



INTERNATIONAL BUSINESS FORUM OF
BANGLADESH (IBFB)

Report on IBFB's Intellectual Property Rights Protection

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ABSTRACT:

The paper includes the results of a questionnaire-based pilot survey of intellectual Property (IP) services to IBFB's member's office premises. It provides an overview of **(a)** Understanding Intellectual property Rights (IPR), **(b)** the importance of IP for innovation management, **(c)** reasons why Large or small and medium-sized enterprises (SMEs) and business start-ups make inadequate use of the IP system in Bangladesh, **(d)** The entire scenario of IPR in IBFB's members Office

INTRODUCTION:

Bangladesh is a member of the World Intellectual Property Organization (WIPO) in Geneva since 1985. Intellectual property rights (IPRs) are the rights granted to creators and inventors to control the use made of their productions. They are traditionally divided into two branches:

- "copyright and related rights" for literary and artistic works;
- "Industrial property", which encompasses: trademarks, patents, industrial designs, geographical indications, layout-designs of integrated circuits and plant breeders' rights.

The emergence of new digital information technologies, such as the Internet, has had a significant impact on copyright and related rights, and the copyright industries such as music, film and software throughout the world. Daemon Systems is here prepared this report on behalf of IBFB to analyze IBFB's member's desktop / laptop / Server information based on **"Copyright and related rights of WIPO"**

What IS INTELLECTUAL PROPERTY?

Intellectual property rights are like any other property rights – they allow the creator, or owner, of a patent, trademark, or copyright to benefit from his or her own work or investment. These rights are outlined in Article 27 of the Universal Declaration of Human Rights, which sets forth the right to benefit from the protection of moral and material interests resulting from authorship of any scientific, literary, or artistic production. The importance of intellectual property was first recognized in the Paris Convention for the Protection of Industrial Property in 1883 and the Berne Convention for the Protection of Literary and Artistic Works in 1886. Both treaties are administered by the World Intellectual Property Organization (WIPO).

Intellectual property refers to creations of the mind: inventions, literary and artistic works, and symbols, names, and images used in commerce. Intellectual property is divided into two categories:

Industrial Property includes patents for inventions, trademarks, industrial designs and geographical indications.

Copyright includes literary works such as novels, poems, films, Protect software piracy such as Use Genuine software, prohibited unauthorized copy burning or authoring etc.

The goal of this survey is to understand Software Piracy, web security & some internet activity in IBFB's member's office premises.

As counter part of this project IBFB arranged an IPR survey project to the following organizations

Survey Area	: Members Office Premises of IBFB in Dhaka & Chittagong
Surveyor	: Daemon Systems Surveyor Team

Participants	: Organization	IBFB Member ID	Division
01	: ALCOVE	IBFB – 009	Dhaka
02	: Remex Corporation Ltd.	IBFB – 030	Dhaka
03	: Serajsons Group	IBFB – 057	Chittagong
04	: Moulana & Sons	IBFB – 028	Chittagong
05	: Saraf Shipping Agency	IBFB – 042	Chittagong
06	: Dainik Azadi		Chittagong
07	: Khan Jahan Ali Limited	IBFB – 063	Chittagong
08	: Ronny Chemical Industries Ltd.	IBFB – 050	Chittagong
09	: Mostafa Group of industries	IBFB – 054	Chittagong
10	: Taher Group		Chittagong
11	: Western Marine Services Ltd.	IBFB – 022	Chittagong
12	: Thianis Apparels Ltd.	IBFB – 044	Chittagong
13	: Kiron Enterprise	IBFB – 017	Dhaka
14	: Udayan Corporation	IBFB – 019	Dhaka
15	: Namfa Trade Int'l	IBFB – 011	Dhaka
16	: Erans Trade International Ltd.	IBFB – 026	Dhaka
17	: Harvest Agro Industries Ltd.	IBFB – 062	Dhaka
18	: Nielsen	IBFB – 023	Dhaka
19	: M/S Alam Trading Corporation	IBFB – 064	Dhaka
20	: Mahin Group	IBFB – 029	Dhaka
21	: Akhand & Associates	IBFB – 051	Dhaka
22	: Runner Group of Companies	IBFB – 004	Dhaka
23	: Discovery Tours & logistic	IBFB – 027	Dhaka
24	: Fidelity Assets & Securities Company Ltd.	IBFB – 065	Dhaka
25	: O & M Solutions Bangladesh Ltd.	IBFB – 059	Dhaka

WHY PROMOTE AND PROTECT INTELLECTUAL PROPERTY?

There are several compelling reasons. First, the progress and well-being of humanity rests on its capacity for new creations in the areas of technology and culture. Second, the legal protection of these new creations encourages the expenditure of additional resources, which leads to further innovation. Third, the promotion and protection of intellectual property spurs economic growth, creates new jobs and industries, and enhances the quality and enjoyment of life. An efficient and equitable intellectual property system can help all countries realize intellectual property's potential as a powerful tool for economic development and social and cultural well-being. The intellectual property system helps strike a balance between the interests of the innovator and the public interest, providing an environment in which creativity and invention can flourish, to the benefit of all.

COPYRIGHT LAW AND RELATED ISSUES

Copyright protection is afforded under the Copyright Act, 2000,⁸ as amended in 2005.⁹ The law prior to amendment was adequate for basic anti-piracy purposes, although it did not implement the WIPO “Internet” Treaties.¹⁰ We are still ascertaining the effect of the changes from the 2005 amendments (which we have not been provided for review), but we understand that the Bangladesh government is well aware of the TRIPS issues involved, although claims the 2013 transition period,¹¹ and there was concern that pirate producers lobbied the government for exceptions that would have the effect of permitting pirate exports to neighboring markets such as India. Notwithstanding the 2013 transition, we note that Bangladesh is a member of the Berne Convention (since May 4, 1999) and thus must adhere to the rules and principles set forth in that Convention, including abiding by the three-part test for exceptions. IIPA looks forward to reviewing the amendments and providing comments. In IBFB most of the company has been already registered their trade mark but IBFB didn’t find any patent protection anywhere as because Bangladesh is not such aware about Patent protection. IBFB will help their members in this regard.

PROTECTING INTELLECTUAL PROPERTY RIGHTS: CHALLENGES AND OPPORTUNITIES

Why should IBFB care about protecting intellectual property rights? Intellectual property rights (IPR) are the legal mechanisms – copyrights, patents and trademarks – that ensure that the products we buy are genuine. A strong IPR system ensures that inventors and innovators are rewarded for their ideas. IPR protections foster an environment in which creative and innovative industries can thrive and contribute to economic development worldwide. At the dawn of the 21st century, an increasing share of global economic output is generated by services, many of which depend on new and evolving technologies. Inventors, creators, and other risk-takers play a critical role in this economic progress, and the protection of IPR is necessary to ensure that the advances that result from their efforts are rewarded and valued. Progress in nanotechnology, information technology, and clean energy fosters economic development and improves standards of living worldwide.

Intellectual property rights don’t just protect inventors or large corporations; they protect local entrepreneurs and artists. IBFB is now handling with four different sectors & among them Intellectual Property Rights is our one most important project to not only ensures the IPR rights in IBFB’s members but we are also will try to ensure it nationwide.

WHAT ARE THE RISK OF BUYING OR USING PIRATED SOFTWARE

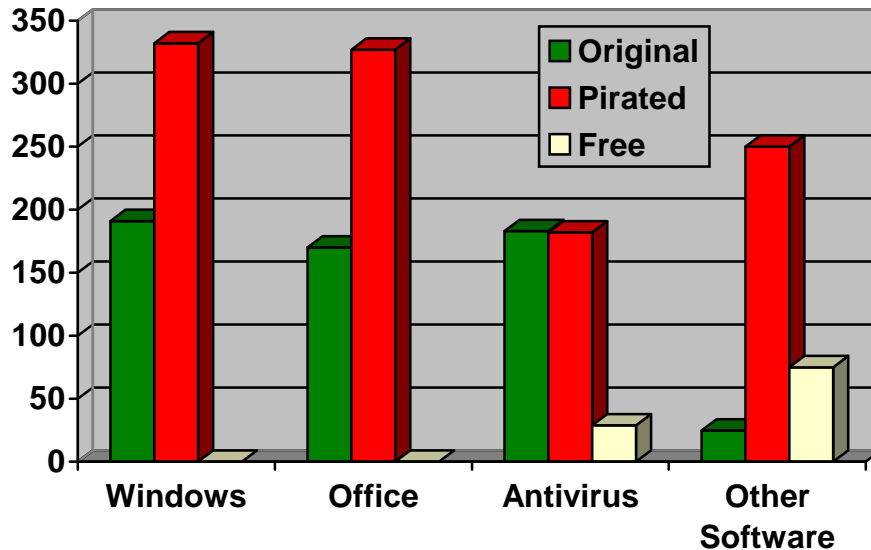
During this survey period IBFB has been analysis the risk of having or buying pirated software’s in Large, medium or small business Sectors. Buying and using pirated software is risky for corporate and individual users. Aside from the legal consequences of using pirated software, your organization forfeits some practical benefits as well. Those who use pirate software:

- Increase the chances that the software will not function correctly or will fail completely;
- Forfeit access to customer support, upgrades, technical documentation, training, and bug fixes;

- Have no warranty to protect themselves;
- Increase their risk of exposure to a debilitating virus that can destroy valuable data;
- May find that the software is actually an outdated version, a beta (test) version, or a nonfunctioning copy;
- Are subject to significant fines for copyright infringement; and
- Risk potential public and private embarrassment, and in the case of a organization, negative publicity that could cause irreparable harm to the business.

PIRACY AND ENFORCEMENT IN IBFB

The following graphs indicate that IBFB almost 50% protected from any software piracy activities from the very beginning. This survey will promote to ensure rest 50% protection & find out the lacking why Large / SME Business sector are evolve with piracy activities. After a very deep observation IBFB found the following result



- Business sectors don't have such kind of budget to purchase Legal Software as per the economical condition of Bangladesh
- People are not capable to find out the potential vendor in Bangladesh for world class software program.
- They are not properly aware about Software Piracy
- They updating their software from illegal to legal one after one. It's a long time process

THE PRESENT SCENARIO

Organizational Content, People awareness, Enthusiasm

	Positive	Negative	Confused	Evidence Paper / Media Found
Company representatives were always agreeable to share their confidential information with surveyor	22 88%	03 12%	0 0%	
Company representatives awareness of Intellectual Property Rights	19 76%	05 20%	01 4%	
Registered Trade Mark found	10 40%	15 60%	0 0%	None
Patent Protection	0 0%	25 100%	0 0%	
Copy rights of Company Website	0 0%	25 100%	0 0%	

Using of Computer & Legal Software

Approximately total computer including laptops in all over members office	548			
Condition	Active	Not Using	Not Working	No Status
	542	4	2	None
	98.90%	0.72%	0.38%	
Successfully Checked the Status of the Software & Hardware	523			
Didn't disclose & get any permission to check anything	25			

System Software Details

Main Operating System found	Microsoft Windows & MAC OS10				
1. Windows XP	510				
2. Windows Vista					
3. Windows 2000 Server & Professional	No.1	No.2	No.3	No.4	No.5
	424	5	71	9	1
4. Window Server 2003	Total Original Windows 178		Total Pirated Windows 332		
5. Windows 98	Verified Legal Copy : 60%				
	Failed to show any evidence of legal copy: 40%. This 40% of copy noted down as legal version as per members confirmation.				
Mac OS10	13				
	Original 13	Pirated 0			
	Note: Bundle with MAC Brand PC				
	Verified Legal Copy: 100%				

Application Software Details

<p>Microsoft Office</p>	<p>497</p>			
	Office 2007 11	Office 2003 286	Office XP 104	Office 2000 96
	Original Office	170	Pirated Office	327
	<p>Verified Copy: 10%. Failed to show any evidence of legal copy: 90%. This 90% noted down as Legal version as per members confirmation</p>			
<p>Major Antivirus</p> <ol style="list-style-type: none"> 1. Symantec 2. Avira 3. BitDefender 4. AVG 5. Kaspersky 	<p>384</p>			
	Original	212	Pirated	172
	<p>Status of Original Antivirus :</p>			
	Active	211	Expired	1
	Freeware	29		
	<p>Note: All of the legal Antivirus are being verified</p>			
<p>Other Major Application Softwares</p>	Name	Licensed Copy	Pirated Copy	
	ACD SEE		All	
	Tally 9	29		
	Adobe Photoshop		All	
	Auto CAD		All	
	SPSS			
	Quantam			
	Navision	Who is using –		
	Foxpro 2.5	Using Legal		
	Hyperion			
	Tally Software			
	Acrobat 6.0 Professional		Everywhere Found Pirated	
	Omni Page Pro 8			
	Paper Master			
	Back Office	Locally Developed		
	Accord (Accounting Software)		All	
	Customized Accounting Legal Software	Locally Developed		
	Quark Express		All	

WHAT CAN IBFB DO?

The IBFB is concerned about the issue of software piracy and the effects it has on large or small Business Sectors who unsuspectingly purchase counterfeit items. Consider this: IBFB is going take some preventive steps to protect their members from any piracy activities.

IBFB is suggesting continuously to their members that if they have decided to invest money in new original software for their business, their employees can do everyday tasks more easily – which can save their time and save a lot of wastage money also.

IBFB will try willingly to arrange some fund for SME's for update their entire computer sector illegal to Legal by concerning the economical condition

From this survey IBFB has been identified the some companies who is seriously under risk for some piracy movement. IBFB will seat down with this company personnel & help them to figure out a convenient solution.

CONCLUSION

Software piracy is a common crime which can have serious consequences. Companies around the world lose billions in revenue each year. As a result people lose jobs, and those of us who buy original software have to pay a higher price for original software. Hopefully you have come to understand all this by analysis this Survey report. The major reason of using pirated software in our business sector is the maximum price of original software. We are expecting from the Concerned Authority to take this as a serious issue. If we can reduce the prices for Bangladesh. We believe can eliminate software piracy forever. Thank you