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Human Rights and Intellectual Property Rights: A Study of Relationship and Conflict

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ABSTRACT

Human rights and protection of intellectual property are two different disciplines which have progressed significantly separately. For a number of reasons, their connection should be re-examined. Since adopting the TRIPS agreement, the effects of intellectual property rights have been considerably more obvious on the achievement of human rights such as the right to health. Further, the growing relevance of intellectual property rights has led to the need to clarify the extent of rules on human rights that protect individual knowledge contributions. Furthermore, there are a number of new issues in terms of knowledge contributions that cannot be adequately safeguarded by present frameworks on intellectual property rights. This article focuses at some of the consequences on human rights of existing intellectual property systems.

I. INTRODUCTION

Substantial disputes over the relation between human rights and IPR have evolved in recent years. The two entities had been secluded from one other for decades. However, worldwide bastardization projects have emerged in recent years to identify hitherto undiscovered links between IP law and human rights legislation. A human right approach, based on intellectual property paradigms, makes the often-implicit balance much more obvious between inventor's and creator's rights and the interests of the broader society. While IP holders should be awarded exclusive rights over their work, IP rights must potentially favour to the cultural and economic, scientific progress of the social order. Their right of intellectual properties should be compensated.

The two areas of law that are significantly developed in independent terms are human rights and IP rights, on the one hand, are legal rights which stimulate private sector activity and contribute to technical growth in particular sectors. Monopoly rights are similar to patents and other intellectual property rights. Society has offered the monopoly in return for some concessions, such as the sharing of information and a limited duration of authority. On the other

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side, however, human rights are fundamental rights recognize in countries but intrinsic human dignity rights.

Different types of connections may be discovered between IP and human rights. Patent law, for example; recognize that the rights granted have a socioeconomic component and the interest of a patent owner and a larger interest of the community must be reconciled. Intellectual property rights also affect human rights directly and indirectly. For example, the economic and moral part of intellectual property rights includes. The latter can be connected with some human rights aspects. Finally, the accords on human rights acknowledge specific scientific and technological rights.

The incompatibility between the TRIPS Agreement and the international human rights framework has been noted by human rights organization and commentators. The UN Sub-Committee on Human Rights (UN Sub-Committee) has for instance declared its position as a subject in Resolution 2000/7 “Intellectual Property Rights and Human Rights”:

Applications of the TRIPS agreement and economic, social and cultural rights are actually or potentially contested, for example barriers to technology transfer to developing countries, restrictions on the access to patented pharmaceuticals, consequences of enjoying the right to food of plant diversity rights, and patenting the control over GMOs of their own.

The World Trade Organization (WTO) recognized the possibility of coexistence with intellectual property systems and human rights systems in its defence of the intellectual property system. Instead, then concentrating on differences, the WTO emphasized the flexibility of the TRIPS Agreement and of other international treaties. The World Trade Organization (WTO) acknowledged the possibility of coexistence with intellectual property systems and human rights systems in its defence of the intellectual property system. In the context of the intellectual property and human rights disagreement there are two contending sides: one which covers the approach to conflict and one which coexists. The perspective of conflict acknowledges the two fundamental sets of rights, however the approach to cohabitation considers them essentially compliant.

(A) IP Right As Human Rights?

First of all, intellectual property rights are having an effect on human rights, since the intersection of intellectual property and human rights has historically been investigated by policy makers, international bureaucrats, scholastic critics, and civil society organisations from either a conflict or a point of view. Intellectual property and human rights from a point of view of conflict or cohabitation Although both methods have advantages and disadvantages, they

both ignore the reality that some aspects of intellectual property rights are protected by international agreements on human rights, while others are not. However, the protection of copyright, trademarks and trade secrets, work on hiring, inventions by employees, neighbouring broadcasters and phonogram producers' rights, data base protection, data protection in the clinical trial, and other rights primarily protecting and inventing institutional authors are fairly obvious, for example, the human rights foundations and patents in the least.

As a result, proponents of IPR asserted that, in light of the conditions established in the UDHR and the ICESCR, IPR must be regarded as human rights due to the moral and material interests of all perpetrators of scientific, literary, or creative achievement. They also consider IPR as implicit in the right to defend the moral and material interests of the authors of the UDHR.

Consequently, it is alleged that the IPR should be given a higher level of protection as they are human rights.

(B) Human Rights V. Intellectual Property: Interaction And Compatibilities

Though several individuals are aware of the adverse consequences on the human rights system of intellectual property rights, the protection and enforcement of such rights may comply with government commitments in respect of human rights in domestic law. Given that certain characteristics of intellectual property rights are protected by international human rights agreements, improved defence of these traits can contribute to the protection of human rights.

Human rights are non-alienable, yet intellectual property rights are contractual rights granted by society's owners in return for innovative advantages; IP rights are kept for a limited period, contrary to human rights.

Human rights are important because they are inherent in the individual, whereas intellectual property rights primarily promote creativity and inventiveness, stimulate creative, innovative production, develop cultural identity, and safeguard the integrity of scientific, literary, and creative life. The fundamental obligation of states is to prioritize human rights over intellectual property's commercial interests and to protect human rights.²

The two professions are dealing with the same fundamental question at the confluence of human rights with intellectual property law, defining the relevant scope of private monopoly power and making possible the creation and innovation of authors and inventors while ensuring adequate public access to labour benefits. This school thinks that human rights are

² GURDEEP SINGH, DR. V.K. AHUJA, HUMAN RIGHTS AND INTELLECTUAL PROPERTY RIGHTS, HUMAN RIGHTS IN THE 21ST CENTURY: CHANGING DIMENSIONS, 69 (Universal Law Publishing company 2012)

fundamentally compatible with intellectual property law, though it often disputes with the ideal balance between incentives and access.

(C) Criticisms to Treating IP Rights as Human Rights

According to Robert Ostergard, conventional theories of property, such as the notion of property work in John Locke (things generated by an individual by the mix of land and work are an individual's property) and utilitarian lessons; (IPR incentives to produce new intellectual properties, and long-term societal benefits), do not provide rational and appropriate explanations. He further explains that it is unjustifiable to treat IPR as a human right, as it lacks a logical basis. Instead, the physical well-being of a country should precede that of IPR protection, according to Ostergard only those IPRs should be preserved that contribute to people's physical well-being. In other words, an IPR hierarchy should exist; not all IPRs should be treated identically. However, it cannot be seen if in this argument it is worthwhile to safeguard IPRs, which make a major contribution to people's physical well-being.

The essential attributes of human rights are lacking in intellectual property rights, on the other hand, since they are not universal, time-constrained, statutory and transferrable. Under no circumstances can, in the judgement of the majority, human rights, both alienable and universal, be compromised for intellectual property protection. Where a state is in conflict with its responsibilities of protecting intellectual property rights in defence of human rights, a commitment to protecting human rights should prevail.³

Strong protection of intellectual property in this context is considered as weakening and thus incoherent a broad range, including socioeconomic, political, and cultural rights needs of human rights. In locations where particular treaty obligations contradict, proponents urge that the rule of law over intellectual property law is recognized as a solution to settle a problem.

II. HUMAN RIGHTS AND PATENT LAW

Patents, which are monopoly rights given by legislation for a period of time, are another significant right under intellectual property rules. For a period of twenty years, patent applications shall be issued in accordance with the 1970 Indian Patents Act. Novel ideas that need creative step and have industrial use are granted patents. When a patent expires, it enters the public domain into public ownership. Then, everyone can use the patent freely without obtaining the patent proprietor's permission. This allows the generic medicine business to offer medications and medications at significantly lower prices, ultimately providing health

³ OBSERVER RESEARCH FOUNDATION, <https://www.orfonline.org/research/the-case-for-waiving-intellectual-property-protection-for-covid-19-vaccines/> (Last visited May 20, 2021).

coverage to the general people. The limited lifetime of the patent balances the patentee's rights to recoup his investments with the public's ability to benefit from innovation beyond the expiration of the patent.

In all sections of patents and human rights issues, there is a need to maintain non-discrimination. It is commonly agreed that nations have three sorts of responsibilities under human rights law the responsibility to respect, preserve, and fulfil rights, as well as the responsibility to provide international aid and collaboration.⁴

Human rights and IPR are two areas of law that have overcome their basic antipathy and now are increasingly interwoven. The system for patents in particular. These two topics have been virtually isolated from one other for many decades. However, in recent years, a number of international standards have begun to deepen into nooks and crannies, representing, on the other hand, the common habitats of patent law and, on the other, the common law on human rights. Patent Rights have now spread across the globe as a result of an underlying network of bilateral, regional, and international treaties, such as the World Trade Organization, and as a result of that expansion, widespread implementation of those rights has had an unavoidable influence on human rights. The effects on the right to health are maybe an appropriate instance.⁵

(A) The Right to Health and Intellectual Property Rights

The significance of mutually balanced protection of human rights through legal, administrative and judicial protections is stressed by international human rights legislation and practise. The right to health has been long seen as a core human right in all international treaties and our Indian constitution. States should provide foreign access, depending on the availability of resources, to important health facilities, goods and services. As in the area of medicinal products and pharmaceutical goods patents are so significant, the IP system is vital as far as access to medicinal products are concerned.

The right to health and rights of intellectual property the right to health depends on other human rights, including food, housing, employment, education, equality and, above all, dignity. TRIPS/WTO access to medicines and services may be directed towards the preservation and execution of human rights to health because vital medicines and health services are transportable.⁶

⁴ THE STUDENT JOURNAL OF LAW, <https://sites.google.com/site/349924e64e68f035/issue-4/interrelationship-between-ipr-and-human-rights> (Last visited May 25, 2021).

⁵ Trade Related Aspects of Intellectual Property Rights Act of 1994, Article 33

⁶ Neeru Nakra, *Protection of Traditional Knowledge through Intellectual Property Rights: Challenges and Expositions*, 2 THE NUSRL JOURNAL OF LAW AND POLICY NUSRL JLP, 1, 75-94, (2015).

(B) Human Rights Methods to Closing the “Global Drug Gap Caused By Patented Pharmaceutical”

The protection of patents can have two detrimental consequences for access to medicinal products and hence for the human right to health:

- By increasing the costs of drugs, limiting access for anyone unable to afford the patent holder monopoly fees;
- Channel private companies in industrialised nations to study therapy for illnesses, the rich people of which create a profitable market for new medicines and new technologies. medical technology.

The outcome is a “Global Drug Gap,” in which the most of the world’s population living in emerging and the least developed nations frequently do not have access to new drugs.⁷

Compulsory licences, as previously discussed in detail, allow for the creation of generic copies of patented medications, primarily for the treatment of neglected diseases. This type of licencing addresses the first component of the global drug gap by lowering the cost of those medications in countries where the generic is offered. This licence, however, does not address the second component of the gap because it can only be used to medications and medical technology that are already on the market. As one commentator pointed out, “enshrining a right to health care access in international proclamations achieves little if that health care does not exist in the first place because pharmaceutical companies have few incentives to produce drugs that may be urgently needed in developing countries.”⁸

From this vantage point, the two components of the global drug gap are inextricably linked. The process for lowering the price of existing medicines does not stimulate pharmaceutical firms to develop novel therapies for neglected and highly neglected diseases. Redirecting medical innovation to enhance the world’s terrible health, on the other hand, does not guarantee that the poor will have access to the rewards of such research in the absence of more Proposals to address the global drug gap should thus include all of its key components in order to be successful and compliant with human rights philosophies. Furthermore, proponents of such measures should assess the extent to which patents, in comparison to other factors, impede access to medications, so endangering the human right to health.

⁷ Michael R. Reich, *The Global Drug Gap*, 287 DRUG DISCOVERY VIEWPOINT 1,2-3 (2000)

⁸ Mandy Cheung, *Using the Power of Social Consciousness to Influence International Organizations and Their Evolving Leadership: The Impact of social media on the Public Health Debate*, 12 J. HEALTH & BIOMEDICAL L. 169, 202 (2016).

This section looks into these concerns in depth. We begin with a discussion of how patent protection leads to worldwide medicine shortages. Then we talk about how international human rights legislation can help to close that gap. We identify many human rights-based arguments and techniques that government officials, civil society groups, judges, and pundits have used to address access to medications. Among these arguments and techniques are:

1. Changing the public's view of ethically and legally permissible behaviour.
2. Establishing a mechanism to compel governments to make life-saving medications available.
3. Revision of the national health-care system and social safety nets in which access-to-medicine regulations are incorporated

This section concludes with an overview and evaluation of several suggestions to redesign patent protection regulations in order to boost illness research and expand access to the medicines that come from it.⁹

(C) Are Patents a Barrier to Medicine Access?

Several obstacles exist to accessing critical drugs for individuals in developing countries. These include widespread poverty, inadequate public health funding, poor infrastructure including inadequate health facilities, lack of properly trained medical personnel and a faulty system of distribution and supply, import duties and tariffs, political opportunism by some government officials and broader health socio-cultural determinants.¹⁰ However, the lower the price of pharmaceuticals, the more affordable they are to underserved communities. The primary difficulty is determining how to increase affordability while simultaneously addressing other obstacles to access and maintaining incentive systems that encourage medical research and innovation.

III. INTERFACE BETWEEN COPYRIGHT AND HUMAN RIGHTS

Different links between different kinds of intellectual property and human rights have emerged through the years. Private property functions in human rights, particularly where intellectual property law and human rights intersect, have long been a concern. Copyright is a property right that can be equated with human rights. It is also the author's economic right to realise the economic advantages of his both hard work and the author's moral right to protect the originality of their work. Copyright also refers to the writers' freedom of speech as well as their

⁹ LAURENCE R. HELFER, GRAEME W. AUSTIN, HUMAN RIGHTS AND INTELLECTUAL PROPERTY MAPPING THE GLOBAL INTERFACE 320, (Cambridge university press 2011).

¹⁰ Chidi Oguamanam, *INDIGENOUS PEOPLES' RIGHTS AT THE INTERSECTION OF HUMAN RIGHTS AND INTELLECTUAL PROPERTY RIGHTS*, 18 MARQ. INTELL. PROP. L. REV. 265, 290-291 (2014).

ability to practise and profess any vocation. In terms of the greater public interest, there is a widespread perception that copyright protection breaches indispensable human rights such as the right to knowledge, cultural rights, the right to an education, and so on. Whereas copyright protects the rights of a single human being, i.e., the creator of the work, human rights are intended to safeguard the rights of all humans. Though copyright protection is necessary to defend the human rights of the creators of the protected works, it is also necessary to determine if it infringes any other human rights. Certain human rights are usually regarded to be violated by copyright protection, some of which are as follows:

(A) Freedom of Expression

Under Article 19 of the UDHR states that every human being has the right to free speech. Free speech and freedom of expression are called the right to express yourself freely. The copyright and freedom of expression have connection which was a topic of controversy for many years. According to a few, they cannot be reconciled, while others say that they are in completely distinct domains and have no link at all. Though finding a resolution is vitally crucial since both of these rights are vital to the evolution of a community. In India, Article 19 of the Constitution guarantees freedom of speech and expression while simultaneously imposing some constraints on it. It is vital to note that copyright is not one of the limitations imposed on basic freedoms of speech and expression. What does copyright law protect, the expression of an idea, not the expression itself, unless and until one does not want to copy from others work. Copyright does not appear to violate the fundamental freedom of speech and expression guaranteed under the Constitution of India.

(B) Right to Education

The value of education cannot be understated. It is the foundation stone upon which any society's progress is built. The importance of education may be shown in the fact that it has been recognised as a human right in the majority of international treaties. The right to free and compulsory education has been designated as a basic right as well as a guiding concept in India's Constitution. People now have access to a wealth of knowledge because to the advancement of information and communication technology, which has the potential to close the educational gap. The clash between copyright and the right to education manifests itself in a variety of ways, but one that has been contested throughout the world is who owns educational content in which writers have a material stake and which is also one of the primary sources of instruction. The recent Rameshwari photocopy case¹¹ focused the attention of the

¹¹University of Oxford v. Rameshwari Photocopy services and Others, CS/OS 2439/2012.

whole country on this subject, despite the fact that the judgement favoured the students. One cause for the high price and scarcity of educational materials is copyright. Despite the fact that the Indian Copyright Act contains a variety of exceptions and limits to address this issue, it remains a barrier to delivering instructional materials to the general public.

(C) Right to Information

The right to information is now recognised as a basic right, and the courts have often said that it is one of the conditions of a democracy. In the case of *R.P Limited v. Indian Express Newspaper*¹² The Supreme Court interpreted Article 21 to include the right to know as a necessary precondition for participatory democracy. The right to information or access can directly clash with the copyright since the author's economic and moral rights can be infringed if his work is publicly available, while too many limitations on the availability of protected material can stifle societal advancement. The Indian Copyright Act has several sections that address this disagreement and attempt to balance the opposing rights of various groups, such as those dealing to fair use, compulsory licensing, idea-expression, and so on. Strenuous legal protection can, without a doubt, impede the right to information, but if the exceptions and restrictions are appropriately implemented, the two can coexist.¹³

(D) Cultural Rights

The right to explore, participate in, and enjoy culture is defined as a cultural right. For too long, the impact of copyright on cultural rights has gone unnoticed. Despite the flexibility provided by IP legislation, conflicts between cultural rights and Intellectual Property, particularly copyright, are becoming increasingly widespread. This is demonstrated by the compression of restrictions and limitations supplied by various copyright regimes. These exclusions and conditions are the primary means through which the general public can enjoy cultural rights. Another example is protected work via the internet; the internet, like a human being, is incapable of distinguishing or applying exceptions in the event of innocent usage.¹⁴

It is self-evident that copyright and human rights are incompatible. The crucial point is how and when these two interact, and how they should be balanced. There is no doubt that property rights and human rights are critical to the advancement of any civilization. We cannot overlook one for the sake of the other; what matters is that a solution be found so that the two can walk

¹²*R.P Limited v. Indian Express Newspaper*, AIR 1989 SC 190.

¹³ SHODHGANGA: A RESERVOIR OF INDIAN THESES @ INFLIBNET, <https://shodhganga.inflibnet.ac.in/bitstream/10603/33710/5/chapter5.pdf> (Last visited May 27, 2021).

¹⁴ Sganga, Caterina, *Right to Culture and Copyright: Participation and Access*, RESEARCH HANDBOOK ON HUMAN RIGHTS AND INTELLECTUAL PROPERTY, 1, 560-565 (2015)

peacefully together.

IV. HUMAN RIGHTS AND TRADITIONAL KNOWLEDGE

Traditional knowledge is information that individuals build up and build on their experience and adaptations to a certain culture and environment in a given group. This information is used to protect the community and its culture and to preserve the genetic resources necessary to support the life of the community.

Traditional and indigenous knowledge is the backbone of cultural heritage. This data is communicated verbally by generation. You can find here languages of local laws, inventions, creeds, rituals and biodiversity. This may contain information like well-cultivated trees and plants as well as plants that have soil salinity as indicators such as plants or which at the beginning of the rain are known for their flora. It encompasses the use of seed treatments, storage, seeds and harvesting tools, including technology.¹⁵

To prevent theft and bio-piracy, the protection of traditional knowledge is required. It is also crucial to maintain and preserve their knowledge, inventions and practise on the ideals of equality and justice as indigenous people. Although the real owners of these information are still impoverished, they nonetheless have major monetary benefits with the communities using their information without recognizing or sharing those benefits.¹⁶

Traditional knowledge is currently involved in several issues and confronts several obstacles. Their ownership is one of the most important challenges. This is mostly due to the lack of recorded access to traditional knowledge. The absence of documentary proof and the scarcity of traditional knowledge around the world are significant impediments to the investigation of traditional knowledge theft. Individual researchers and research institutes frequently use the lack of traditional knowledge records to seek protection from patents derived from traditional knowledge and therefore deprive genuine beneficiaries.¹⁷

Traditional knowledge cannot be protected by explicit international treaties. Two of the most important aspects for the conservation of traditional knowledge are the international conventions concerning the conservation and sustainable use of Plants Generic Resources for Food and Agriculture as well as WIPO initiatives on protection of traditional cultural

¹⁵ Sanjeev Kumar Tiwari, *The Relationship and Conflict between Human Rights and Intellectual Property Rights: A Study*, 6 INDIAN J.L. & Just. 25 (2015).

¹⁶ Neeru Nakra, *Protection of Traditional Knowledge through Intellectual Property Rights: Challenges and Expositions*, 2 THE NUSRL JOURNAL OF LAW AND POLICY NUSRL JLP, 1, 90-94, (2015).

¹⁷ Sanjeev Kumar Tiwari, *The Relationship and Conflict between Human Rights and Intellectual Property Rights: A Study*, 6 INDIAN J.L. & Just. 25 (2015).

expression and traditional knowledge. Another tool to conserve some groups of traditional knowledge is the Convention on biodiversity. Another option for persons who support the conservation of traditional knowledge lies in the idea of “sui generis” systems specified in the TRIPS Agreement.

In that regard, it is worth remembering the UN Draft Declaration on Indigenous Rights in 1994. It recognizes indigenous people’s right to self-determination. It acknowledged as separate right to collective freedom, harmony and security. The Declaration requires States to refrain from the removal of their territories or lands. Article 29, which, recognises cultural and intellectual property rights states “Indigenous people are entitled to the recognition of the full ownership, control and protection of their cultural and intellectual property”.¹⁸

V. CONCLUSION

Over the last decade, high and middle-income countries have aggressively pursued bilateral, multilateral, and regional trade and investment agreements. The high standards of intellectual property protection and enforcement inherent in such agreements have done far too much to exacerbate severe conflict between intellectual property and human rights regimes. While several aspects of the accords obviously increased intellectual property rights, other aspects significantly hampered human rights protection. As a result, countries must find a better balance between protecting and enforcing intellectual property rights and fulfilling their obligations under international or regional human rights treaties.¹⁹

The two most significant aspects of law are human rights and intellectual property rights. The former maintains human dignity, whereas the latter fosters and fosters innovation and creativity. In accordance with several international conventions, states are required to preserve both. Therefore, it is the responsibility of States, according to international human rights commitments, not to compromise human dignity and the defence of IP rights.

The findings of the Sub-Commission on Human Rights are especially relevant in Resolution 2001/21 on intellectual property and human rights. The Sub-Commission advised all Governments not to have any detrimental impact on human rights enjoyment by applying the TRIPs agreement. It is the duty of States Parties to protect biological variety and indigenous knowledge of biodiversity while executing their commitments under the 1992 Convention on

¹⁸ NEERU NAKRA, *supra* note 16, at 10

¹⁹ Peter K. Yu, *Intellectual Property and Human Rights in the Non multilateral Era*, 64 FLA. L. REV. 1045 (2012).

Biological Diversity, and to promote the transfer of ecologically friendly technology.²⁰

However, the Human Rights and IP interface provides a rare opportunity to re-examine the gaps in both HRs and IP laws on indigenous peoples' rights. In contrast, HRs' meetings with IP may be assessed in a meaningful manner by highlighting their ramifications for indigenous people as the most vulnerable members of the human family, as both a negotiation process and its conclusion. After all, "the realization of human rights must be judged according to the level of implementation among the most disadvantaged." A critical study of the nature and development of the rights of indigenous peoples in both historical and present situations is needed. At the very least, such comprehension is required to make the point that no meaningful discussion of Human rights and Intellectual Property interface is feasible without addressing indigenous peoples' rights.

The UDHR and ICESCR recognise everyone's right to benefit from cultural life and the fruits of scientific development. That simply means that the advantages of society are focused on these texts. It is completely opposite to IPR instruments, because the rights of writers, inventors and other legal entities are principally concerned. The human rights instruments call for a broad-based societal approach to strike balance.

One may conclude, however, that it is exceedingly improbable that the current discussion between advocates for a conflict strategy and the persons expressing a coexistence method is addressed in the foreseeable future. From this subsequent tension, few specific results can be foreseen.

The consequence is an enhanced motivation to adopt standards of soft law in both patent and human rights domains. While some global giants are advocating higher patent protection standards in order to promote their technology industries, most would surely benefit from greater flexibility in terms of technology transfer, enabling less-developed and to react to economic and sociolect-cultural problems of developing countries. Hence, each country should be specified in accordance with its unique demands a development-oriented strategy to patents.²¹

On the other hand, it is important, under the human rights framework, to accurately identify which laws are endangered by the existing patent scheme. This is easier said than done in light of the narrow conflicting standards of customary international law. Human rights legislation

²⁰ SANJEEV KUMAR TIWARI, *supra* note 17, at 10

²¹ SHAHID ALIKHAN, SOCIO.ECONOMIC BENEFITS OF INTELLECTUAL PROPERTY PROTECTION IN DEVELOPING COUNTRIES 9 (World Intellectual Property Organization 2000)

must also be elastic in conjunction with the change of time and situations by developing more exact legal criteria. Proponents of a conflict-oriented approach to patent rights may encourage Human rights organisations must establish special concepts on conflicting right, which may lead to progress in the legal development of economic and sociocultural rights and fuel future conflict claims in order to combat clear and specific rules set by TRIPS.

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