better likelihood to win the fight against counterfeiting and piracy, if national cooperation and coordination combines all the relevant stakeholders.

Three authorities are involved in enforcement of Border Control provisions in Republic of Korea, these are:

- Korean Customs Service,
  - Anti-Counterfeiting Division,
  - Korean Industrial Property Office (KIPO) and
  - Criminal Division Supreme Public Prosecutor's Office.
- Among these 4 stakeholders, Customs Department has established a Trademark Declaration System, for registration of the matters concerning the trademark by the trademark owners, (Balkeny, 2005)

## **Trainings on IPR organized in collaboration with International Organizations:**

WCO provides training and technical support for governments to combat trade in counterfeit and pirated products, (Ene & Mihaescu 2014, p. 60)

ASEAN has started “Capacity building on IPR enforcement”, ECAP III program for roaming seminars with the concept of ‘Train the Trainee’, (ACS, 2006).

## Updating Customs legislation:

As an international obligation WTO members have been trying to standardize national IP legislation according to TRIPS. For instance The Customs and Trademark Act have empowered the Enforcement Division of Malaysian Customs to conduct search, raid, arrest, fine with penalty and seizing of IPR infringing goods in cooperation with Police, (Balkeny, 2005, p. 45).

On basis of submission of Right Holders' applications, Australian Customs administers Notice of Objection Scheme which is a legal document that allows Customs to seize imported goods that infringe trademarks or copyright. (ACS, 2006, p. 2)

# Campaign for public awareness:

**Purchasing power of the public is the main source for flourishing illicit trades.**

As the significance of Public Awareness and Cooperation in fighting against counterfeiting and piracy is enormous, Balkeny (2005) suggested that 'anti-counterfeiting campaigns' need to demonstrate the linkage among

- IPR infringing goods,
- lethal health issues,
- environmental pollution,
- job losses
- and above all organized crime, (p. 42).

Korean Customs Service has been working in collaboration with Korean Broadcasting Service to transmit programs during prime time TV shows on the activities conducted by Customs for protection and enforcement of IPR.

Nevertheless to raise public-awareness the influence of these shows among general citizens is magnificent, (ACS, 2006).

# MIXED METHODOLOGY HAD BEEN APPLIED TO GATHER DATA

## METHODOLOGY

### PRIMARY DATA

- The primary or quantitative data was gathered through online survey questionnaire and the sampling group was 'Customs Officials' of different levels in Bangladesh.

### SECONDARY DATA

- The secondary or qualitative data was gathered through literature review

### BENCHMARKING

- Literature review as well as interviewing nine Japan Customs officials which was conducted on 13 November 2015, at the Customs Tariff Bureau (CTB) Office had been the basis of benchmarking for this study.

## **Sampling & Data Collection Procedure:      ucted from 21<sup>st</sup> August till 15<sup>th</sup> September 2015.**

- **After designing the survey questionnaire, before sending the links to the targeted sample, it had been sent to three Customs officers for pilot testing to identify any flaws.**
- **After adopting all necessary corrections the link which includes the cover letter and survey questionnaire had been sent to 130, different levels of customs officials in Bangladesh by email.**
- **50 responses had been received.**
- **So the nearly 40% responses could be collected.**
- **It is to be noted that all the responses received were anonymous.**
- **Secondary data was collected from literature review of relevant books, journals and web sites.**



- In the survey questionnaire 17 Questions had been asked, including,**
- Category questions with only one possible answer**
- Ranking questions where respondents were asked to rank their responses**
- Likert scale questions seeking the preference of the respondents on specific issues**
- Close ended questions.**

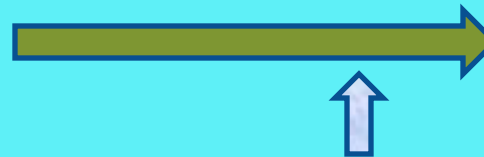
# Conceptual Framework

**As a conceptual framework, this study used the force field analysis framework developed by German-American psychologist Kurt Zadek Lewin in 1943**  
**So the questionnaire was divided into four main areas.**

## Force Field Analysis Framework

**What are the factors or pressures that support change in the desired direction?**

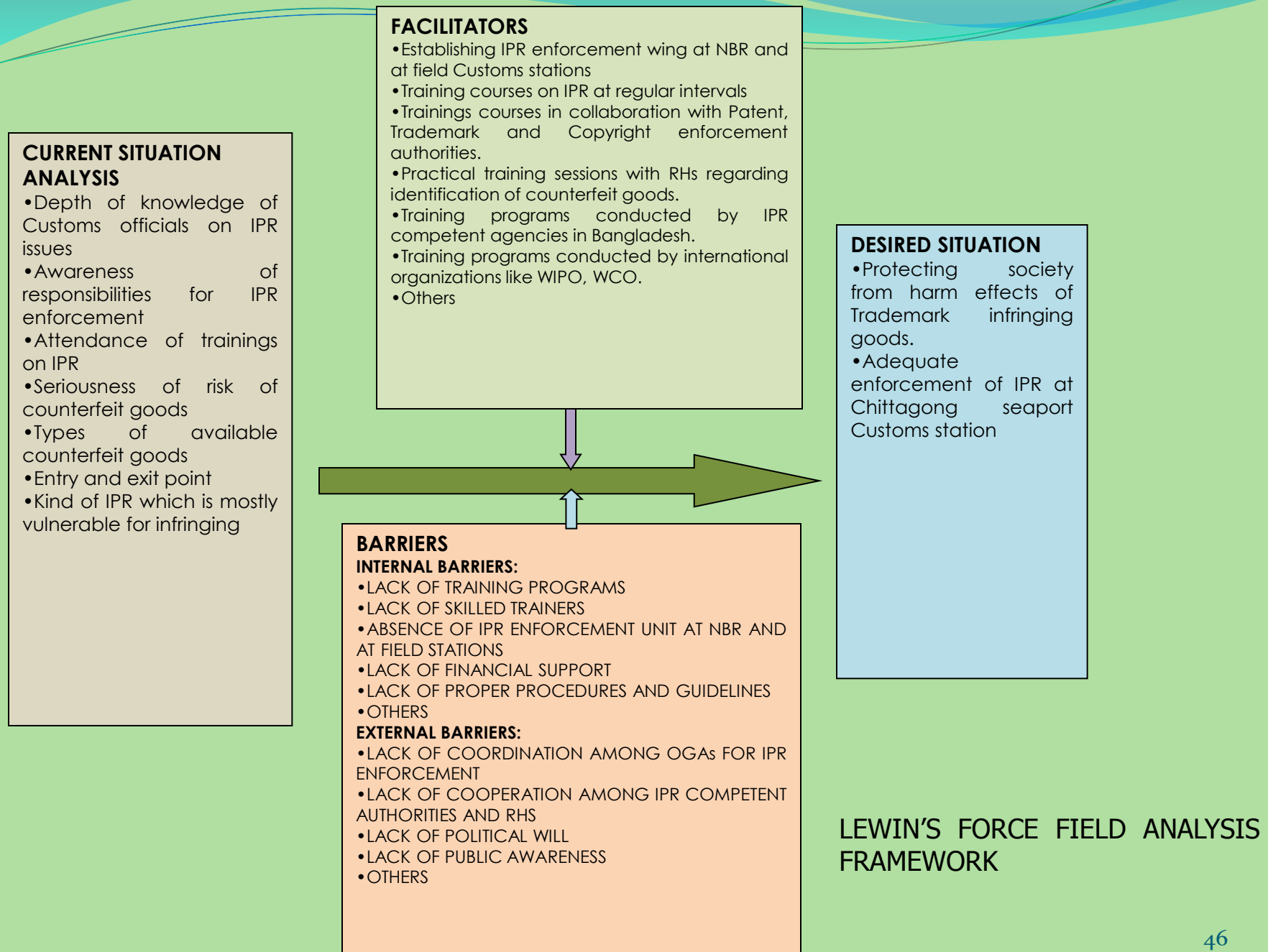
**What is the nature of the current situation?**



**What is the desired situation?**

**What are the factors or pressures that resist the proposed change and Maintain the status quo?**

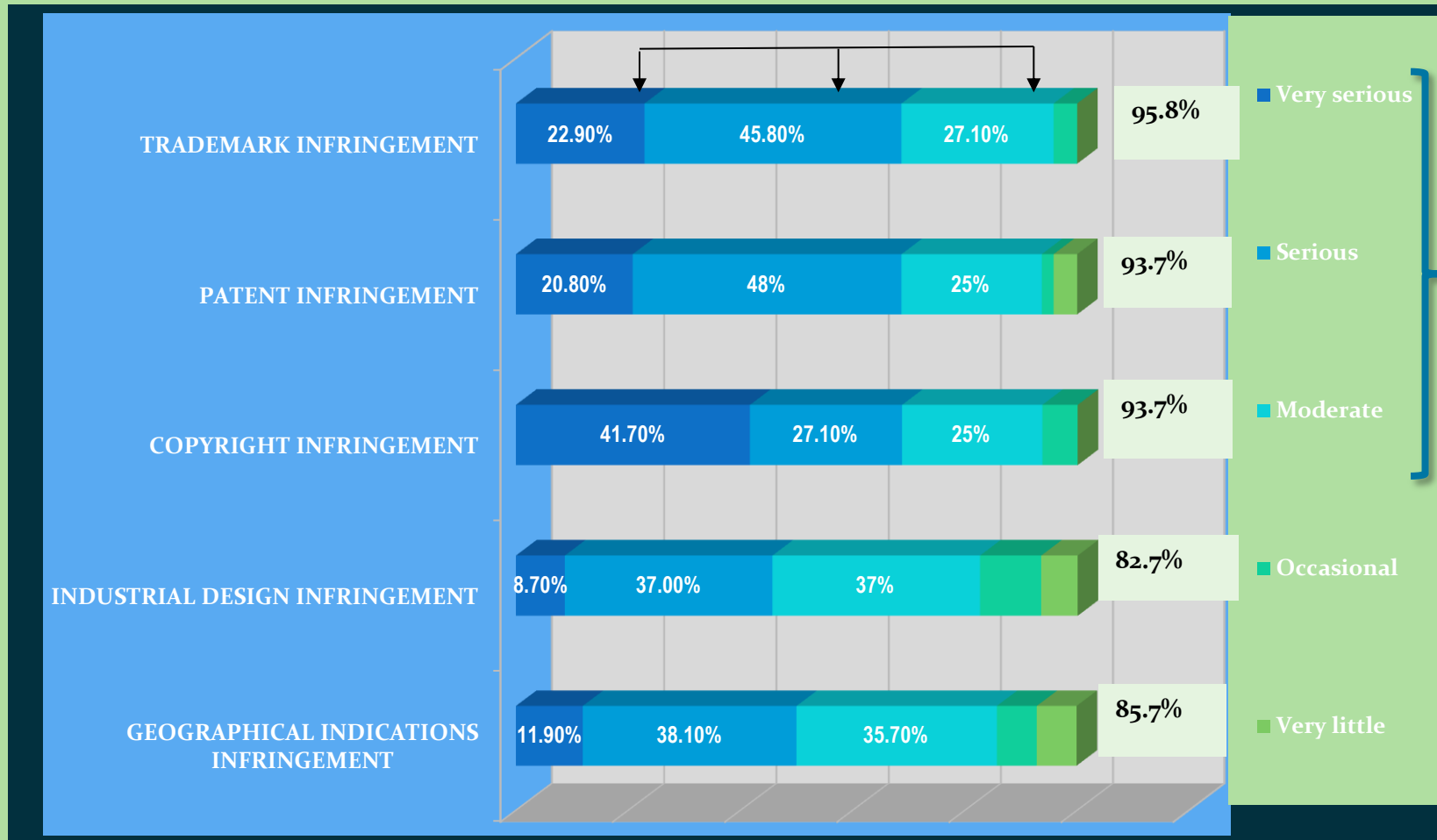
The structure of the questionnaire followed the force field analysis model as shown in Figure 3 below:



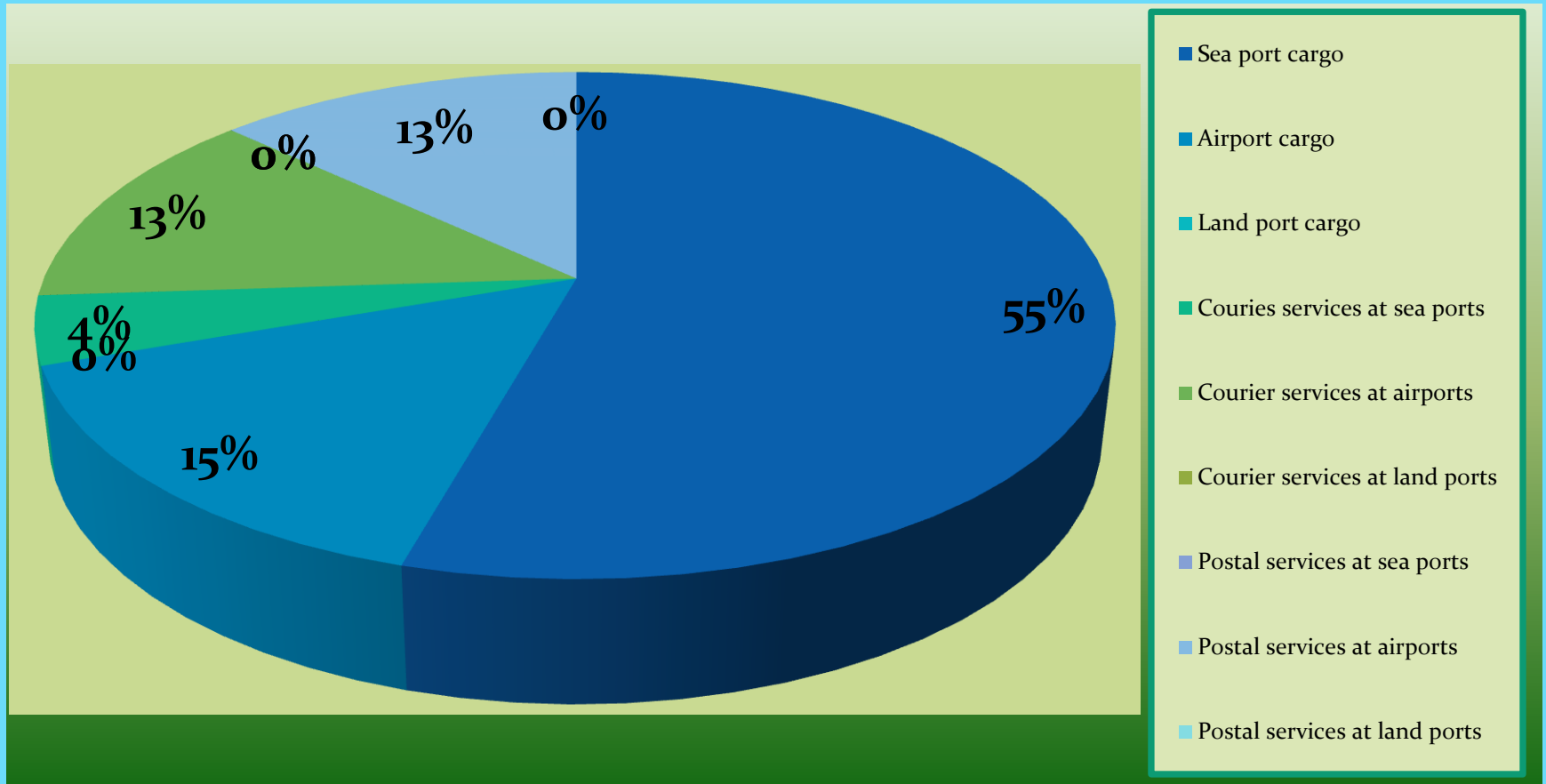
# What had been found from analyzing Survey data?



TRADEMARK' INFRINGEMENT IS MOSTLY SUFFERED INTELLECTUAL PROPERTY RIGHTS IN BANGLADESH (WITH 95.8% OF RESPONSE OF THE RESPONDENTS ON THE CATEGORIES OF 'VERY SERIOUS', 'SERIOUS' AND 'MODERATE' ON THE SCALE OF SERIOUSNESS OF THREAT)



## ENTRY AND EXIT POINT OF COUNTERFEIT GOODS:



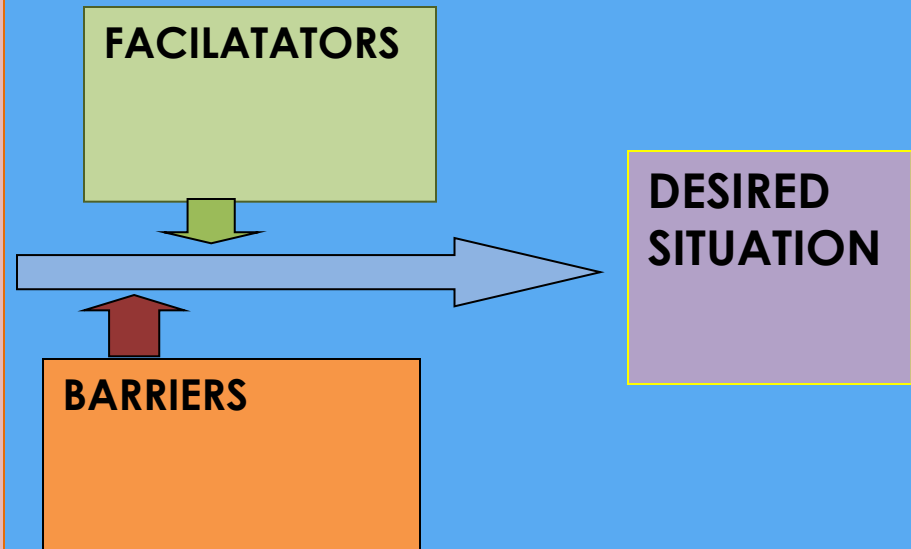
**Seaports are the mostly used 'entry' and 'exit' point for trading counterfeit goods in Bangladesh.**



# Summary of current situation:

## CURRENT SITUATION

- ❖ Counterfeit goods pose a serious risk to Bangladesh
- ❖ Sea port cargos are the mostly used ways for trading counterfeit goods
- ❖ Trademark is most likely to suffer infringement

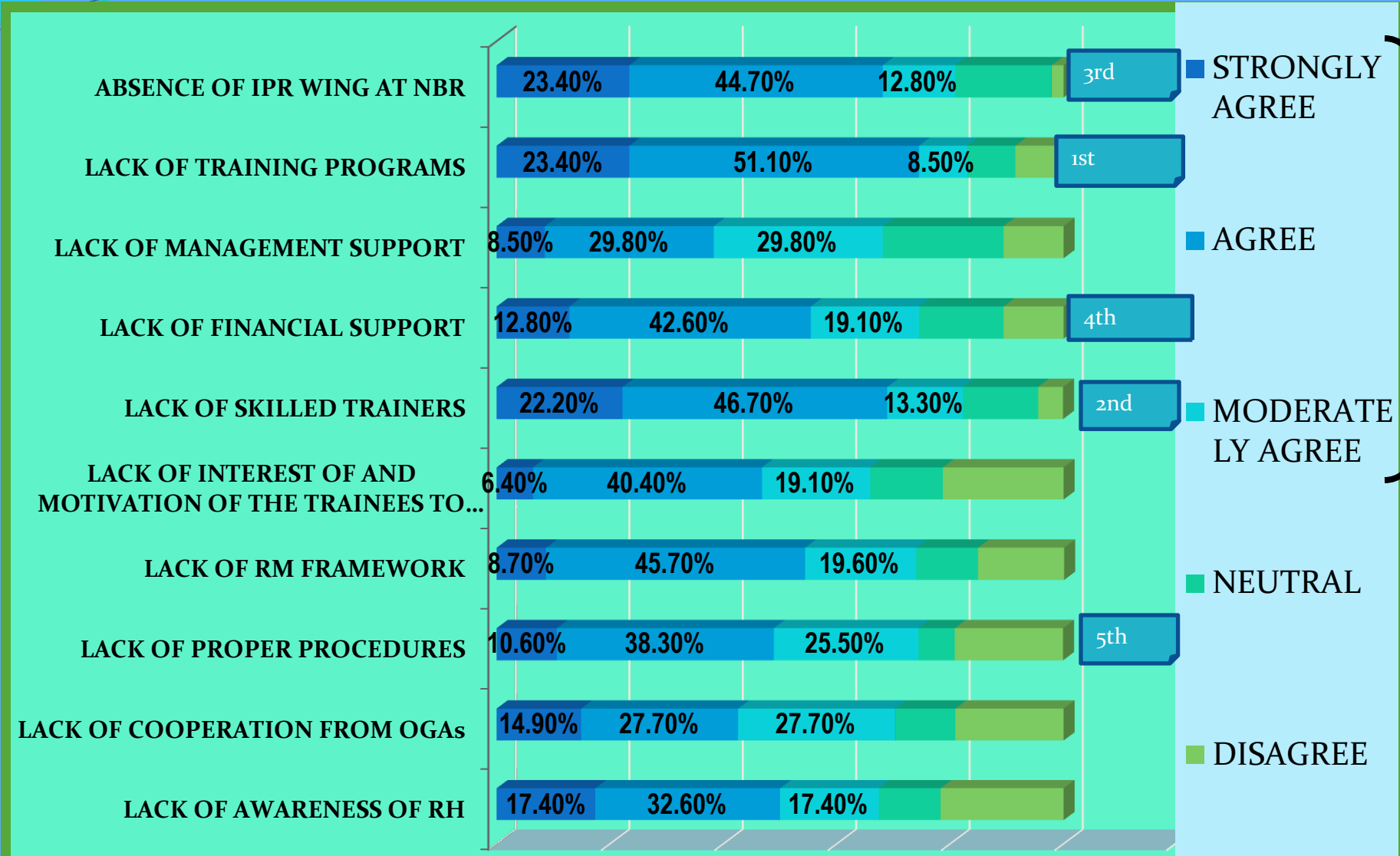


## **Internal Barriers:**

The obstacles that arise within the organizations are known as internal barriers.

**To identify the 'Internal barriers' respondents had been asked 10 close ended questions, focusing on IPR related different structural and functional issues of Customs. They supposed to express their opinion on the scale of choice such as, 'strongly agree', 'agree', 'moderately agree', 'neutral' and 'disagree'.**

INTERNAL BARRIERS TO PROTECT IPR AT CUSTOMS STATIONS IN BANGLADESH

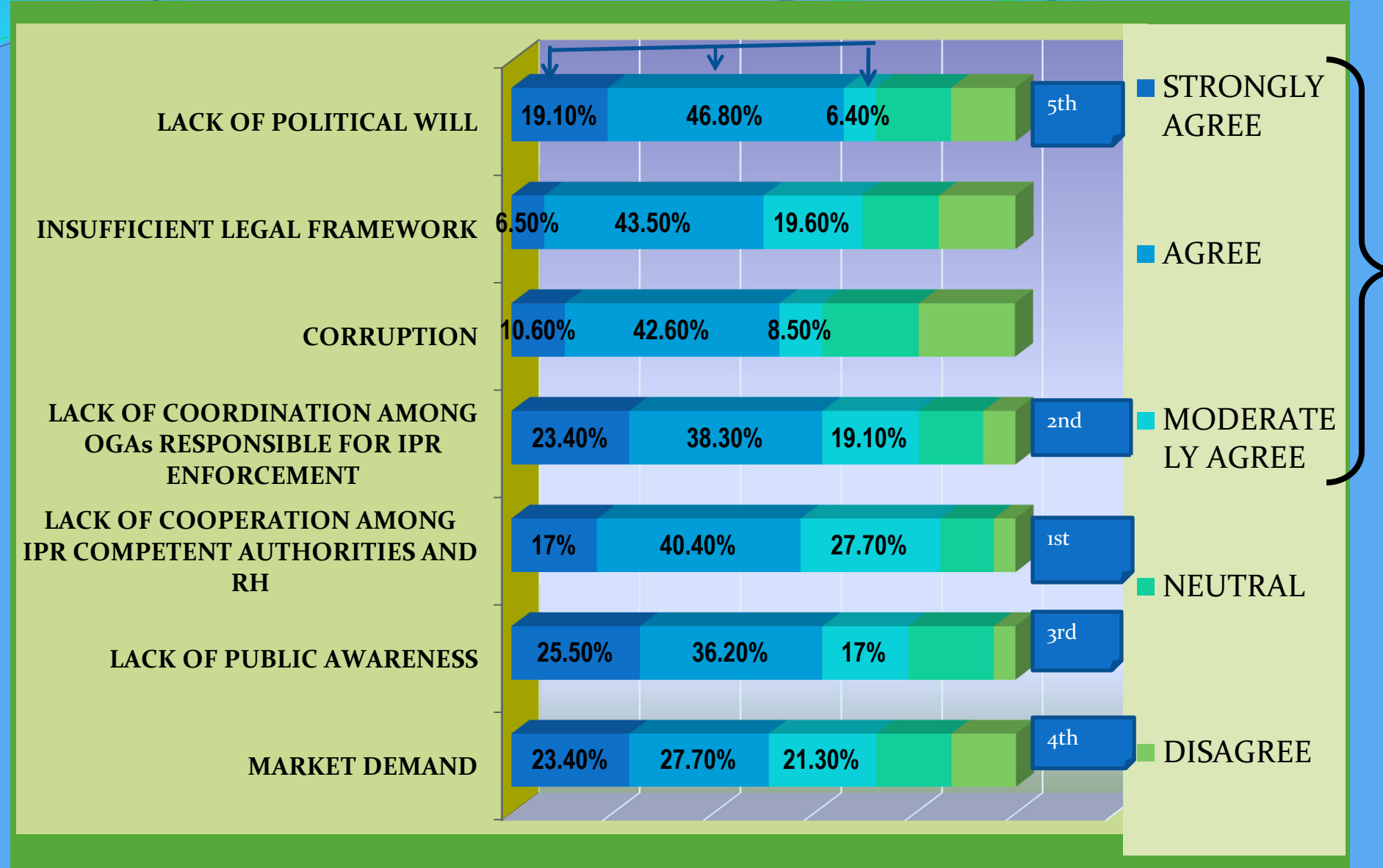


## **External Barriers:**

The Obstacles that arise outside of an organization from the environment are known as external barriers.

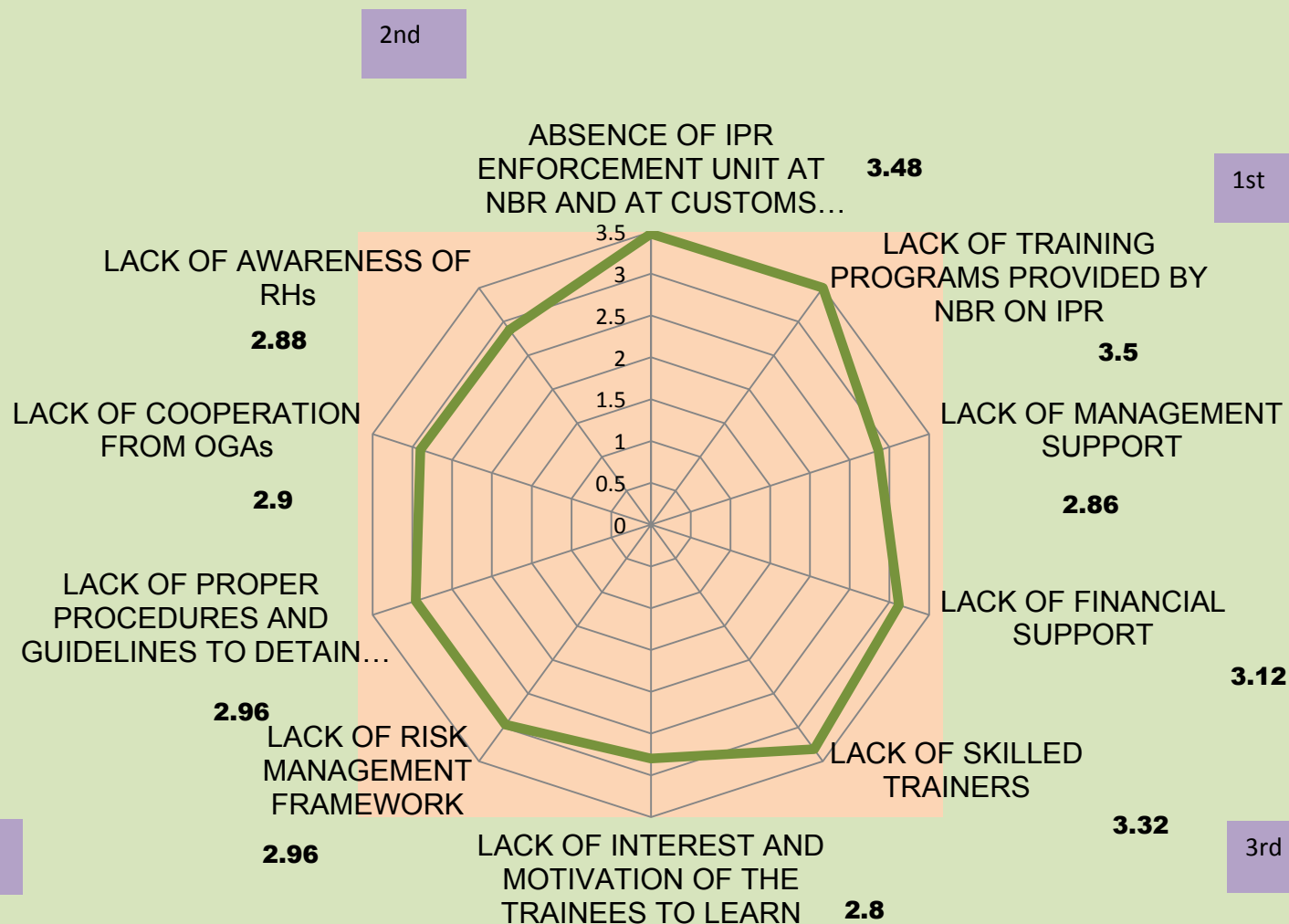
To identify the 'external barriers' respondents had been asked 7 close ended questions, focusing on IPR related different external factors. They had been requested to express their opinion on a scale of choice such as, 'strongly agree', 'agree', 'moderately agree', 'neutral' and 'disagree'.

# EXTERNAL BARRIERS TO PROTECT IPR AT CUSTOMS STATIONS

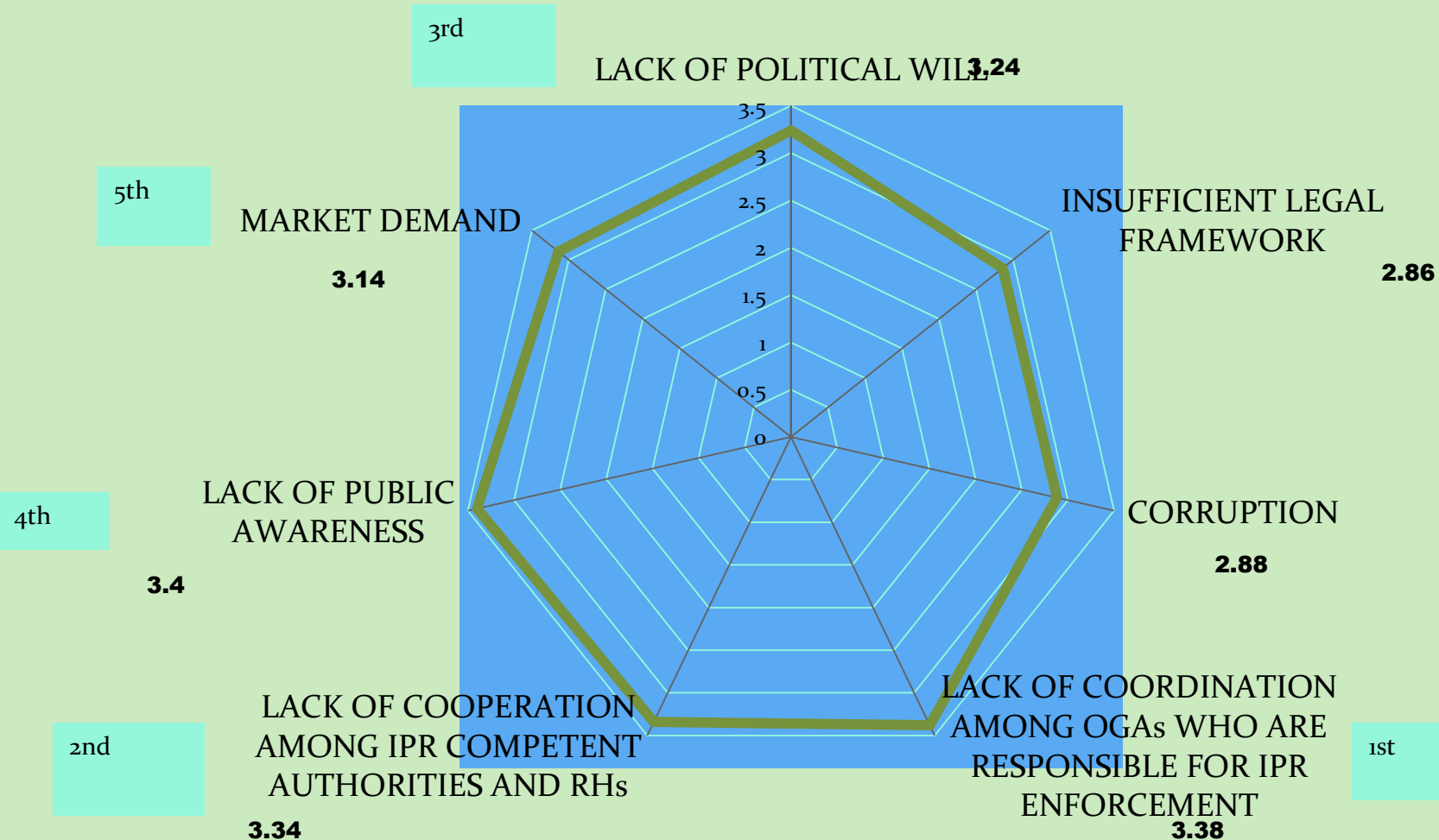




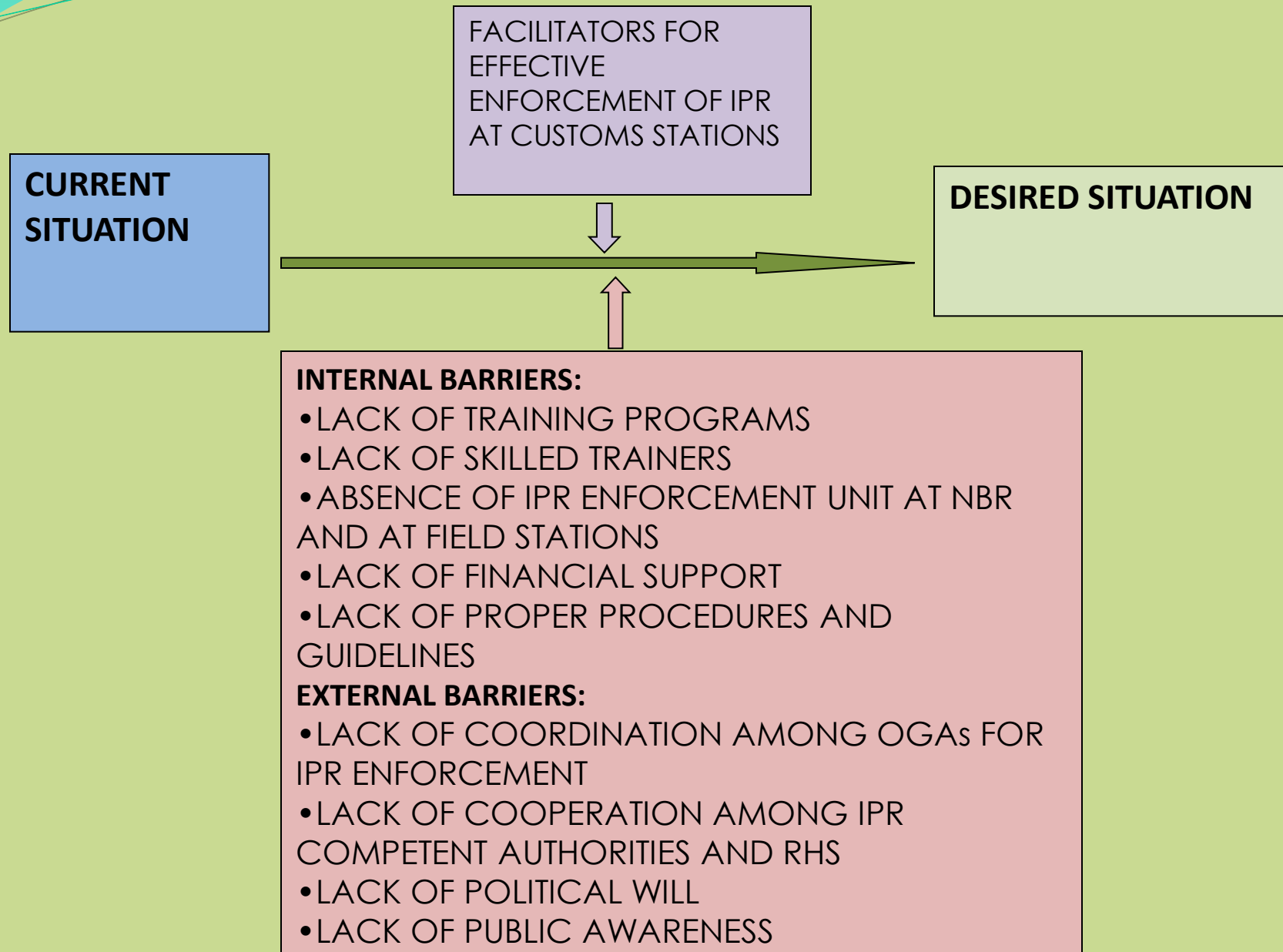
# SPIDER CHART ANALYSIS OF INTERNAL BARRIERS TO PROTECT IPR AT CUSTOMS STATIONS IN BANGLADESH

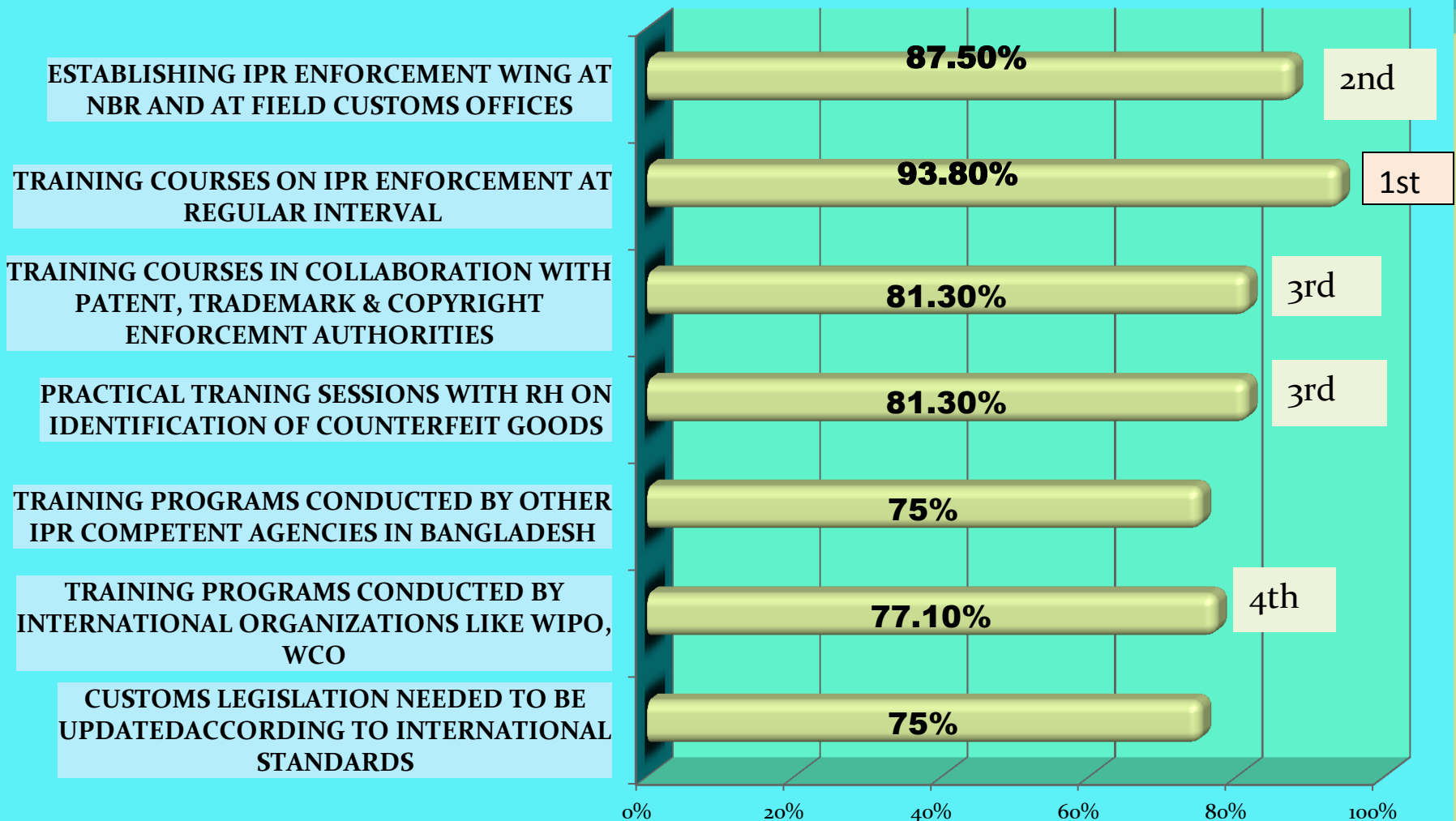


# SPIDER CHART ANALYSIS OF EXTERNAL BARRIERS TO PROTECT IPR AT CUSTOMS STATIONS IN BANGLADESH



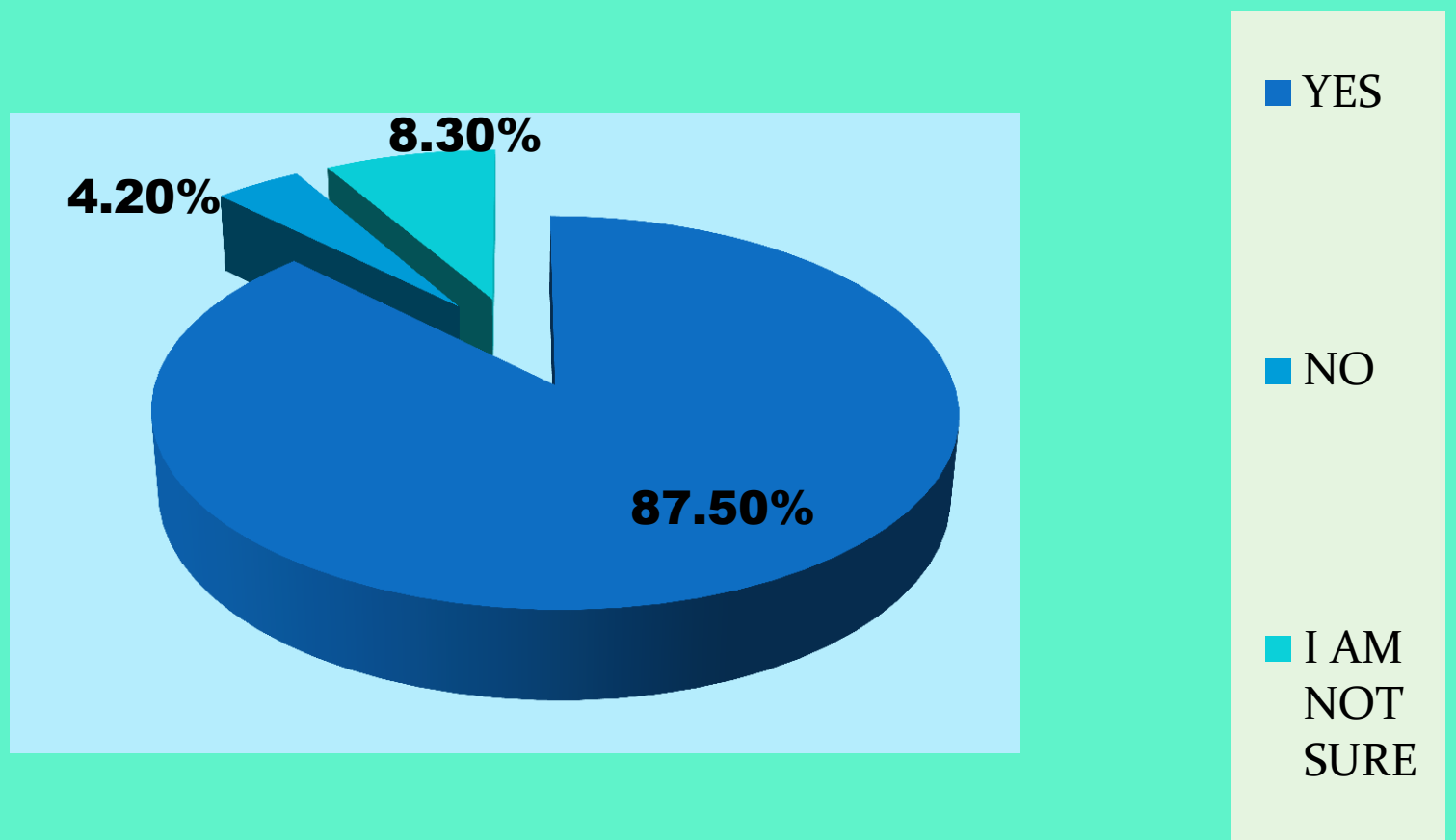
# SUMMARY OF BARRIERS TO PROTECT IPR AT CUSTOMS STATIONS IN BANGLADESH





## MEASURES NEEDED TO BE TAKEN BY BANGLADESH CUSTOMS ADMINISTRATION FOR EFFECTIVE IPR ENFORCEMENT

# CAMPAIGN FOR PUBLIC AWARENESS REGARDING IPR ISSUES WOULD IMPROVE CURRENT SITUATION OF IPR IN BANGLADESH

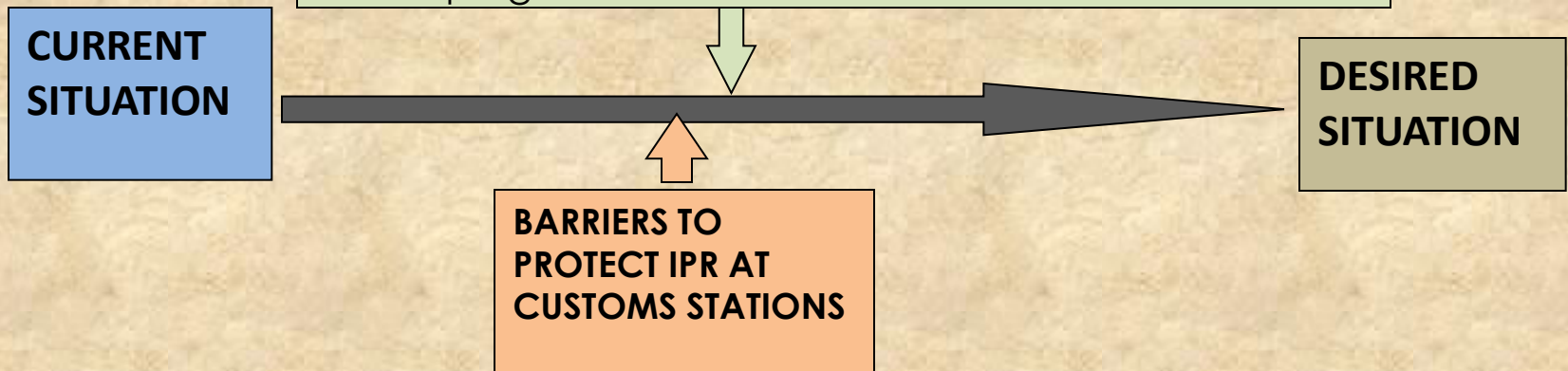




## SUMMARY OF FACILITATORS

### FACILITATORS FOR EFFECTIVE ENFORCEMENT OF IPR AT CUSTOMS STATIONS

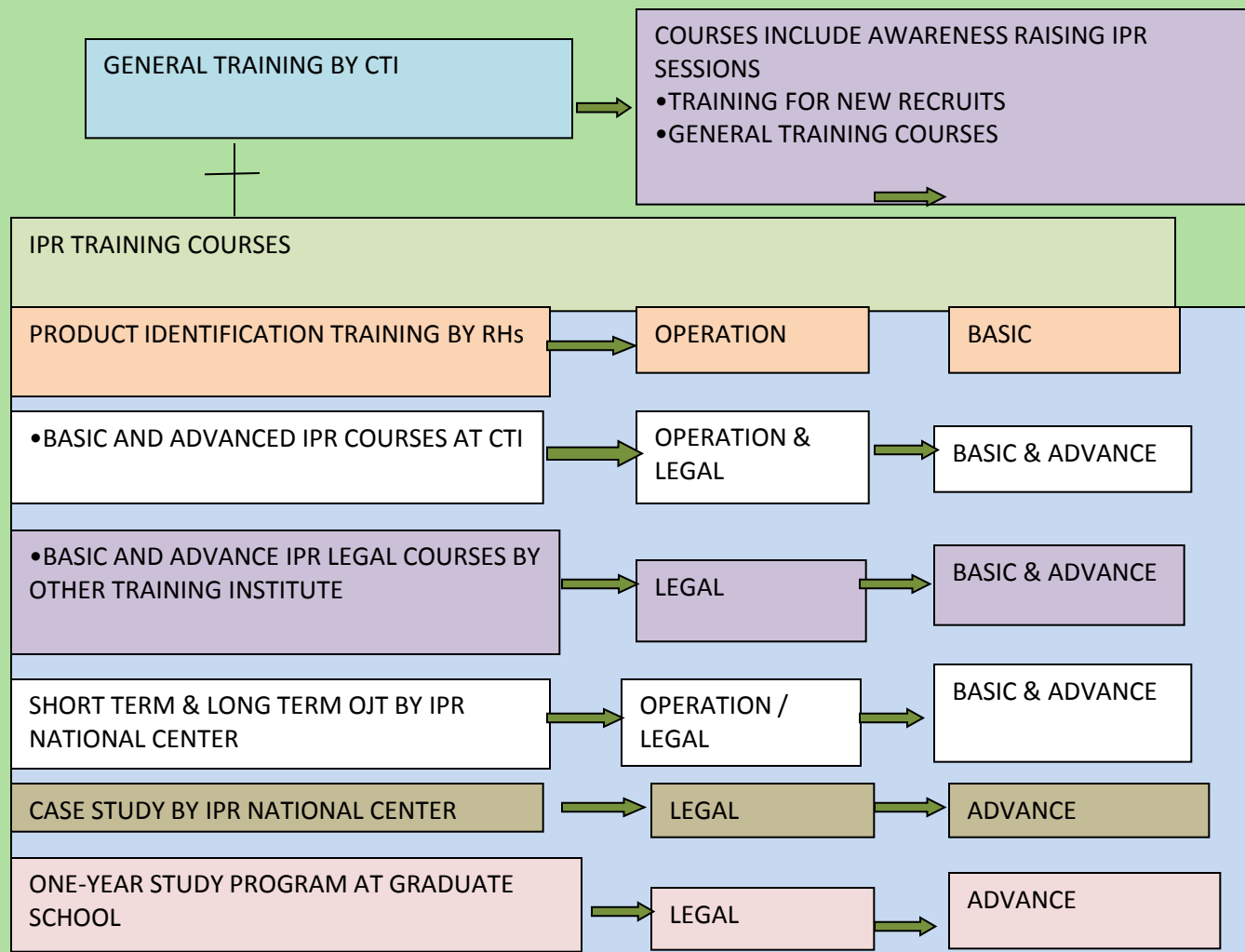
- ❖ Training courses on IPR enforcement at regular interval
- ❖ Establishing IPR enforcement wing at NBR and at field Custom stations
- ❖ Training courses in collaboration with patent, trademark & copyright enforcement authorities
- ❖ Practical training sessions with RHs on identification of counterfeit goods
- ❖ Training programs conducted by international organizations like, WIPO, WCO
- ❖ Campaign for 'Public awareness'



## **Interviewing Japan Customs Officials:**

**An interview, conducted with IPR experts from Japan Customs and Tariff Bureau on 13 November 2015. Data was recorded by note taking method. However hard copy on 'Current Practicing Procedures of IPR' at Japan Customs had also been provided as secondary data source.**

## LIST OF IPR TRAINING PROGRAMS IN JAPAN CUSTOMS

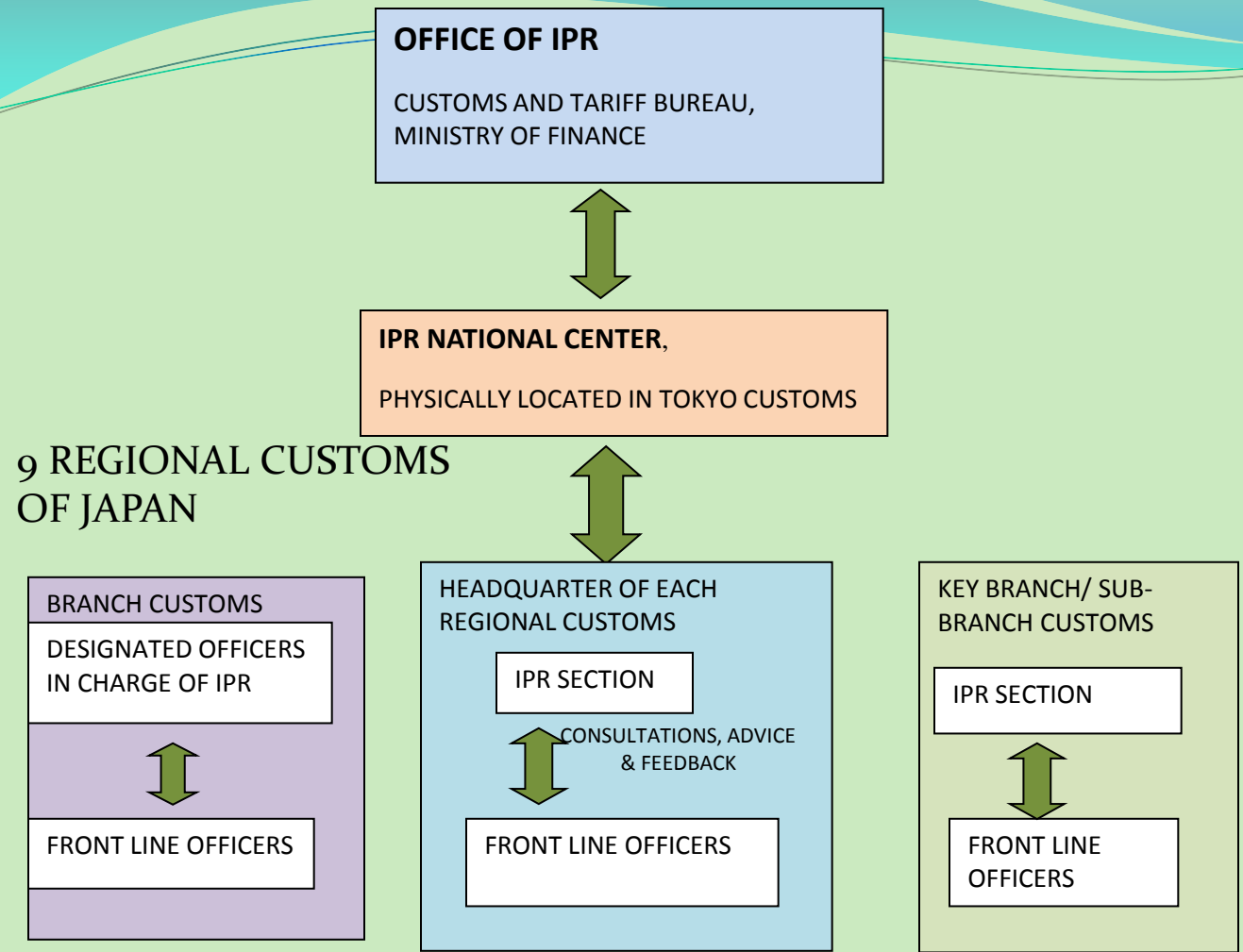


**SOURCE:** Slide 9, Current Procedures in Place on IPR, Presentation by Japan Customs IPR expert

**EXPECTED KNOWLEDGE OF CUSTOMS OFFICIALS ON IPR, DEPENDING ON THEIR ROLE (CAPACITY BUILDING ACTIVITIES), SOURCE: (SLIDE 8)**

<b>NEW RECRUITS</b>	<b>FRONT LINE OFFICES AT PORTS, AIRPORTS, MAIL CENTERS</b>	<b>IPR SECTION IN SUB- BRANCH OFFICES (SUPERVISORY IPR SPECIALIST)</b>	<b>IPR SECTIONS IN 9 HQs (OFFICERS)</b>	<b>IPR SECTIONS IN 9 HQs (SUPERVISORY IPR SPECIALIST)</b>  <b>IPR NATIONAL CENTER (IPR SPECIALIST)</b>	<b>IPR NATIONAL CENTER (SUPERVISORY IPR SPECIALIST)</b>
A:  LEGAL BACKGROUND S WHICH GIVES CUSTOMS OFFICIALS AUTHORITIES TO ENFORCE IPR AT THE BORDER	B:  USE OF IPR RELATED INFORMATION TOOLS, TO CONTACT IPR SECTION ACCORDING TO THE RULES	C:  DEAL WITH IDENTIFICATION PROCEDURES	D:  NATIONAL IPR RELATED PROVISIONS, GOOD COMMUNICATION WITH RIGHT HOLDERS	E:  THE TRIPS AGREEMENT, JUDGEMENT ON IPR, COPE WITH CONSULTATION S FROM OTHER BRANCHES	F:  DESERVES TO PROVIDE IPR TRAINING SESSIONS WITH OTHER OFFICERS
A	A+B	A+B+C	A+B+C+D	A+B+C+D+E	A+B+C+D+E+F

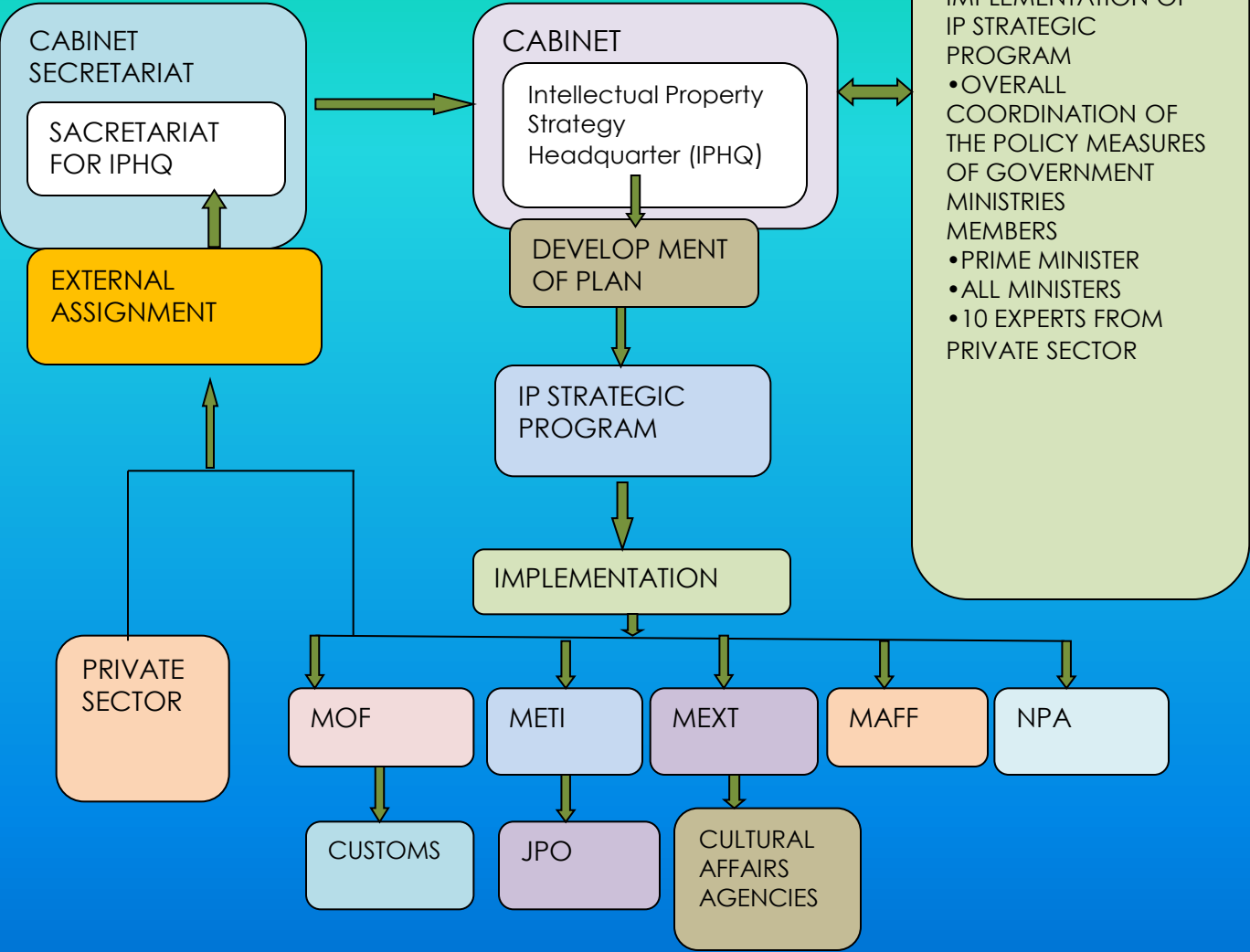
**ORGANIZATIONAL STRUCTURE & FUNCTIONS OF IPR ENFORCEMENT WING OF JAPAN CUSTOMS:**



SOURCE: Slide 2, Current Procedures in Place on IPR, Presentation by Japan Customs IPR expert



**Appendix 8:**  
**COORDINATED ACTIONS IN JAPAN GOVERNMENT ON IPR**



SOURCE:  
Slide 12,  
Current  
Procedure  
s in Place  
on IPR,  
Presentati  
on by  
Japan  
Customs  
IPR  
expert

**Appendix: 9**  
**STEPS OF**  
**UPDATEING**  
**INFORMATION**  
**IN JAPAN**  
**CUSTOMS:**

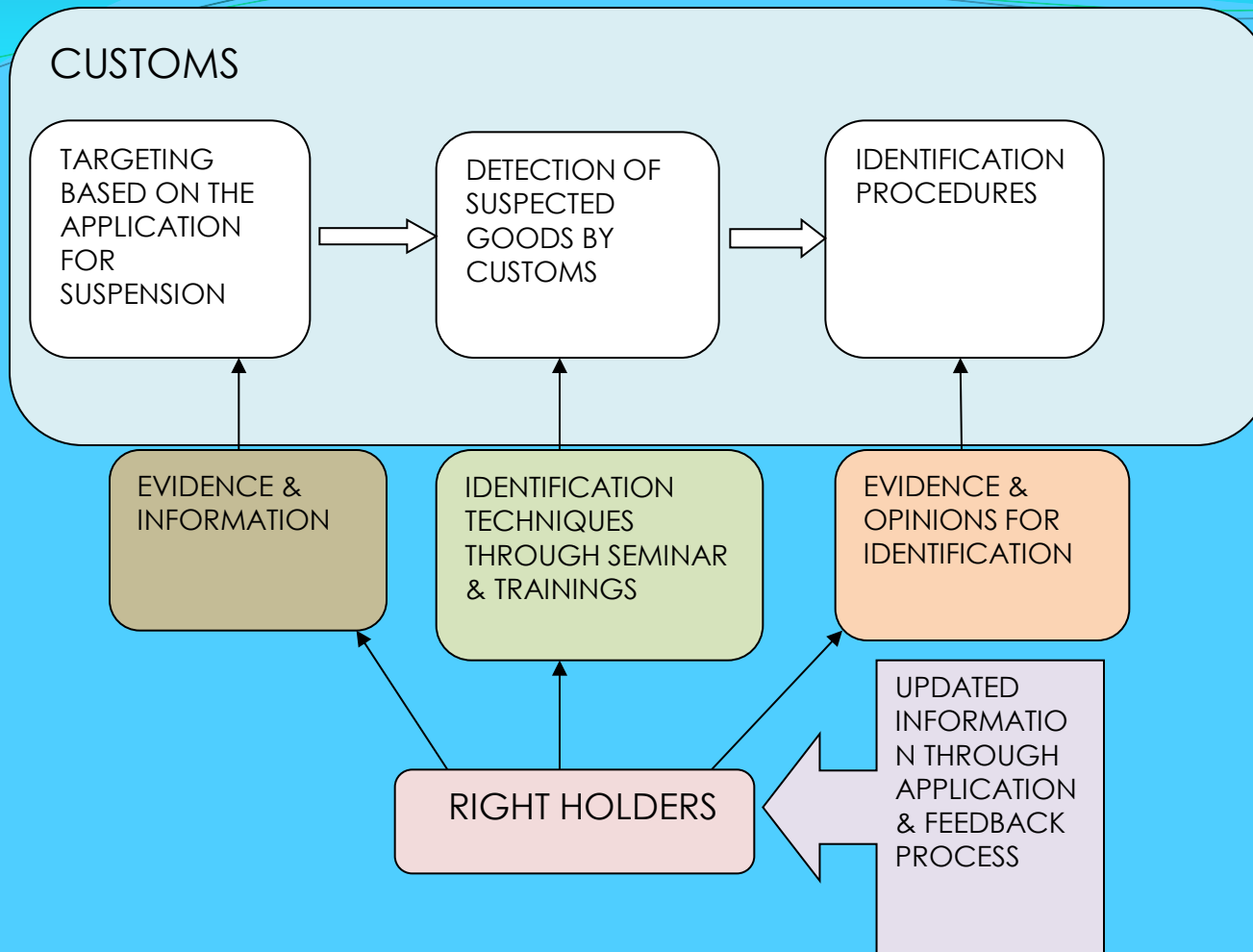


FIGURE: STEPS OF UPDATEING INFORMATION IN JAPAN CUSTOMS

**SOURCE:** Slide 19, Current Procedures in Place on IPR, Presentation by Japan Customs IPR expert

By analyzing the interview responses of Japan Customs officials as well as from literature review, the study has answered the fourth research question regarding what would be the measures for achieving ideal situation for IPR enforcement.

The issues those had been identified are:

- ❖ Establishing individual IPR wing within Customs administration,
- ❖ Capacity building activities,
- ❖ Good communication with RHs,
- ❖ Updating information on IPR,
- ❖ Simplified customs procedures,
- ❖ Coordinated actions by the government on IPR
- ❖ Conducting public opinion survey

**The significant observation from the findings of this study is,**

the revealed 'barriers' and 'facilitators' are mostly within the scope of Bangladesh Customs.

- Establishing IPR enforcement wing within Customs administration,
- Measures to improve capacity building,
- Campaign for public awareness,
- Simplified Customs procedures
- More concerned attitude of the Government regarding IPR related issues

are the basis of recommendations of this study.

## **Initiatives to achieve short term IPR enforcement:**

### **Establishing Intellectual Property Rights (IPR) enforcement division:**

❑ An IPR enforcement division within Bangladesh Customs is a basic need at present. So an IPR enforcement cell at National Board of Revenue (NBR) and simultaneously a branch of it at Chittagong seaport Customs station needed to be established immediately.

❑ A dedicated group of full time staff from different levels needed to be posted.

❑ By Gazette notification, simplified Customs procedures or rules regarding suspension of IPR infringing goods needed to be introduced at Chittagong seaport station.

❑ A registration system of RHs is required.

❑ An updated legislation would allow officials at IPR division of Chittagong Customs to take 'Ex-officio' action on suspected IPR infringing goods.



# **Initiatives for capacity building to achieve short term IPR enforcement**

For sound knowledge on IPR issues, as a part of 'capacity building' program,

- 1.) Newly recruited officials are needed to be provided with trainings on IPR related basic and legal issues during their 'Foundation training'.**
- 2.) Frontline officers at NBR and at Chittagong seaport Custom station needed to be provided with basic knowledge along with the IPR related information tools and procedural rules.**
- 3.) The Supervisory senior official at NBR or at Chittagong seaport sub branch needed to be provided with profound knowledge on counterfeit and pirated goods identification in addition with IPR related basic, advanced and legal issues. Besides they also need to learn how to analyze TRIPS Agreement.**
- 4.) Training programs at regular interval needed to be arranged with competent authorities like DPDT to get sound knowledge on patent, trademark and copy right.**
- 5.) To share knowledge on IPR related civil and criminal remedies and enforcement issues, time to time training programs needed to be organized in cooperation with Police, RAB and Border security forces.**

6.) Sending representatives to participate in WCO, WIPO, EU, ASEAN arranged IPR related trainings on global and regional context.

7.) 'Product Identification Trainings' needed to be arranged by RHs at regular intervals.

8.) 'On the Job' trainings on IPR related basic and advanced operational as well as legal issues, for 3 months or 6 months would be beneficial. Case studies on legal issues would be very much helpful.

9.) To create an IPR legal expert, every year one officer can be offered with a 'Masters Program' by using the support of the 'international organizations'.

10.) 'Train the trainee' would be another effective measure. Since it saves time and resource as it helps the officers to share their obtained knowledge with co-worker.

# Initiatives to improve public awareness

## Conducting Anti-Counterfeiting campaign:

- ☐ By using celebrities on TV shows,
- ☐ Posters in public place,
- ☐ Advertising by banners, in fashion magazines, movie magazines and on internet auction sites

➤ Distributing pamphlets among international passengers to improve their awareness of airport embargoes on infringing goods

➤ Seminars and educational programs can be conducted at schools, colleges and universities.

❖ Circulating brochures describing the negative effects of counterfeit goods on consumers and RHs

# Initiatives to achieve short term IPR enforcement:



❑ Publishing news stories of enforcement actions against IPR infringers

❑ Exhibition on 'anti-counterfeit technologies and protection' in cooperation with RHs

➤ Survey on 'Public opinion' regarding 'No more use of Counterfeit goods' would be conducted at regular interval.

• Similar as Japan customs an exhibition rooms or Customs museum, with seized infringing goods can be displayed to the public.

## Initiatives to achieve long term IPR enforcement:

**A consolidated strategy for IPR enforcement needed to be introduced for implementation by concerned ministries.**

For instance,

**'Ministry of Sates and Security'** which is the parent ministry for Police Department, Rapid Action Battalion (RAB), Army and Navy and

**'Ministry of Postal and Telecommunication'**, who is responsible for postal goods and courier,

**'Ministry of Industry'** which is the ministry for Patent and Trade Mark (DPDT) office

**'Ministry of Cultural Affairs'** which is the parent ministry for Copy Right office,

**should participate as a counterpart with Customs for combating IPR infringement, particularly Trademark infringement.**

# By Modern Management Framework

- 5 C s for improving relationships at all levels

Cooperation  
Coordination  
Coherence  
Commitment  
Courage

5 P s for achieving good results

Political Guidance

People

Partnership

Planning

Performance



**Awareness among the right holders is very important. They need to register with DPDT office as well as Customs administration for identification in case of IP infringement of their goods.**

## **Limitations:**

- ❖ Not many academic journals on IPR issues or statistics on IPR seizures in Bangladesh had been found.
- ❖ A broader and more extensive study using a larger sample of officials from different positions and other stakeholders should be undertaken.
- ❖ But due to limited timeframe the study failed to include other seaports, land ports and airports Custom stations so the research was conducted based on relatively small data.
- ❖ Collecting data from Bangladesh Customs by corresponding through e-mail and mobile calls seemed not easy.
- ❖ All these had been noticed as limitations for conducting this study.

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# MEETING WITH WCO SECRETARY GENERAL IN TOKYO:



WITH MR. KUNIO MIKURIA





THANK YOU

# ANY QUESTIONS?

