

# **A Critical Look at Bangladesh's Copyright Laws in the Digital Age: An Assessment of Copyright Act 2000 and 2023**

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**Abstract:** This article comprehensively analyses Bangladesh's copyright laws over the past two decades, focusing on the Copyright Act of 2000 and the significant revisions introduced in the Copyright Act of 2023. The assessment aims to briefly evaluate the evolution of copyright legislation in Bangladesh, examining key provisions, enforcement mechanisms, and their effectiveness in addressing copyright infringement and protecting intellectual property rights in the digital age. By comparing and contrasting the two legislative frameworks, this study identifies strengths, weaknesses, and areas for improvement in the country's copyright regime. Drawing on legal analysis and secondary data analysis, the article offers insights into the challenges faced by Bangladesh in adapting copyright laws to contemporary realities, particularly in the context of the digital age and emerging technologies. Additionally, the article discusses the implications of copyright laws on creators, consumers, and the broader intellectual property ecosystem, emphasizing the importance of a balanced and inclusive approach to copyright protection. Through this examination, the article contributes to a deeper understanding of the complexities surrounding copyright legislation in Bangladesh and provides recommendations for enhancing the country's copyright framework to better serve the interests of creators, copyright holders, and society at large.

## **1. Introduction**

The realm of intellectual property rights, particularly copyright laws, has undergone significant evolution globally in response to technological advancements and changing socio-economic landscapes. In Bangladesh, the journey of copyright legislation reflects a dynamic interplay between tradition and modernity, as policymakers strive to balance the interests of creators, consumers, and the broader public. Over the past two decades, Bangladesh has witnessed substantial reforms in its copyright laws, with the enactment of the Copyright Act of 2000 marking a crucial milestone in the country's legal framework for intellectual property protection.<sup>1</sup> However, as the digital age unfolded and new challenges emerged, the need for a more robust and adaptive copyright regime became increasingly apparent. In response to these imperatives, Bangladesh embarked on a comprehensive overhaul of its copyright laws, culminating

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<sup>1</sup> Muhammad Farhad Hosen, 'An Overview of the Copyright Protection Laws in Bangladesh: A Critical Analysis of the Copyright Act, 2000 with Its Loopholes and Recommendations' (2017) 8(2) Beijing Law Review 191.

in the enactment of the Copyright Act of 2023.<sup>2</sup> This legislation introduced a series of novel provisions aimed at modernizing enforcement mechanisms, including enhanced penalties for infringement, expanded definitions, the inclusion of digital activities, protection of folk songs, compliance with international treaties, provision for the establishment of a task force on enforcement, and dedicated chapters on folklore and royalty matters.<sup>3</sup> With a particular emphasis on addressing piracy, safeguarding creators' rights, and aligning with international standards such as the Marrakesh Treaty,<sup>4</sup> the Copyright Act of 2023 brings forth provisions for an accommodative environment for creativity and innovation such as clauses for the visually impaired.<sup>5</sup> This article undertakes a comparative assessment of Bangladesh's copyright laws over the last two decades, with a focus on the Copyright Act of 2000 and the Copyright Act of 2023. Through a critical analysis of key provisions, enforcement mechanisms, and their practical implications, this study aims to shed light on the evolution of copyright legislation in Bangladesh and its impact on creators, consumers, and the broader intellectual property ecosystem focusing on the digital context. By examining the strengths, weaknesses, and areas for improvement in the country's copyright regime, this article seeks to provide valuable insights for policymakers, legal practitioners, and stakeholders involved in copyright enforcement and intellectual property protection in Bangladesh.

## 2. Evolution and Assessment of Copyright Legislations in Bangladesh

The evolution of copyright legislation in Bangladesh over the past two decades has been marked by significant yet slow developments, reflecting the country's efforts to adapt to the challenges and opportunities presented by the digital age. The Copyright Act of 2000 established the legal framework for copyright protection in Bangladesh, aiming to safeguard the rights of creators and authors across various creative domains, including literary, artistic, architectural works and musical works.<sup>6</sup> The Act delineated the scope and definitions of protected works, encompassing a wide range of creations such as literary, dramatic or musical work, computer programme, artistic work, cinematograph film and sound recordings.<sup>7</sup> Notably, copyright protection under this Act extended to the form of expression of ideas rather than the ideas themselves,

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<sup>2</sup> Shangshad Bhaban, 'Copyright Bill 2023 Passed in JS to Widen Scope for Protection' *The Daily Star* (Dhaka, 11 September 2023) <<https://www.thedailystar.net/news/bangladesh/governance/news/copyright-bill-2023-passed-js-widen-scope-protection-3416426>> accessed 2 March 2024.

<sup>3</sup> *ibid.*

<sup>4</sup> Marrakesh Treaty 2013.

<sup>5</sup> Asia IP - Intellectual Property News and Analysis (*Asia IP*, 11 October 2023) <<https://asiaiplaw.com/>> accessed 2 March 2024.

<sup>6</sup> Mahbub & Company 'Understanding Copyright Law in Bangladesh: An Overview' (*Mahbub & Company*, 10 April 2023) <<https://mahbub-law.com/workers-and-their-basic-rights-in-bangladesh-an-overview-2/>> accessed 2 March 2024.

<sup>7</sup> Copyright Act 2000, s 14 and 15.

providing owners with exclusive rights to control the use and reproduction of their works.<sup>8</sup>

The Copyright Act of 2000 defined the parameters of copyright protection, outlining the categories of works eligible for protection and specifying the conditions for acquiring copyright.<sup>9</sup> Works ranging from literary and artistic creations to cinematographic films and sound recordings were included within the ambit of copyright protection, emphasizing the importance of recognizing and preserving the rights of creators in various creative endeavors.<sup>10</sup> One of the pivotal aspects of the Copyright Act of 2000 was the delineation of rights conferred upon copyright owners. These rights encompassed the exclusive authority to reproduce, distribute, and communicate their works to the public, thereby granting creators control over the commercial exploitation of their creations.<sup>11</sup> Additionally, the Act provided mechanisms for copyright owners to license their works to third parties, enabling them to authorize specific uses while retaining ownership of their intellectual property.<sup>12</sup> While emphasizing the protection of copyright owners' rights, the Copyright Act of 2000 also incorporated limitations and exceptions to balance the interests of creators with the public interest. Provisions such as fair use or fair dealing allowed for the use of copyrighted works for purposes such as private study, research, criticism, or reporting current events, provided that such use did not infringe upon the rights of copyright owners.<sup>13</sup> One of the main weaknesses of the Act was it did very little for the emerging copyright issues arising in the digital age. In the digital sphere, the Act only included computer programmes under the umbrella of copyright protection.

The Copyright Act 2023 has been enacted in Bangladesh, replacing the previous Copyright Act of 2000. This new legislation brings about significant changes and introduces various provisions aimed at modernizing and strengthening copyright protection in the digital age. Among the key highlights of the new law are stringent penalties, including a fine of Tk 5 lakh for unauthorized publication, distribution, or performance of copyrighted works belonging to others,<sup>14</sup> and the imposition of a maximum penalty of four years imprisonment<sup>15</sup> and a Tk 10 lakh fine for infringement of film copyrights.<sup>16</sup> Additionally, the Act includes amendments to existing definitions and introduces new ones to adapt to evolving technologies and practices. Notably, digital activities, including those conducted via computers, are now explicitly covered under the law,<sup>17</sup> reflecting the expanding scope of copyright infringement in the digital

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<sup>8</sup> Hosen (n 1).

<sup>9</sup> CA 2000, s 15.

<sup>10</sup> CA 2000.

<sup>11</sup> CA 2000, s 17.

<sup>12</sup> CA 2000, s 18.

<sup>13</sup> CA 2000, s 72.

<sup>14</sup> Copyright Act 2023, s 84.

<sup>15</sup> CA 2023.

<sup>16</sup> CA 2023, s 85.

<sup>17</sup> CA 2023, s 2(2, 3).

realm. The legislation also proposes measures to address copyright violations on digital platforms and introduces new clauses to protect the rights of folk songs.<sup>18</sup> Furthermore, in compliance with international standards such as the Marrakesh Treaty, provisions have been incorporated to cater to the needs of the visually impaired.<sup>19</sup> The law lays down a provision for establishing a Task Force on Enforcement of Intellectual Property Law to enhance enforcement efforts and remedy copyright infringement.<sup>20</sup> Moreover, unlike the 2000 Act, the 2023 legislation includes separate chapters dedicated to the protection of folklore and folklore rights,<sup>21</sup> as well as royalty matters.<sup>22</sup>

The new legal framework introduces enhanced copyright protection mechanisms, particularly through Sections 108 to 115, which grant unprecedented search and seizure powers to law enforcement agencies. These provisions aim to effectively combat copyright infringements while maintaining a delicate balance between enforcement necessities and individual rights. Additionally, the provision for the establishment of the Copyright Task Force outlined in Section 110 highlights a proactive government effort to combat infringement collaboratively with various stakeholders, reflecting the evolving digital landscape and challenges posed by emerging technologies. Sections 120 and 121 empower the Registrar and the Board with civil court jurisdiction, facilitating efficient dispute resolution through summonses, oaths, document presentations, and temporary injunctions. Notably, Section 122 provides the government with special powers to preserve cultural heritage while preventing misuse. The transition from the Copyright Act of 2000 to the Copyright Act 2023 outlined in Section 127 ensures continuity of ongoing cases and administrative stability, albeit raising practical implications and impact assessments. Ultimately, these provisions seek to strike a balance between robust copyright protection for creators and a fair, accessible legal framework for addressing infringements, acknowledging the evolving nature of creative expression and the diverse challenges faced in the digital era.

### **3. Copyright Challenges Posed by Digital Technologies and Their Impact**

The advent of the digital age has ushered in a myriad of complexities for copyright protection, presenting formidable challenges across various fronts. Among the prominent hurdles are:

- a) **Ease of Reproduction and Distribution:** Advancements in digital technologies have substantially simplified the reproduction and dissemination of copyrighted

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<sup>18</sup> CA 2023, s 14(1)(a).

<sup>19</sup> CA 2023, s 51.

<sup>20</sup> CA 2023, s 110.

<sup>21</sup> CA 2023, Chapter VIII.

<sup>22</sup> CA 2023, Chapter XIV.

materials.<sup>23</sup> From books to music and movies, digital copies can be swiftly created and distributed worldwide within seconds.

- b) Difficulty in Tracking:** In the digital realm, monitoring the utilization of copyrighted materials poses significant challenges. Once released online, digital content can be downloaded and shared extensively, rendering it arduous to track its usage and ascertain the parties involved.<sup>24</sup>
- c) Complex Ownership:** Establishing ownership of copyrighted materials in the digital age can be intricate.<sup>25</sup> The ease of reproduction and distribution complicates the determination of original ownership or rightful distribution rights.
- d) High Enforcement Costs:** Enforcing copyright laws in the digital landscape entails substantial costs and time investments.<sup>26</sup> The abundance of online content makes it arduous to identify instances of copyright infringement and pursue legal recourse against the perpetrators.
- e) International Scope:** The global distribution of digital content presents hurdles in enforcing copyright laws across disparate legal jurisdictions and international boundaries.<sup>27</sup>
- f) Fair Use Ambiguity:** Navigating the concept of fair use, which permits limited use of copyrighted materials without explicit permission, entails a nuanced and subjective assessment, posing challenges in enforcing copyright laws.<sup>28</sup>
- g) User-Generated Content:** The proliferation of user-generated content platforms has democratized content creation, yet it complicates copyright enforcement by blurring the lines of ownership and authorship.<sup>29</sup>
- h) Impact of Emerging Technologies:** Rapid advancements in technologies like artificial intelligence and blockchain are reshaping content creation, distribution,

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<sup>23</sup> Nikhil Bharadwaj, 'Copyright Protection in the Digital Age: Challenges and Solutions' (*Legal Service India.com*) <<https://www.legalserviceindia.com/legal/article-10639-copyright-protection-in-the-digital-age-challenges-and-solutions.html>> accessed 2 March 2024.

<sup>24</sup> Asia IP - Intellectual Property News and Analysis (*Asia IP*, 11 October 2023) <<https://asiaiplaw.com/section/news-analysis/copyright-bill-2023-passed-in-parliament-of-bangladesh#:~:text=The%20Copyright%20Bill%202023%20also,of%20piracy%2C%E2%80%9D%20added%20Liz%20a.>>> accessed 2 March 2024.

<sup>25</sup> *ibid.*

<sup>26</sup> Pagel Schulenburg, 'The Importance of Intellectual Property in the Digital Age' (*Pagel Schulenburg*, 16 May 2023) <<https://pagelschulenburg.co.za/the-importance-of-intellectual-property-in-the-digital-age/>> accessed 2 March 2024.

<sup>27</sup> Ning Zhang, 'Flatfee' (*Flatfee*, 6 August 2023) <<https://flatfeecorp.com/articles/global-enforcement-strategies-copyright-protection-infringement>> accessed 2 March 2024.

<sup>28</sup> Thomas Randolph Beard, George S. Ford, and Michael L. Stern, 'Fair Use in the Digital Age' (2016) 51 Phoenix Center Policy Paper Number 33.

<sup>29</sup> Kristofer Erickson, 'User Illusion: Ideological Construction of 'User-Generated Content' in the EC Consultation on Copyright' (2014) 3(4) *Internet Policy Review* 1-19.

and consumption, necessitating ongoing adaptation to their impact on copyright protection.<sup>30</sup>

- i) Balancing Access and Protection:** While safeguarding copyright is paramount, striking a balance between protection and ensuring access to information and creative expression remains a delicate endeavour in the digital age.<sup>31</sup>

Online platforms like YouTube, Instagram, TikTok, Twitter (now renamed as X) and Facebook serve as hosts for user-generated content, which often includes copyrighted material such as music, movies, images, and text. The ease of reproducing and distributing digital content presents challenges in preventing and tracking piracy and infringement. Moreover, determining ownership and enforcing rights can be complex and costly.

To tackle these challenges, various measures have been employed globally, including digital rights management, watermarking, copyright education, legal recourse, and international cooperation.<sup>32</sup> These strategies aim to safeguard owners' rights, discourage piracy and infringement, and promote responsible content usage. However, they also come with limitations such as inadvertently blocking legitimate content, stifling free speech and innovation, and sparking jurisdictional conflicts among stakeholders.<sup>33</sup> Furthermore, emerging technologies like artificial intelligence and blockchain are reshaping the landscape of content creation, distribution, and consumption. While these technologies offer new opportunities for copyright protection, they also introduce novel challenges. Hence, it is crucial to strike a balance between access and protection and closely monitor the impact of evolving technologies on intellectual property rights.

#### 4. The Implications of Copyright Laws on Stakeholders

Copyright laws, encompassing intellectual property regulations, play a vital role for creators by safeguarding their works and enabling them to derive livelihoods from their creations.<sup>34</sup> Without copyright protection, creators would lack the incentive to produce new works, as they would have limited control over their usage and monetization.<sup>35</sup> However, the societal aim is to ensure that the broader public benefits

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<sup>30</sup> Martin Schindler, Anton Korinek and Joseph Stiglitz, 'Technological Progress, Artificial Intelligence, and Inclusive Growth' (2021) IMF Working Paper No. 2021/166 <<http://dx.doi.org/10.5089/9781513583280.001>> accessed 2 March 2024.

<sup>31</sup> Jon Davies, 'Disseminating Information versus the Protection of Copyright' (*University of Georgia Press*, 14 April 2017) <<https://ugapress.wordpress.com/2017/04/14/disseminating-information-versus-the-protection-of-copyright/>> accessed 2 March 2024.

<sup>32</sup> *ibid.*

<sup>33</sup> Beard (n 28).

<sup>34</sup> Marios Beqiri, 'The Importance of Copyright and Intellectual Property for Creators' (*Fangage*) <<https://www.fangage.com/blog/the-importance-of-copyright-and-intellectual-property-for-creators>> accessed 10 March 2024.

<sup>35</sup> *ibid.*

from fresh ideas and information, necessitating a limitation on copyright protection.<sup>36</sup> For creators, copyright laws serve as a conduit for revenue within the creator economy, exemplified by initiatives like the U.S. Copyright Alternative in Small-Claims Enforcement Act (CASE Act), which introduced a voluntary mechanism to safeguard internet creators' copyrighted works.<sup>37</sup> Nonetheless, creators are also susceptible to liability for infringement, which can significantly impact their ventures.<sup>38</sup> Concerning consumers, the expansion of copyright laws can have dual effects. Advocates argue that significant copyright holders are integral to the economy, while critics highlight the disproportionate increase in copyright protection terms compared to life expectancies.<sup>39</sup> In the wider intellectual property ecosystem, copyright laws foster innovation by encouraging novel approaches that require fewer resources. However, the growing inclination towards open science underscores the potential benefits of enhanced openness for downstream innovation.<sup>40</sup> A balanced and inclusive approach to copyright protection is indispensable, offering robust safeguards for both rights holders and users. This approach nurtures novel ideas, facilitates knowledge dissemination, supports educational access, embraces technological advancement, and remains adaptable to future changes<sup>41</sup>. It upholds the rights of creators and users alike, essential for accessible and affordable post-secondary education. Decisions concerning copyright should consider their broad policy ramifications rather than focusing solely on one aspect, recognizing the interconnectedness of global dynamics and the benefits of cohesive coordination to avoid misalignment costs and realize collective potential.<sup>42</sup> A balanced copyright framework seeks to strike a harmonious equilibrium between protecting creators' rights and promoting public access to information and cultural works. Moreover, an inclusive approach to copyright protection considers the diverse needs and interests of all stakeholders within the intellectual property ecosystem, fostering innovation, creativity, and cultural diversity while upholding the principles of fairness and equity.

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<sup>36</sup> *ibid.*

<sup>37</sup> Franklin Graves, 'Here Are the Legal Issues Affecting Content Creators in 2022' (*Tubefilter*, 11 January 2022) <<https://www.tubefilter.com/2022/01/11/content-creators-legal-cases-copyright-infringement/>> accessed 10 March 2024.

<sup>38</sup> *ibid.*

<sup>39</sup> 'Does the Expansion of Copyright Laws Help or Hurt Consumers?' *New Media Rights* (California, 29 September 2017) <[https://www.newmediarights.org/business\\_models/artist/does\\_expansion\\_copyright\\_laws\\_help\\_or\\_hurt\\_consumer](https://www.newmediarights.org/business_models/artist/does_expansion_copyright_laws_help_or_hurt_consumer)> accessed 10 March 2024.

<sup>40</sup> International Federation of library Association and Institutions, 'Copyright and Sustainable Development – Part 1: How a Balanced Copyright Framework Supports Delivery of the 2030 Agenda' (*Library Policy and Advocacy Blog*, 12 October 2021) <<https://blogs.ifla.org/lpa/2021/10/12/copyright-and-sustainable-development-part-1-how-a-balanced-copyright-framework-supports-delivery-of-the-2030-agenda/>> accessed 10 March 2024.

<sup>41</sup> Colleges and Institutes Canada, 'Colleges and Institutes Canada | Protecting a Balanced Approach to Copyright and Preserving Choice' <<https://www.collegesinstitutes.ca/what-we-do/our-priorities/protecting-a-balanced-approach-to-copyright/>> accessed 15 March 2024.

<sup>42</sup> 'New EU Copyright Rules That Will Benefit Creators, Businesses and Consumers Start to Apply' (Shaping Europe's Digital Future, 4 June 2021) <<https://digital-strategy.ec.europa.eu/en/news/new-eu-copyright-rules-will-benefit-creators-businesses-and-consumers-start-apply>> accessed 10 March 2023.

## 5. Copyright Infringement and Enforcement Challenges in Bangladesh

Copyright infringement in Bangladesh stems from various factors, including a widespread lack of awareness about copyright laws among the general population, both in traditional analogue works and digital media.<sup>43</sup> Furthermore, the ineffective enforcement of the Copyright legislation contributes significantly to the prevalence of violations. Surprisingly, copyright owners in Bangladesh often demonstrate a lack of understanding or concern regarding the protection of their intellectual property rights. Additionally, the relentless technological curiosity of the youth in society sometimes drives digital media copyright infringement. Addressing this issue requires adequate surveillance over the Internet while not violating the right to fair access to the Internet, which Bangladesh currently lacks. Moreover, the ineffective judicial bodies and remedies further exacerbate the problem, as judges, prosecutors, and other officials often lack the necessary expertise in intellectual property law to accurately address copyright infringement cases.<sup>44</sup> These are the specific factors which collectively highlight the shortcomings of the current copyright protection regime in Bangladesh and underscore the urgent need for comprehensive reforms to address the challenges posed by digital media copyright infringement. The generalized challenges surrounding copyright infringement and enforcement in Bangladesh are multifaceted and include:

- a) **Lack of Awareness and Education:** There is a widespread lack of awareness and education about copyright laws among the public, officials, law enforcement agencies, and other stakeholders.<sup>45</sup> This lack of understanding often leads to inadvertent infringement and hinders effective enforcement efforts.
- b) **Weak Legal Framework and Enforcement Mechanisms:** Bangladesh's legal framework for copyright enforcement has been perceived as inadequate, with insufficient provisions and mechanisms to address infringement effectively so far.<sup>46</sup> Enforcement agencies often lack the resources, expertise, and capacity to combat piracy and enforce copyright laws. It is yet to be seen how effective the current mechanism is over time.
- c) **Piracy and Counterfeiting:** Piracy and counterfeiting of copyrighted materials, including books, music, movies, and software, are rampant in Bangladesh.<sup>47</sup> The proliferation of digital technologies has made it easier for infringers to reproduce

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<sup>43</sup> Md. Mahabubur Rahman, 'Copyright and Related Rights in Bangladesh: The Laws and the Reality' (2020) 12(1) International Journal of Multidisciplinary Science and Technology 43–51.

<sup>44</sup> *ibid* 48.

<sup>45</sup> Md Delwar Hossain Advocate, 'Enforcement of Intellectual Property Rights – Bangladesh' (*HG.org*) <<https://www.hg.org/legal-articles/enforcement-of-intellectual-property-rights-bangladesh-20278>> accessed 15 February 2024.

<sup>46</sup> *ibid*.

<sup>47</sup> Md Nayem Alimul Hyder, 'IP Rights and Copyright Piracy in Bangladesh: Need a Fresh Look – Bangladesh Law Digest (BDLD) 2024' (*Bangladesh Law Digest*, 30 October 2020) <<https://bdldawdigest.org/ip-rights-and-copyright-piracy-in-bangladesh-needs-a-fresh-look.html>> accessed 15 February 2024.



and distribute copyrighted content illegally, leading to substantial losses for copyright holders.

- d) Lack of Coordination and Cooperation:** There is a lack of coordination and cooperation among relevant stakeholders, including government agencies, law enforcement authorities, rights holders, and industry associations.<sup>48</sup> This fragmented approach hampers effective enforcement efforts and undermines the overall effectiveness of copyright protection.
- e) Challenges in Digital Enforcement:** Enforcing copyright laws in the digital realm presents unique challenges, including the difficulty of identifying infringing content online, tracing the perpetrators, and securing evidence for legal action. The anonymity and global reach of digital platforms further complicate enforcement efforts.
- f) Judicial Backlog and Delays:** The legal system in Bangladesh faces significant backlogs and delays, which impede the timely resolution of copyright infringement cases. Lengthy legal proceedings and inadequate judicial capacity undermine the deterrence effect of copyright enforcement.<sup>49</sup>
- g) Limited Remedies and Penalties:** The existing legal framework for copyright enforcement in Bangladesh lacked effective remedies and penalties for copyright infringement. Weak enforcement measures and lenient penalties have contributed to the failure to deter infringers effectively.<sup>50</sup>
- h) Emerging Challenges:** Emerging technologies such as streaming platforms, social media, and peer-to-peer networks present new challenges for copyright enforcement. These platforms facilitate the widespread distribution of copyrighted content without adequate safeguards against infringement.

These challenges pose significant threats to Bangladesh's economic, social, and technological development, as well as its integration into the global market. Addressing these issues requires a comprehensive approach.

## 6. Recommendations

Based on the copyright challenges identified in Bangladesh, here are some recommendations:

- a) Awareness and Education Campaigns:** Implement comprehensive awareness and education campaigns targeting the general population, officials, law

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<sup>48</sup> Peachyessay, 'Copyright Protection Problems in Bangladesh and the UK' (*Peachy Essay*, November 29, 2020) <<https://peachyessay.com/sample-essay/copyright-protection-problems-bangladesh-uk/>> accessed 15 February 2024.

<sup>49</sup> 'Bangladesh - Protecting Intellectual Property' (*International Trade Administration*, 20 July 2022) <<https://www.trade.gov/country-commercial-guides/bangladesh-protecting-intellectual-property>>.

<sup>50</sup> Mohammad Towhidul Islam, "Protection of IP Rights in Bangladesh with Special Reference to SMEs" *The Daily Star* (April 26, 2021) <<https://www.thedailystar.net/law-our-rights/news/protection-ip-rights-bangladesh-special-reference-smes-2082653>> accessed 15 February 2024.

enforcement agencies, and other stakeholders about copyright laws and their implications.<sup>51</sup> This can be done through workshops, seminars, educational materials, and online resources to promote a better understanding of copyright protection.

- b) Legal Framework Strengthening:** Enhance the legal framework for copyright enforcement by strictly adhering to the Copyright Act 2023, to address the challenges posed by digital media copyright infringement. There should be stronger enforcement of copyright laws. This could involve setting up dedicated bodies or task forces to monitor and take action against copyright infringements.<sup>52</sup>
- c) Capacity Building for Enforcement Agencies:** Provide training and capacity-building programs for enforcement agencies to equip them with the necessary resources, expertise, and skills to combat piracy and enforce copyright laws effectively. This will involve collaboration with international organizations and experts to share best practices and strategies for enforcement.
- d) Improving Redress Mechanisms:** Clear and effective redress mechanisms should be in place for consumers to report grievances and seek remedies.<sup>53</sup>
- e) Encouraging Responsible Digital Consumption:** Consumers should be encouraged to respect intellectual property rights and avoid engaging in activities that infringe upon these rights.<sup>54</sup>
- f) Coordination and Cooperation:** Nurture greater coordination and cooperation among relevant stakeholders, including government agencies, law enforcement authorities, rights holders, and industry associations. Establishing task forces or working groups dedicated to copyright enforcement can facilitate information sharing, collaboration, and joint efforts to combat infringement.
- g) Digital Enforcement Tools:** Invest in advanced digital enforcement tools and technologies to enhance the detection and removal of infringing content online. This may include the development of automated systems for content recognition, digital fingerprinting, and monitoring of online platforms for copyright infringement.
- h) Judicial Reform:** Implement judicial reforms to address the backlog and delays in the legal system, particularly in resolving copyright infringement cases. This may involve allocating additional resources to the judiciary, streamlining court

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<sup>51</sup> Roundtables, "Bangladesh Consumer Protection in the Digital Age" *The Daily Star* (September 25, 2021) <<https://www.thedailystar.net/round-tables/news/bangladesh-consumer-protection-the-digital-age-2183966>> accessed 15 February 2024.

<sup>52</sup> Rtahmidlawfirm, 'The Copyright Protection Laws of Bangladesh' (*Law Firm in Bangladesh and Top Law Firm in Dhaka*) *Law Firm in Bangladesh and Top Law Firm in Dhaka*, 23 November 23, 2023) <<https://lawfirm.com.bd/the-copyright-protection-laws-of-bangladesh/>> accessed 15 February 2024.

<sup>53</sup> Roundtables (n 51).

<sup>54</sup> *ibid.*

procedures, and providing specialized training for judges and prosecutors in intellectual property law.

- i) **Leveraging Technology:** Technology can be used to detect and prevent copyright infringements. For instance, digital watermarking and encryption can be used to protect digital content.<sup>55</sup>
- j) **Adaptation to Emerging Technologies:** Stay abreast of emerging technologies and their impact on copyright enforcement. Develop proactive strategies to address challenges posed by new platforms and technologies, such as streaming services, social media, and peer-to-peer networks, to prevent widespread copyright infringement.
- k) **International Cooperation:** International collaboration is vital in addressing copyright infringement due to the worldwide reach of the internet. This may entail sharing best practices, aligning legal frameworks, and conducting joint enforcement efforts.<sup>56</sup>

By implementing these recommendations, Bangladesh can work towards overcoming the challenges of copyright infringement and enforcement, ultimately fostering a more conducive environment for creativity, innovation, and economic growth.

## 7. Conclusion

In conclusion, the evolution of Bangladesh's copyright laws, from the Copyright Act 2000 to the Copyright Act 2023, reflects the country's efforts to adapt to the digital age. The 2023 Act has made significant strides in expanding definitions, increasing penalties, and incorporating digital activities. It has also shown a commendable effort in protecting folk songs and providing provisions for the visually impaired. However, despite these improvements, challenges persist. The enforcement mechanisms need strengthening, and public awareness about copyright laws remains low. As we move further into the digital age, Bangladesh must continue refining its copyright laws. This will ensure a balance between protecting the rights of creators and promoting access to information and knowledge for the public. The journey is far from over, but the steps taken so far signal a promising path towards a more inclusive and balanced copyright ecosystem.

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<sup>55</sup> Md Abdul Alim, 'Protection of Copyright and Other Related Rights in Digital Media: Bangladesh in Context' <[https://www.academia.edu/26453191/Protection\\_of\\_Copyright\\_And\\_Other\\_Related\\_Rights\\_in\\_Digital\\_Media\\_Bangladesh\\_in\\_Context](https://www.academia.edu/26453191/Protection_of_Copyright_And_Other_Related_Rights_in_Digital_Media_Bangladesh_in_Context)> accessed 20 February 2024.

<sup>56</sup> Ben Depoorter, 'Copyright Enforcement in the Digital Age: When the Remedy is the Wrong' (2019) 66 UCLA L. Rev. 400.

