

**Outcome of the Seminar on
'Preparedness of Pharmaceutical Sector for LDC Graduation'
10 August 2022
NEC Conference Room, Dhaka**

A seminar on 'Preparedness of Pharmaceutical Sector for LDC Graduation' was held on 10 August 2022 at the NEC Conference Room of Dhaka. Support to Sustainable Graduation Project (SSGP) of Economic Relations Division (ERD) and Business Initiative Leading Development (BUILD) jointly organized the seminar.

Hon'ble Adviser to the Prime Minister on Private Industry and Investment Mr. Salman F. Rahman graced the event as the Chief Guest. Secretary of the Ministry of Industries Ms. Zakia Sultana, the Chairperson of BUILD Barrister Nihad Kabir and the President of Dhaka Chamber of Commerce and Industry (DCCI) Mr. Rizwan Rahman attended the event as special guests. ERD Secretary Ms. Sharifa Khan chaired the seminar.

The flourishing pharmaceutical sector of Bangladesh has witnessed exponential growth over the last few decades. The TRIPS waiver for least developed countries (LDCs) under the WTO-TRIPS agreement is one of the key drivers of such impressive growth. The industry has strong potential to accelerate its growth and create a bold footprint in the global market. Appropriate measures following an action-oriented roadmap are critical to tapping these opportunities and shielding against the erosion of waivers under the TRIPS agreement in the wake of the LDC graduation of Bangladesh in November 2026. In this context, the seminar was organized to take stock of the initiatives and preparedness that are planned and already underway to address the challenges of the loss of TRIPS waivers.

Senior Vice President of Bangladesh Association of Pharmaceutical Industries (BAPI) & Managing Director of Incepta Pharmaceuticals Ltd. Mr. Abdul Muktadir delivered a presentation on 'Opportunities and Challenges of Pharmaceutical Sector in the context of LDC Graduation: Way Forward' during the event. Professor of Law Department of the University of Dhaka Dr Mohammad Towhidul Islam delivered a presentation on 'LDC Graduation: Legal Implications for Pharmaceutical Industry'.

Additional Secretary of ERD and Project Director of SSGP Mr. Farid Aziz delivered the welcome address in the event, while Ms. Ferdous Ara Begum, CEO, BUILD gave the vote of thanks on the occasion. Representatives from BAPI, high-level officials of leading pharmaceutical companies as well as key stakeholders across the government, private sector, and think-tank participated in the event.

Major recommendations that came from the seminar are furnished below:

- The Bangladesh Patent Law 2022 should be amended in line with the changing scenario for the local pharmaceutical industry after the country's LDC graduation so that Bangladesh can take advantage of all flexibilities provided under the TRIPS Agreement.
- The government should work in close collaboration with the private sector including the pharmaceuticals sector in amending the current patent law of the country at the earliest possible.



- It should be clearly stated in the patent law that only those patent applications would be eligible for patent protection that have a priority date on or after 24 November 2026.
- The issue of 'affordability and public health' should be taken into consideration while granting a patent under the patent law of the country and this kind of provisions should be incorporated in the law.
- Bangladesh needs to enhance its legal expertise for effective formulation and implementation of the intellectual property rights related provisions including the patent law. Since the development of local legal expertise would require a time, the country should look to engage international law firms specializing in WTO related rules and regulations in the process on ad hoc basis.
- Bangladesh should negotiate in the WTO for extending the TRIPS transition period relating to pharmaceutical products for Bangladesh until 01 January 2033 even if the country graduates from the LDC status. Ministry of Commerce, through its WTO Cell, should pursue this vigorously.
- Bangladesh should look to engage lobbyist firms in the World Trade Organization (WTO) for the continuation of TRIPS waiver for graduating nations. Bangladesh's Permanent Mission in Geneva can provide necessary support in this process.
- The API (Active Pharmaceutical Ingredients) Park needs to be operationalized in earnest to reduce Bangladesh's dependency on imported API.
- The API industry will need expert organic synthetic chemists. It is estimated that the API industry would need over 2000 graduates in the next 2 years. Therefore, public and private universities should encourage their students to study organic chemistry.
- Ministry of Industries would take necessary steps to shut down the Mailbox system with immediate effect through an executive order. Existing applications which are still pending in the mailbox must be rejected.
- BAPI needs to prepare a roadmap regarding the patent expiration of individual medicines so that the country can go for market generic as soon as the patent of a particular medicine expires.
- BAPI should also come up with a planned roadmap for the advancement of the local pharmaceutical industry which would also identify the areas where necessary government facilitation would be required.
- The Prime Minister's Office might convene an inter-ministerial meeting to give necessary instructions to all concerned in light of the recommendations and observations of this seminar.
- An expert committee would be formed to examine the list of pharmaceutical products/drugs that have been introduced in last ten years and determine the products that are relevant to our local needs. The list will be continuously updated to include products that will be launched till 2026. The country will register these products in the local market quickly.

Acknowledgment

The Support to Sustainable Graduation Project (SSGP) of ERD and Business Initiative Leading Development (BUILD) express their heartfelt thanks and appreciation to the Hon'ble Chief Guest, Special Guests, Presenters, Panellists and all Participants for their active participation and insightful deliberations in the seminar.