

# INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE

## 2006 SPECIAL 301

### SPECIAL MENTION

## BANGLADESH

IIPA specially mentions Bangladesh in the 2006 report to highlight that due to a total lack of enforcement, the overall piracy situation in Bangladesh has worsened over the last year. IIPA expresses grave concern over book piracy (photocopy and offset print piracy), the migration of two optical disc plants to Bangladesh from Pakistan, increasing CD-R “burning” piracy and audiocassette piracy, and theft of theatrical prints. The harm is not only to U.S. and other foreign right holders but is felt keenly by Bangladeshi nationals.<sup>1</sup> In 2006, IIPA urges the Government of Bangladesh to undertake the following:

- Implement an effective optical disc law including mandatory adoption of SID mastering (LBR) and mould codes for all optical disc production plants.
- Carry out inspections on the two known plants, seizing pirate discs, stampers, masters, and equipment, tools and materials (raw materials) used in unlicensed or infringing activity.
- Close down plants found to be engaged in piracy.
- Permit official plant visits by industry.
- Establish an anti-piracy force and take actions against CD-R “burning,” audiocassette piracy, book piracy (photocopy shops and offset print piracy), theft of theatrical prints, etc.

**Book Piracy:** The book publishing industry continues to face unchecked piracy in the form of offset print piracy and illegal commercial photocopying. Any book having the potential to sell more than 100 copies is subject to piracy levels nearing 100%. This is especially affecting the university textbook and English language teaching book markets. Also affected are medical books and other professional titles, computer books, trade fiction, dictionaries, etc. These books can be found throughout the country, at universities, professional schools and international schools as well as in book markets in cities such as Dhaka, Chittagong, Rajshahic and Khulna. Local pirate producers call their versions “local editions” and operate with impunity, destroying the market for legitimate producers.

**Optical Disc Production in Bangladesh:** Two pirate optical disc plants, with three lines each, are operational in Dhaka, Bangladesh, both of which are owned by Pakistanis who had operated optical disc plants there until the recent crackdown in Pakistan. It has been confirmed by different sources that one of the plants in Bangladesh has a mastering facility and intelligence indicates that they have the best technology available in the industry, meaning they can deliver orders in seven days and can produce about 40,000 discs per day (all formats); that plant can also run “burned” recordable discs (CD-R or DVD-R). The second plant has three production lines, can produce 40,000 discs per day, and is in the process of installing a DVD line imported from Germany. The second plant also has mastering capability. Industry knows where these plants are located and have informed the Bangladesh Government, but they have

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<sup>1</sup> The local music companies are regularly complaining about growing piracy problems, especially the fact that music albums of the leading Bangladeshi music labels are being pirated in the outskirts of key urban areas.

done nothing. The massive pirate production has destroyed any domestic market (even local music, for example, is 85% pirate while international repertoire is virtually 100% pirate). It is estimated that both plants together are responsible for more than 80% of the available pirated 'pressed' discs in Bangladesh. As the local production of pirated discs by both plants in Bangladesh has increased during last six months, the import of large quantities of pirated discs from Pakistan, Malaysia and Singapore has decreased. In addition to factory produced discs, there is a growing number of master/slave (recordable) duplicators as well as PC-based duplication units available at many retail outlets (there are as many as 60 CD-R duplicating facilities operational in Bangladesh). It is confirmed by different sources that Bangladesh is importing about one million blank recordable discs from China and Taiwan per month. The price of a blank CD-R is 10 cents (US\$).

**Theatrical Print Piracy:** The motion picture industry has experienced repeated instances of stolen prints fraudulently cleared through Customs and the Board of Film Censors and then contracted for exhibition in Bangladesh. Right holders are unaware of the presence of these pirated theatrical prints unless they are reported by legitimate distributors in the affected territories.

**Cable Piracy:** Several cable television distributors in Bangladesh are showing international and Hindi movies on their channels without authorization. The Ministry of Information is including provisions in a new anti-piracy law to take action against such theft.

**Copyright and Related Laws:** Copyright protection is afforded under the Copyright Act, 2000.<sup>2</sup> The law is adequate for basic anti-piracy purposes, although it does not implement the WIPO "Internet" Treaties. The Ministry of Information has drafted a new anti-piracy law which currently sits with the Law Ministry and after internal approvals it will go to the Parliament for final approval. It is also believed, unfortunately, that pirate producers are lobbying the Government for exceptions that would have the effect of permitting pirate exports to neighboring markets such as India.

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<sup>2</sup> Act No. 28 of 2000, Act for the Amendment and Assimilation of Copy Right Act, Bangladesh National Parliament Dhaka, 18 July, 2000/3 Shrabon, 1407.