
INTERFACE BETWEEN INTELLECTUAL PROPERTY RIGHTS AND HUMAN RIGHTS: A LEGAL ANALYSIS

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ABSTRACT

The evolution of Intellectual Property Rights (IPR) and Human Rights signifies two powerful yet frequently intersecting and conflicting dimensions of contemporary legal systems.¹ Intellectual Property Rights are designed to safeguard the moral and economic interests of creators, inventors, and innovators by granting exclusive rights over their creations and inventions. In contrast, Human Rights are aimed at guaranteeing every individual's inherent dignity and access to essential resources, knowledge, culture, and technological advancements. The coexistence of these two domains raises critical questions regarding the right to health, education, and participation in cultural life, particularly when exclusive rights under IPR regimes restrict public access to life-saving drugs, educational materials, or digital innovations.²

The report explores the socio-economic implications of enforcing IPRs in a developing country like India, where innovation must coexist with social justice and equitable access. It highlights the significance of the National IPR Policy (2016) and its emphasis on fostering creativity, innovation, and public interest while ensuring that intellectual property does not become an instrument of social exclusion.

Ultimately, this study concludes that while Intellectual Property Rights play a vital role in promoting innovation and economic development, their implementation must be aligned with human-rights-based principles to ensure inclusivity and fairness.³ The report underscores the necessity for a balanced legal framework that harmonizes proprietary rights with the collective welfare of society, thereby transforming IPR from a tool of privilege into an instrument of equitable growth and human development.

1. Introduction

The evolution of Intellectual Property Rights (IPR) and Human Rights reflects two fundamental yet contrasting philosophies in modern legal thought. Intellectual Property Rights are premised on the notion that creators and inventors should enjoy exclusive control over the use and distribution

¹ WIPO, Intellectual Property handbook

² Laurence R. Helfer, Human Rights and Intellectual Property (2004)

³ UNDP, Human Development Report (2021)

of their creations as a reward for their intellectual labour and as an incentive for innovation⁴. On the other hand, Human Rights are rooted in the principle of universal equality and social justice ensuring that every individual has the right to live with dignity and to access essential goods and knowledge necessary for the development of human potential.

Historically, these two systems evolved in parallel. IPR emerged from the need to protect private interests, mainly in the industrialized world, whereas Human Rights developed as a response to oppression and inequality, emphasizing collective welfare. However, in today's knowledge-based global economy, their interaction has become inevitable.

The establishment of the World Trade Organization (WTO) and the subsequent adoption of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in 1995 marked a turning point⁵. TRIPS transformed intellectual property protection from a national policy concern into a binding international obligation. While it standardized global IPR protection, it also created new challenges for developing countries, where access to medicines, seeds, and knowledge often determines the survival and progress of millions. Critics argue that such international obligations can undermine fundamental human rights, particularly the right to health (Article 21 and 47 of the Indian Constitution), the right to education (Article 21A), and the right to participate in cultural life (Article 27 of the UDHR).

In the Indian context, this debate has acquired immense significance. India, being a signatory to TRIPS and several human rights conventions, has had to strike a balance between its international obligations and domestic socio-economic realities. For instance, India's Patents Act, 1970, as amended in 2005 to comply with TRIPS, still retains pro-public interest safeguards like Section 3(d) (which prevents evergreening of pharmaceutical patents) and compulsory licensing provisions under Section 84 to ensure access to essential medicines. Similarly, the Copyright Act, 1957 incorporates educational and fair-use exceptions that align with human rights values such as access to information and knowledge.

The Indian judiciary has played a creative and proactive role in harmonizing these seemingly divergent interests⁶. Landmark cases such as *Novartis AG v. Union of India* (2013) and *Bayer Corporation v. Union of India* (2014) have reaffirmed that while intellectual property encourages innovation, it cannot override public health and human welfare. The Supreme Court and the Delhi High Court have consistently upheld that intellectual property must operate within the constitutional framework that prioritizes social justice and public interest.

⁴ Peter Drahos, *The Global Governance of Knowledge* (2004)

⁵ TRIPS Agreement, 1995.

⁶ The Patents Act, 1970 (India)

Moreover, the National IPR Policy (2016) represents India's attempt to build a comprehensive and balanced system of intellectual property protection that fosters innovation, creativity, and entrepreneurship, while also promoting the country's developmental goals.⁷ It emphasizes awareness, enforcement, and human capital development but also recognizes the need for equitable access to the benefits of innovation.

In the age of digital transformation, biotechnology, and artificial intelligence, the intersection of IPR and Human Rights is becoming even more complex. Issues such as data ownership, access to genetic resources, biopiracy, and digital copyright enforcement have introduced new ethical and legal challenges. These developments underscore the urgent need to establish a human-rights-based approach to intellectual property, ensuring that IPR serves as a means to promote innovation and human development not as a barrier to it.

Thus, this study seeks to explore the interface between Intellectual Property Rights and Human Rights, focusing on how Indian law, policy, and judiciary have contributed to shaping a balanced and socially responsible intellectual property regime.

2. Research Problem

The central research problem is the inherent tension between Intellectual Property Rights (IPR), which grant exclusive protections to incentivize innovation, and Human Rights, which demand universal access to essential knowledge, health, education, and culture, particularly in developing nations like India under TRIPS obligations.

Key Dimensions

This conflict manifests in restricted access to affordable medicines (e.g., via patents), educational materials (copyright limits), and cultural resources, challenging constitutional rights like health (Article 21) and education (Article 21A) while risking social exclusion despite policies like the National IPR Policy (2016).

Indian flexibilities (Section 3(d), compulsory licensing) and judicial rulings (Novartis, Bayer cases) attempt balance, but implementation gaps persist amid emerging tech challenges like AI and biopiracy.

3. Research Questions

1. How does TRIPS impact health, education, and cultural rights in India?
2. Have Indian courts balanced IPR with social justice in cases like Novartis?
3. Does India's 2016 IPR Policy harmonize innovation and access?

⁷ UNESCO, Human Rights & IP Report (2018)

4. How do AI and biotech exacerbate IPR-human rights conflicts in India?
5. How can human-rights approaches reform Indian IPR laws?

4. Objectives of the Study

1. Assess TRIPS' impact on India's health, education, and cultural rights.
2. Evaluate Indian courts' balancing of IPR with social justice in key cases.
3. Analyze the 2016 IPR Policy's role in harmonizing innovation and access.
4. Examine AI/biotech's effects on IPR-human rights conflicts in India.
5. Recommend human-rights reforms for Indian IPR laws.

5. Research Methodology

Nature of the Study

The present research is **doctrinal and analytical in nature**, focusing on an in-depth examination of the existing legal framework and judicial interpretation concerning the relationship between Intellectual Property Rights (IPR) and Human Rights. Being doctrinal, the study is primarily based on **library and online research**, involving the collection and analysis of legal materials such as statutes, case laws, and international conventions.

Sources of Data

The study relies on both **primary** and **secondary data** sources to ensure a comprehensive and balanced understanding of the subject.

Primary Sources

Primary data refers to **original and authoritative legal materials**. The key sources include:

International Instruments: The TRIPS Agreement (1995), Universal Declaration of Human Rights (UDHR, 1948), International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966), and other WIPO-administered treaties that govern intellectual property protection at the global level.

National Laws: The Constitution of India, particularly Articles 14, 19, 21, and 300A, which protect equality, liberty, and property rights; the Patents Act, 1970; and the Copyright Act, 1957, which embody India's intellectual property regime.

Case Laws: Judicial decisions from the Supreme Court of India and High Courts that interpret the balance between intellectual property rights and human rights — such as *Novartis AG v. Union of*

India (2013), Bayer Corporation v. Union of India (2014), and Entertainment Network v. Super Cassette Industries (2008).

Secondary Sources

Secondary data consists of commentaries and analyses written by legal scholars, policymakers, and research institutions. These include:

- Books and Journals on Intellectual Property, Human Rights, and International Trade Law.
- Law Commission Reports and Government Policy Papers, especially the National IPR Policy, 2016.
- Online Legal Databases such as Manupatra, SCC Online, and HeinOnline, which provide access to judgments, research papers, and policy documents.
- Scholarly Articles and Research Reports published by universities, think tanks, and organizations such as WIPO and UNDP.

Sampling Design

The research adopts a **non-probability sampling** design, specifically **convenience sampling**. This means that the materials, case laws, and scholarly writings have been selected based on their direct relevance and accessibility to the research topic rather than through random or statistical selection.

Research Tools

The main research tools used are **questionnaire, content analysis and comparative legal analysis**.

6. Review of Literature

The relationship between Intellectual Property Rights (IPR) and Human Rights has been the subject of extensive academic and policy-oriented discourse⁸. Scholars, jurists, and international bodies have offered differing perspectives on how these two regimes interact whether they are mutually reinforcing or inherently conflicting.

a) Laurence R. Helfer (2003): Complementarity and Conflict Between IPR and Human Rights

In his seminal work, “*Human Rights and Intellectual Property: Conflict or Coexistence?*” (2003), Laurence R. Helfer analyzes the conceptual overlap between the human rights and intellectual property frameworks. He observes that while both systems are designed to promote human creativity and innovation, their beneficiaries and ultimate goals differ significantly.

⁸ Laurence R. Helfer, *Human Rights and Intellectual Property*, 2003.

Human rights aim to protect the inherent dignity, equality, and well-being of all individuals. Intellectual property rights, on the other hand, primarily protect the economic interests of creators and innovators by granting them exclusive rights for a limited period.⁹

Helfer warns that the expansion of IP protection, especially under the TRIPS regime, may limit access to essential goods, such as medicines, educational materials, and cultural works — thereby conflicting with fundamental human rights like the right to health, education, and participation in culture.

b) United Nations Sub-Commission on Human Rights Report (2001): A Critique of TRIPS

The UN Sub-Commission on the Promotion and Protection of Human Rights (2001) issued a critical report titled “Intellectual Property Rights and Human Rights”, which represents a pivotal moment in international recognition of the IPR–human rights conflict.¹⁰

The report asserts that the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement often undermines the enjoyment of several core human rights, particularly in developing countries. It emphasizes that:

- Strict patent regimes can restrict access to affordable medicines, violating the right to health;
- Strong copyright protections can limit access to educational materials, affecting the right to education;
- Agricultural patents and seed monopolies can jeopardize food security, impacting the right to food.

c) Peter Drahos and John Braithwaite (2002): The Power Politics of Global IP Regimes

In their influential book, “*Information Feudalism: Who Owns the Knowledge Economy?*” (2002), Peter Drahos and John Braithwaite critically examine how global IP norms have evolved under the influence of powerful corporate and political actors.¹¹ They argue that the international IP system, shaped largely by the interests of developed nations and multinational corporations, creates a new form of economic imperialism one that restricts the ability of developing countries to access and utilize knowledge resources.

d) N. S. Gopalakrishnan (Indian Perspective): Access-Oriented Interpretation of IPR

⁹ Id

¹⁰ UN Sub-Commission on Human Rights, Report on IPR & Human Rights (2001).

¹¹ Peter Drahos & John Braithwaite, *Information Feudalism* (2002).

From an Indian perspective, Professor N. S. Gopalakrishnan, one of India's foremost IP law scholars, emphasizes the need for an "access-oriented" interpretation of intellectual property laws. In several of his writings, including "Intellectual Property and Human Rights: Balancing Private and Public Interests", he argues that IPR frameworks must align with the constitutional mandate of Article 21 the Right to Life, which includes the Right to Health, Education, and Livelihood.¹²

Gopalakrishnan contends that:

- IPR should not be treated as an end in itself but as a means to promote public welfare.
- India's legal system, rooted in social justice, must prioritize accessibility and affordability over commercial exclusivity.
- Provisions like Section 3(d) of the Patents Act, 1970 and compulsory licensing reflect India's commitment to balancing innovation with equity.

He advocates that IP laws should be continuously interpreted and reformed in the light of human rights obligations and constitutional morality.

e) Other Relevant Studies and Observations

Several other scholars and institutions have contributed to this ongoing debate:

- *Amartya Sen (1999), in Development as Freedom*, indirectly links intellectual property to broader issues of justice and capability, suggesting that access to knowledge and technology is central to human development.¹³
- *World Health Organization (WHO, 2008) and UNESCO (2010) reports* emphasize the importance of incorporating human rights impact assessments into IP policymaking, especially in the fields of health and education.¹⁴

These contributions collectively stress that IPR systems must serve the broader purpose of human development rather than merely rewarding individual inventors or corporations.

7. Legal Framework

7.1 International Framework

The relationship between Intellectual Property Rights (IPR) and Human Rights is deeply rooted in several international legal instruments. These instruments collectively attempt to balance the

¹² N. S. Gopalakrishnan, Intellectual Property & Human Rights (India).

¹³ Amartya Sen, *Development as Freedom* (1999).

¹⁴ WHO & UNESCO Human Rights and IP Reports (2008, 2010).

protection of creative and innovative efforts with the universal human right to access knowledge, culture, and essential goods¹⁵.

(a) Universal Declaration of Human Rights (UDHR), 1948

The Universal Declaration of Human Rights (UDHR) is the cornerstone of modern human rights law. It was adopted by the United Nations General Assembly in 1948 and lays down the fundamental principles of dignity, equality, and justice for all human beings.

Article 27 of the UDHR establishes two interrelated but sometimes conflicting rights. The dual nature of Article 27 encapsulates the core tension between IPR and human rights — the need to reward creators for their intellectual labour while ensuring that society at large benefits from cultural and scientific progress¹⁶. In practice, this means that any IPR system should not unduly restrict public access to the benefits of knowledge and technology.

(b) International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966

The ICESCR builds upon the principles of the UDHR and gives them binding legal force for states that have ratified it¹⁷. **Article 15 of the ICESCR** is particularly relevant to the IPR–Human Rights interface which acknowledges that both creators’ rights and public access rights must coexist in harmony.

(c) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), 1995

The TRIPS Agreement, adopted under the framework of the **World Trade Organization (WTO)** in 1995, represents the most comprehensive and influential global treaty on intellectual property. It sets out minimum standards for the protection and enforcement of intellectual property rights across all WTO member states.¹⁸

While TRIPS aims to promote innovation and fair competition, it has been widely criticized for favouring commercial interests over human rights considerations. In particular, its stringent patent standards have been accused of limiting access to essential goods such as life-saving medicines, educational materials, and agricultural technologies in developing countries.

Recognizing these challenges, **the Doha Declaration on TRIPS and Public Health (2001)** reaffirmed that the TRIPS Agreement “should be interpreted and implemented in a manner

¹⁵ Universal Declaration of Human Rights, G.A. Res. 217 A (III), U.N. Doc. A/810 (Dec. 10, 1948).

¹⁶ Universal Declaration of Human Rights, *supra* note 1, art. 27.

¹⁷ International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3 (entered into force Jan. 3, 1976).

¹⁸ Agreement on Trade-Related Aspects of Intellectual Property Rights, Apr. 15, 1994, Marrakesh Agreement Establishing the World Trade Organization, Annex 1C, 1869 U.N.T.S. 299, 33 I.L.M. 1197 (1994).

supportive of WTO Members' right to protect public health.” It clarified that countries have the flexibility to issue compulsory licenses and take measures to ensure access to affordable medicines for all.

India has made effective use of these flexibilities through its **Patents Act, 1970**, especially via provisions such as **Section 3(d) and Section 84**, which prevent patent abuse and safeguard public interest. Therefore, while TRIPS sets the global standard, its interpretation and application remain deeply intertwined with human rights principles.

(d) WIPO Treaties and Declarations

The World Intellectual Property Organization (WIPO), established in 1967, is the specialized UN agency responsible for promoting the protection of intellectual property throughout the world. Key WIPO-administered treaties include the **Paris Convention (1883)**, **Berne Convention (1886)**, **Patent Cooperation Treaty (PCT, 1970)**, and **WIPO Copyright Treaty (1996)**.

While these treaties primarily focus on the harmonization of IP laws, WIPO has increasingly acknowledged the importance of aligning IP protection with developmental and human rights goals. The **WIPO Development Agenda (2007)** marked a significant shift by emphasizing that the IP system should contribute to social, cultural, and economic development rather than serve only corporate or monopolistic interests.¹⁹

WIPO's efforts aim to foster a balance between innovation incentives and public access, particularly in areas like public health, education, and traditional knowledge.

7.2 Indian Legal Framework

India's legal framework on Intellectual Property Rights (IPR) and Human Rights reflects a delicate balance between encouraging innovation and safeguarding the broader public interest.

a) Constitutional Provisions

The Constitution of India serves as the foundation for aligning IPR with human rights²⁰.

- **Article 19(1)(a)** guarantees the right to freedom of speech and expression, which includes the right to receive and impart information.²¹ This right plays a crucial role in the dissemination of knowledge, education, and access to information — all of which can be restricted by excessive IP protection if not balanced properly.

¹⁹ World Intellectual Property Organization, The 45 Adopted Recommendations under the WIPO Development Agenda (2007).

²⁰ INDIA CONST. pmb1.

²¹ INDIA CONST. art. 19, cl. 1(a).

- **Article 21**, which guarantees the right to life and personal liberty, has been judicially expanded to include the right to health, right to education, and right to livelihood²². This article becomes highly relevant in cases where patents or copyrights restrict access to life-saving drugs, medical technologies, or educational materials.
- **Article 300A** ensures that no person shall be deprived of property except by authority of law. Intellectual property, being a form of property, receives protection under this provision²³. However, it is a constitutional right (not a fundamental right), meaning it is subject to reasonable restrictions and public welfare considerations.

b) The Patents Act, 1970 (as amended in 2005)

The Patents Act, 1970, as substantially amended to comply with the TRIPS Agreement, remains the principal legislation governing patent protection in India.²⁴ The 2005 amendment introduced product patents for pharmaceuticals and agricultural chemicals, aligning India with international obligations.

However, India incorporated several safeguards to ensure that patent rights do not override human rights or public health needs.

- **Section 3(d)** prevents the patenting of mere incremental modifications of known substances unless they enhance efficacy.
- **Compulsory Licensing (Section 84)** allows the government to permit a third party to manufacture a patented product without the consent of the patent holder in situations of public need, such as a health emergency. This mechanism ensures access to essential medicines, balancing IP rights with the right to health.

c) The Copyright Act, 1957

The Copyright Act, 1957, as amended, protects the moral and economic rights of creators in literary, artistic, musical, and educational works²⁵. However, the Act also recognizes the importance of access to knowledge and education — integral components of human rights.

- **Sections 52(1)(h) and (i)** provide fair dealing exceptions for educational, research, and private use. This ensures that academic institutions, libraries, and students can access copyrighted works without infringing upon the creator's rights.

²² INDIA CONST. art. 21.

²³ INDIA CONST. art. 300A.

²⁴ The Patents Act, No. 39 of 1970, INDIA CODE (1970), as amended by the Patents (Amendment) Act, 2005.

²⁵ . The Copyright Act, No. 14 of 1957, INDIA CODE (1957), as amended

- The **2012 Amendment** further aligned the Act with international obligations and introduced special provisions for persons with disabilities, enabling them to access copyrighted materials in accessible formats — a significant human rights advancement.
- Moreover, the protection of moral rights under **Section 57** ensures that authors retain the right to be identified as creators and to object to any distortion or mutilation of their work.

d) The Biological Diversity Act, 2002 and Traditional Knowledge

India has also enacted the **Biological Diversity Act, 2002**, which recognizes community rights over biological resources and associated traditional knowledge²⁶. This statute, along with the **Traditional Knowledge Digital Library (TKDL)** initiative, protects indigenous knowledge systems from biopiracy and unjust patenting. This reflects India's recognition that intellectual property protection must extend to community-based, non-industrial forms of creativity — an important human rights perspective rooted in cultural identity.

8. Important Case Laws

Judicial decisions play a crucial role in shaping the intersection of Intellectual Property Rights (IPR) and Human Rights in India.

1. Novartis AG v. Union of India (2013) – Glivec Case²⁷

The Supreme Court dismissed Novartis' patent application for the β -crystalline form of its cancer drug Glivec, holding that it did not meet the enhanced therapeutic efficacy requirement under Section 3(d) of the Patents Act. The Court held that the modification was only an improvement in physical properties, not a real therapeutic advancement, and upheld Section 3(d) as a safeguard against evergreening, thereby protecting access to affordable medicines in India.

2. Bayer Corporation v. Union of India (2014) – Nexavar Compulsory Licence Case²⁸

The Bombay High Court upheld the first-ever compulsory licence granted in India to Natco Pharma for Bayer's cancer drug Nexavar, finding that Bayer had failed to make the drug affordable and sufficiently available under Section 84 of the Patents Act. The Court ruled that the patented invention was not "reasonably worked" in India and that public health needs outweighed the patentee's exclusive rights, justifying Natco's licence to produce the drug at a far lower price.

²⁶ The Biological Diversity Act, No. 18 of 2003, INDIA CODE (2003); see also Traditional Knowledge Digital Library (TKDL), Council of Scientific & Industrial Research (CSIR).

²⁷ Novartis AG v. Union of India, (2013) 6 S.C.C. 1 (India).

²⁸ Bayer Corp. v. Union of India, Compulsory License Order (2014) (India).

3. Super Cassettes Industries Ltd. v. Music Broadcast Pvt. Ltd. (2008/2012) – Copyright & Statutory Licence²⁹

In disputes over licensing of sound recordings, the Delhi High Court held that copyright cannot be used anti-competitively, and that broadcasters may obtain statutory licences at reasonable royalty rates under Section 31 of the Copyright Act. The Court ruled that Super Cassettes (T-Series) could not arbitrarily withhold licences and must follow statutory licensing procedures, reinforcing the balance between copyright owners' rights and the public interest in access to creative works.

4. Chancellor, Masters & Scholars of the University of Oxford v. Rameshwari Photocopy Service (Indian Reprography Case)³⁰

This case involved a photocopy shop inside Delhi University (Rameshwari Photocopy Service) that prepared course packs for students using chapters from textbooks of Oxford University Press, Cambridge University Press, and Taylor & Francis. The publishers sued for copyright infringement. The Delhi High Court dismissed the suit, holding that photocopying portions of books for educational use falls under Section 52(1)(i) (fair dealing for education) of the Copyright Act. The Court emphasized that copyright should not restrict students' access to learning materials and that copying for classroom use is lawful when done for educational purposes. It recognised that universities and students require affordable access to knowledge, and the court therefore held the photocopying lawful and non-infringing.

5. Basmati Patent Case (RiceTec Inc. – 2001 Partial Revocation)³¹

The US company RiceTec obtained a patent for certain Basmati rice lines and grains, but India objected, arguing that the claims attempted to appropriate India's traditional Basmati varieties. After India presented evidence, the USPTO cancelled several broad claims, restricting RiceTec's rights and ensuring that the traditional qualities of Basmati remained associated with India. The case highlighted the need for geographical indication (GI) protection for traditional crops.

9. Data interpretation and analysis

Most respondents in your survey show high basic awareness of both human rights and key components of intellectual property rights, but relatively limited formal exposure through workshops and a strong dependence on educational institutions as their main source of information. These patterns support the argument that IPR–human rights linkages are recognized at a general

²⁹ Super Cassettes Indus. Ltd. v. Music Broad. Pvt. Ltd., (2012) 5 S.C.C. 488, 500 (India).

³⁰ Chancellor, Masters & Scholars of the Univ. of Oxford v. Rameshwari Photocopy Servs., (2016) 134 DLT 506, 520 (Del.).

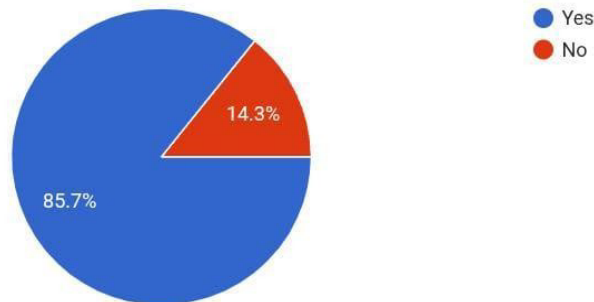
³¹ RiceTec Inc., Partial Revocation of Plant Patent No. 5,663,484 (2001) (U.S. Pat. & Trademark Off.).

level but need more structured, rights-based education to translate into deeper legal understanding and practice

Section A: Basic Awareness

1. Have you heard about Intellectual Property Rights (IPR) before?

28 responses



1. Awareness of Intellectual Property Rights (IPR)

Question: Have you heard about Intellectual Property Rights (IPR) before? Responses:

- **Yes: 85.7%**
- **No: 14.3%**

Interpretation:

A large majority of respondents (over four-fifths) indicate prior awareness of IPR. This shows that basic exposure to the concept of IPR exists within the sample population. However, the remaining 14.3% reflects a gap that suggests the need for further outreach and education programs, especially for groups that had no prior engagement with the subject.

2. Do you know what Human Rights are?

28 responses



2. Awareness of Human Rights

Question: Do you what Human Rights are?

Responses:

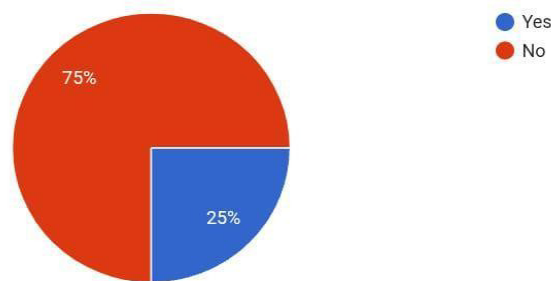
- **Yes: 100%**
- **No: 0%**

Interpretation:

Every participant reported awareness of Human Rights. This confirms that Human Rights as a concept is universally recognized among the respondents, likely due to its prominence in education systems, social discourse, and public institutions. Unlike IPR, Human Rights are more deeply embedded in public knowledge.

3. Have you ever attended any session/workshop on IPR or Human Rights?

28 responses



3. Participation in Workshops on IPR or Human Rights

Question: Have you ever attended any session/workshop on IPR or Human Rights?

Responses:

- **Yes: 25%**
- **No: 75%**

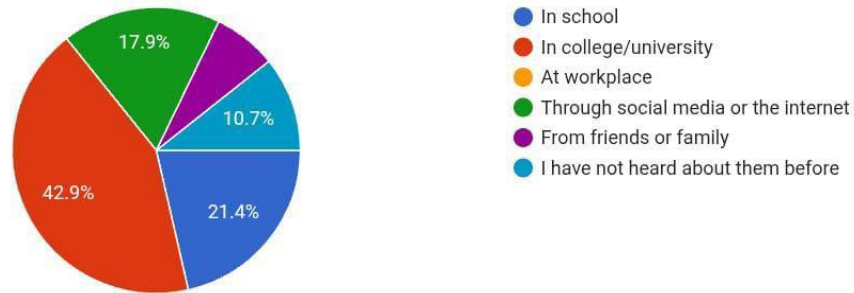
Interpretation:

Despite high awareness levels, only one-fourth of respondents have attended any formal session or workshop. This indicates a lack of structured training and active participation opportunities. The high “No” percentage suggests that awareness may be superficial, not supported by in-depth understanding or formal learning experiences.

4. Where did you first hear about IPR or Human Rights?



28 responses



4. First Source of Learning about IPR or Human Rights

Question : Where did you first hear about IPR or Human Rights?

Responses:

- **In school: 21.4%**
- **In college/university: 42.9%**
- **At workplace: 10.7%**
- **Social media/internet: 17.9%**
- **Friends/family: ~7% (estimate from chart)**
- **Have not heard before:**

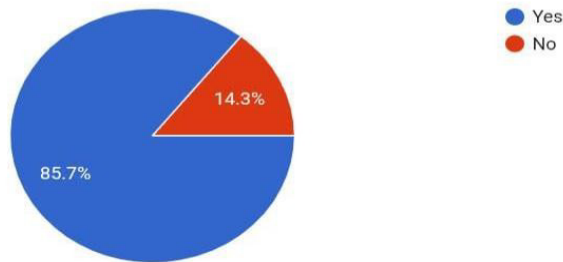
0% Interpretation:

Most participants (nearly 43%) first learned about IPR or Human Rights during higher education, indicating that academic institutions—especially universities—play a major role in disseminating knowledge on these topics. Social media/internet also contributes significantly (almost 18%), highlighting the importance of digital platforms in awareness building. A smaller portion learned through workplace exposure or informal networks like family and friends. The absence of respondents who “had not heard before” aligns with earlier results showing high awareness.

Section B: Understanding of IPR

5. Do you know that ideas, inventions and creative works can be legally protected?

28 responses



5. Understanding That Ideas and Creative Works Can Be Legally Protected

Question: Do you know that ideas, inventions, and creative works can be legally protected?

Responses:

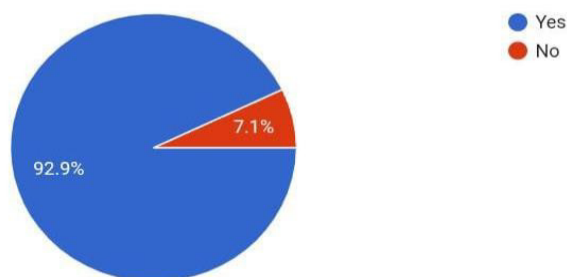
- **Yes: 85.7%**
- **No: 14.3%**

Interpretation:

Most respondents understand the general principle of legal protection for creative and inventive outputs. However, the 14.3% who answered “No” highlights a persistent misconception or lack of clarity around what types of ideas and works qualify for protection. Strengthening education in this area is essential to support creators and innovators.

6. Are you aware of copyrights (protection for books, music, movies, software etc.)?

28 responses



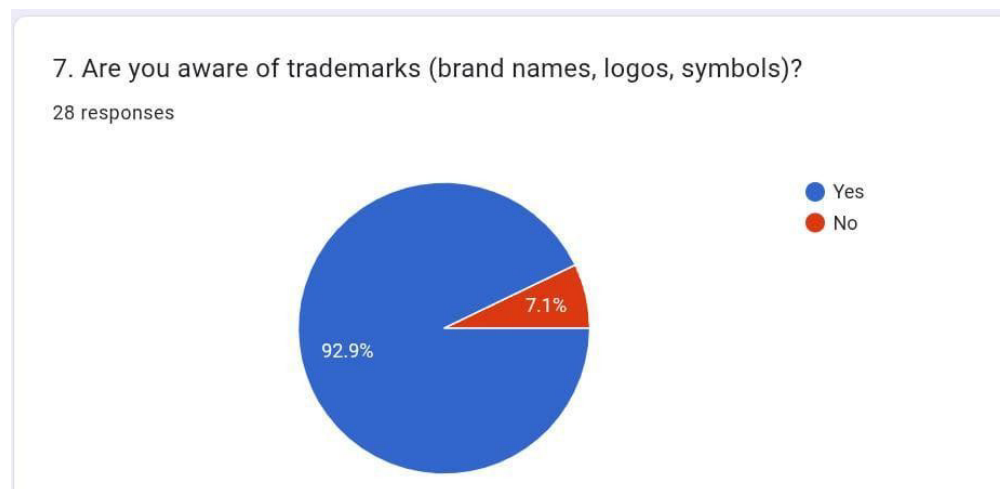
6. Awareness of Copyrights

Question: Are you aware of copyrights (books, music, movies, software, etc.)? Responses:

- **Yes: 92.9%**
- **No: 7.1%**

Interpretation:

Copyrights are the most widely recognized form of IPR among the respondents. This may be due to the everyday use of copyrighted material such as music, films, and online content. The 7.1% unaware of copyrights shows that there is still room for improving basic literacy regarding digital content ownership and usage rights.



7. Awareness of Trademarks

Question: Are you aware of trademarks (brand names, logos, symbols)? Responses:

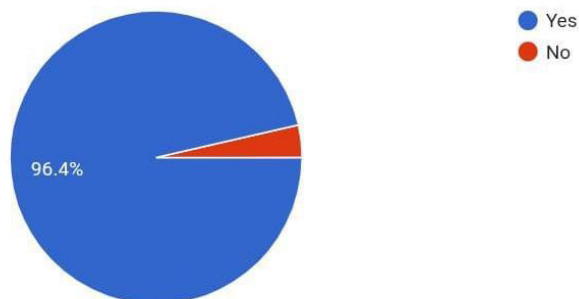
- **Yes: 92.9%**
- **No: 7.1%**

Interpretation:

Like copyright, trademark awareness is high. This may be attributed to constant exposure to branded goods and marketing materials. The consistent 7.1% lacking awareness indicates a minor but notable section of the population that may not clearly distinguish between different forms of intellectual property.

8. Are you aware of patents (protection for inventions)?

28 responses



8: Awareness of Patents

Question : “Are you aware of patents (protection for inventions)?”

Responses :

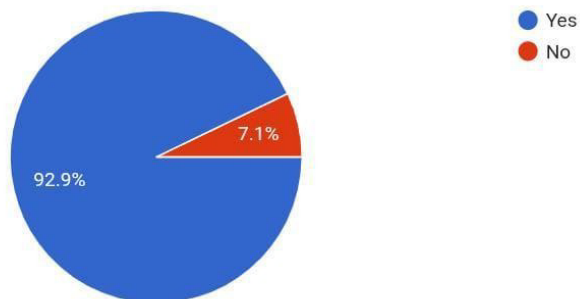
- 96.4% – Yes
- 3.6% – No

Interpretation:

Almost everyone knows what patents are. This indicates a very high awareness of intellectual property protection, especially in the context of inventions and technological creations.

9. Do you think protecting creative works is important for society?

28 responses



9. Importance of Protecting Creative Works

Questions : “Do you think protecting creative works is important for society?”

Responses :

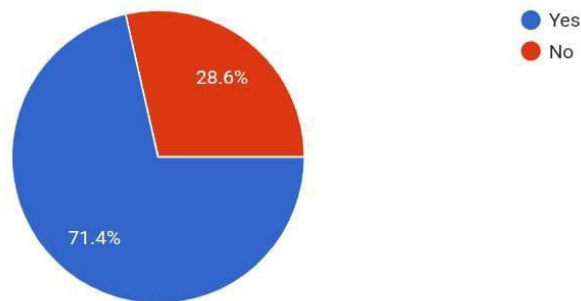
- 92.9% – Yes
- 7.1% – No

Interpretation:

The majority believe that protecting creative works (like art, music, books, inventions) is essential for society. This suggests strong recognition of the value of IPR in promoting creativity and innovation.

10. Have you ever used or downloaded movies, songs, or books from unofficial sources?

28 responses



10. Use of Unofficial Sources

Question : “Have you ever used or downloaded movies, songs, or books from unofficial sources?”

Responses :

- 71.4% – Yes
- 28.6% – No

Interpretation:

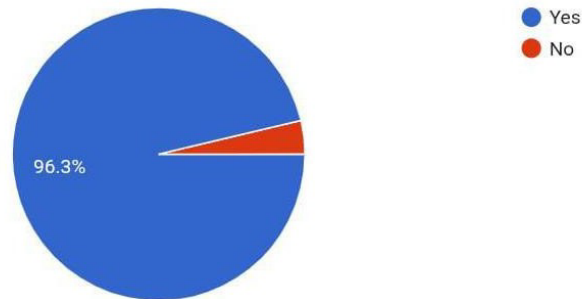
Despite high awareness of IPR, a large majority still access pirated or unofficial content. This shows a **gap between awareness and actual behavior**, possibly due to:

- easier access
- cost factors
- lack of strict enforcement

Section C: Understanding of Human Rights

11. Do you think every person has basic rights like equality, dignity, and freedom?

27 responses



11. Awareness of Basic Human Rights

Question : “Do you think every person has basic rights like equality, dignity, and freedom?”

Responses :

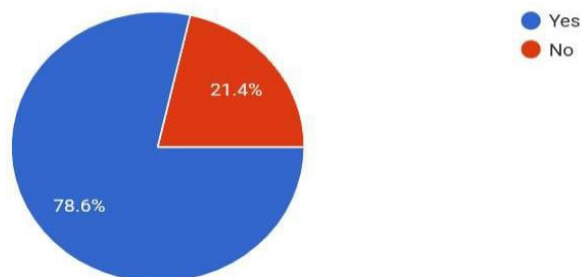
- 96.3% – Yes
- 3.7% – No

Interpretation:

There is very strong awareness of fundamental human rights, indicating good general knowledge about equality and dignity.

12. Have you ever faced or seen a violation of human rights in your community?

28 responses



12. Experience or Observation of Human Rights Violations

Question : “Have you ever faced or seen a violation of human rights in your community?”

Responses :

- 78.6% – Yes
- 21.4% – No

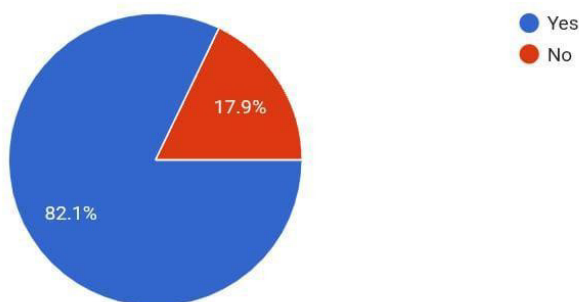
Interpretation:

A significant portion (nearly 4 out of 5 respondents) have **witnessed or experienced human rights violations**, suggesting:

- lack of proper protection
- awareness comes from real-life exposure
- common occurrences in the community

13. Do you know that access to medicine and healthcare is linked to human rights?

28 responses



13. Awareness that Healthcare Access Is a Human Right

Question : “Do you know that access to medicine and healthcare is linked to human rights?”

Responses :

- 82.1% – Yes
- 17.9% – No

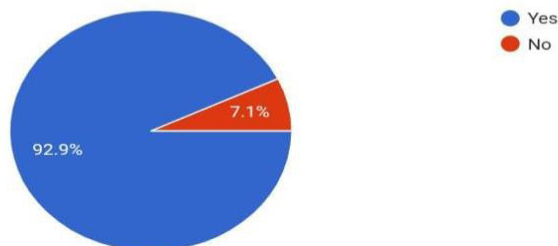
Interpretation:

Most respondents understand that healthcare is a basic human right, but almost 1 in 5 do not, showing the need for more public education on this topic.

Section D: IPR and Human Rights – Connection

14. Do you think access to life-saving medicines should be affordable for everyone?

28 responses



14. Affordability of Life-Saving Medicines

Question : “Do you think access to life-saving medicines should be affordable for everyone?”

Responses :

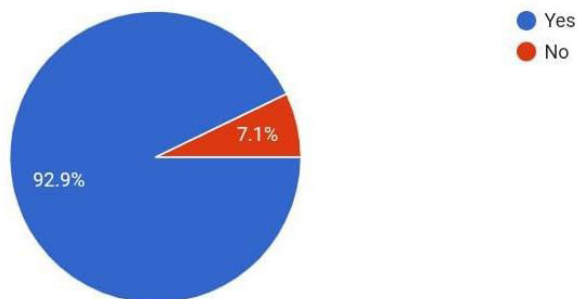
- 92.9% – Yes
- 7.1% – No

Interpretation:

There is overwhelming support for affordable healthcare. Respondents strongly value human rights over strict patent controls when it comes to essential medicines. This aligns with global debates about balancing **IPR protection** with **public health needs**.

15. Do you think creators deserve protection for their work while balancing public interest?

28 responses



15. Protection of creators

Question : “Do you think creators deserve protection for their work while balancing public interest?”

Responses:

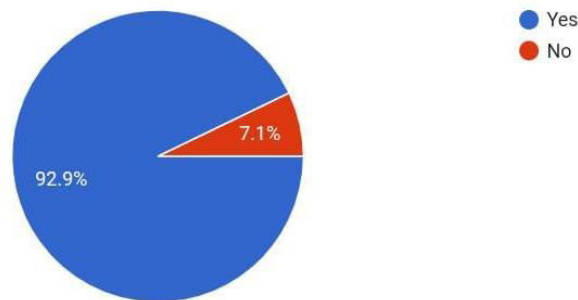
- Yes: 92.9% (approximately 26 respondents)
- No: 7.1% (approximately 2 respondents)

Interpretation:

The overwhelming support for protection of creators’ work, coupled with an explicit reference to “balancing public interest,” shows that most respondents intuitively accept the human-rights idea that authors and inventors should enjoy moral and material benefits from their creations, provided that this does not unreasonably restrict public access. This distribution suggests a strong normative preference for a rights-based IPR regime that recognises both the creator’s rights and broader social interests such as access to knowledge, education, and health.

16. Do you think traditional knowledge (like Ayurveda, folk remedies) should be protected legally?

28 responses



16. Protection of traditional knowledge

Question : “Do you think traditional knowledge (like Ayurveda, folk remedies) should be protected legally?”

Responses :

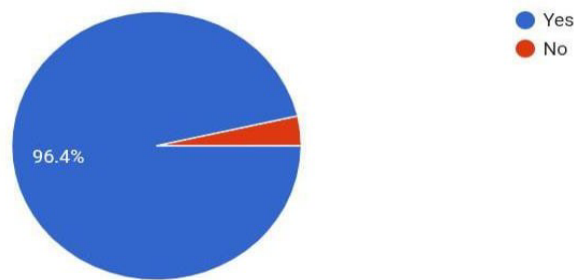
- Yes: 92.9% (approximately 26 respondents)
- No: 7.1% (approximately 2 respondents)

Interpretation:

The near-unanimous agreement that traditional knowledge deserves legal protection indicates that respondents extend the idea of intellectual and cultural rights beyond individual authors to communities and indigenous groups. This can be interpreted as support for integrating sui generis protection of traditional knowledge into the human-rights framework, particularly the rights of communities to preserve their cultural heritage and to control exploitation of their medicinal and ecological knowledge

17. Do you feel that people should be educated more about their rights related to IPR and Human Rights?

28 responses



17. Need for more education on IPR and human rights

Question : “Do you feel that people should be educated more about their rights related to IPR and Human Rights?”

Responses:

- Yes: 96.4% (approximately 27 respondents)
- No: 3.6% (approximately 1 respondent)

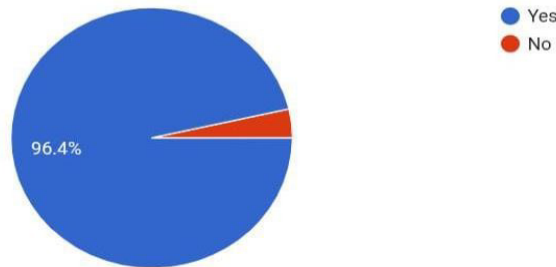
Interpretation:

Almost all participants believe that the general population requires more education on IPR and human-rights-related rights, revealing a perceived gap between formal recognition of these rights and people’s practical understanding of how to exercise them. This finding supports policy arguments for integrating IPR and human-rights literacy into school curricula, university programmes, and public legal-aid or awareness campaigns.

Section E: Attitudes and Opinions

18. Should schools and colleges teach basic IPR and Human Rights awareness?

28 responses



18. Role of schools and colleges

Question : “Should schools and colleges teach basic IPR and Human Rights awareness?”

Responses :

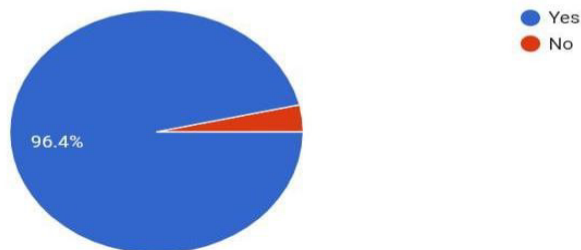
- Yes: 96.4% (approximately 27 respondents)
- No: 3.6% (approximately 1 respondent)

Interpretation:

Respondents overwhelmingly assign primary responsibility for IPR and human-rights education to formal educational institutions, echoing international human-rights instruments that place duties on states to promote rights education. In your paper, this can be used to argue that universities and schools function as key intermediaries in operationalising the right to education and the right to access information about one’s legal entitlements related to creativity and innovation

19. Do you think common people find IPR laws confusing or difficult to understand?

28 responses



19. Complexity of IPR laws for the public

Question : “Do you think common people find IPR laws confusing or difficult to understand?”

Responses:

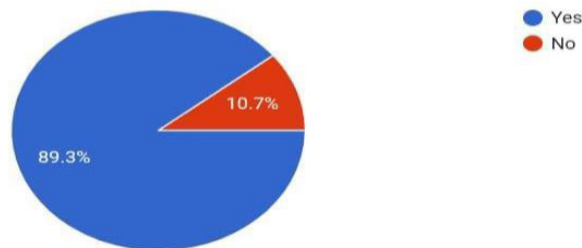
- Yes: 96.4% (approximately 27 respondents)
- No: 3.6% (approximately 1 respondent)

Interpretation:

The very high proportion of “Yes” responses indicates a shared perception that, despite broad awareness of the existence of IPR, the legal rules themselves are complex and inaccessible to laypersons. This supports a human-rights critique that overly technical or opaque IPR regimes can undermine meaningful access to justice and the effective enjoyment of rights, particularly for small creators, students, and marginalised communities

20. In your opinion, does protecting creativity and innovation also support human development?

28 responses



20: IPR and human development

Question : “In your opinion, does protecting creativity and innovation also support human development?”

Responses:

- Yes: 89.3% (approximately 25 respondents)
- No: 10.7% (approximately 3 respondents)

Interpretation:

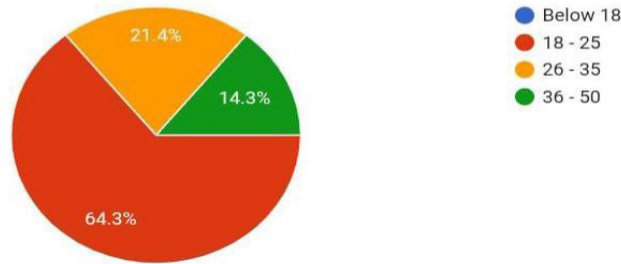
Most respondents view protection of creativity and innovation as positively linked to human development, reflecting the idea that strong but balanced IPR can encourage scientific progress, cultural production, and economic growth that benefit society as a whole. A small minority doubts this link, which resonates with critical scholarship arguing that certain forms of IP protection may hinder access to essential goods such as medicines and educational materials; this ambivalence

allows your legal analysis to discuss the tension between exclusive rights and socio-economic rights like health and education

Section F: Demographic information

21. Age:

28 responses



21: Age of respondents

Question : “Age”

Response:

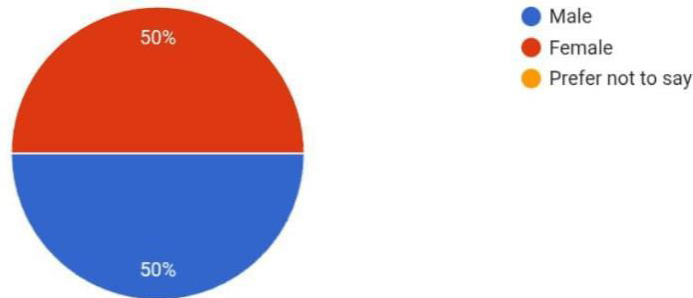
- 18–25 years: 64.3% (approximately 18 respondents)
- 26–35 years: 21.4% (approximately 6 respondents)
- 36–50 years: 14.3% (approximately 4 respondents)
- Below 18 years: 0% (no respondents)

Interpretation:

The sample is dominated by young adults in the 18–25 age group, with more than three-fifths of respondents falling in this bracket, followed by smaller proportions of early- and mid-career adults. This age profile indicates that the findings mainly reflect the perceptions of students and young professionals, which is relevant because this group is directly affected by education-sector policies on IPR and human-rights awareness and is often at the stage of creating new works and innovations.

22. Gender:

28 responses



22: Gender distribution

Question : “Gender”

Responses :

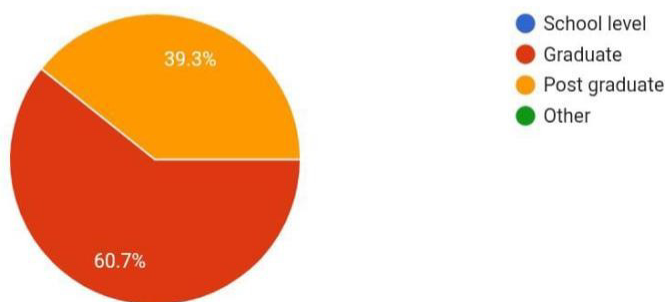
- Male: 50% (14 respondents)
- Female: 50% (14 respondents)
- Prefer not to say: 0% (no respondents)

Interpretation:

The gender distribution is perfectly balanced between male and female respondents, with no participant choosing to withhold gender information. This balance strengthens the credibility of your attitudinal results by reducing the risk that views on IPR and human rights are skewed by over-representation of one gender, which is important in a field where gendered access to knowledge and cultural participation is a recognised human-rights concern.

23. Educational Qualification:

28 responses



23: Educational qualification**Question : “Educational Qualification”****Responses:**

- Graduate: 60.7% (approximately 17 respondents)
- Post-graduate: 39.3% (approximately 11 respondents)
- School level: 0%
- Other: 0%

Interpretation:

All respondents have at least a graduate degree, and a substantial minority possess post-graduate qualifications, showing that the sample is highly educated. This educational profile helps explain the generally high levels of awareness of IPR and human-rights concepts in your earlier results and also means that your findings primarily represent legally and academically literate individuals, which you should acknowledge as a limitation when generalising to the wider population.

10. Analysis and Findings

The survey findings reveal a strong general awareness of both human rights and intellectual property rights (IPR) among respondents, but this awareness is largely superficial and institutionally mediated, with limited formal training and a significant gap between knowledge and practice. These patterns support the argument that IPR–human rights linkages are recognized at a conceptual level, but they remain underdeveloped in terms of legal literacy, rights-based education, and practical implementation.

1. High Conceptual Awareness, Low Formal Exposure

Respondents show very high baseline awareness of both human rights (100%) and IPR (85.7%), with particularly strong recognition of specific IPR forms: patents (96.4%), copyrights (92.9%), and trademarks (92.9%). This indicates that the core vocabulary of IPR and human rights is widely known, especially among young, educated populations.

However, only 25% have ever attended a formal workshop or session on IPR or human rights, while 75% have not. This disconnect between awareness and structured learning suggests that knowledge is acquired passively (through media, education, or social discourse) rather than through active, rights-based legal education. The high “no” rate in workshops reinforces the finding that awareness is broad but shallow, lacking depth in legal mechanisms, enforcement, and practical application.

2. Educational Institutions as Primary Knowledge Gatekeepers

The dominant first source of learning is formal education: 42.9% first learned about IPR or human rights in college/university, and 21.4% in school, together accounting for over 64% of respondents. This highlights universities and schools as the main institutional channels for disseminating rights-related knowledge, aligning with international human rights instruments that place a duty on states to promote rights education.

Social media and the internet are also important (17.9%), reflecting the role of digital platforms in informal rights awareness, especially among youth. However, workplace exposure (10.7%) and informal networks (family/friends, ~7%) play a relatively minor role, suggesting that professional and community-based rights education remains weak.

3. Recognition of Protection Principles, but Persistent Misconceptions

Most respondents (85.7%) understand that ideas, inventions, and creative works can be legally protected, indicating a basic grasp of the rationale behind IPR. Similarly, 96.3% affirm that every person has basic rights like equality, dignity, and freedom, showing strong normative acceptance of human rights.

Yet, 14.3% do not know that creative outputs can be protected, and 17.9% are unaware that access to healthcare/medicine is a human right, revealing persistent gaps in understanding [own data]. These figures point to a need for targeted education on what exactly qualifies for protection (e.g., ideas vs. expressions, traditional knowledge, public health rights) and how these rights are legally grounded.

4. Strong Normative Support for Balanced Rights

Respondents overwhelmingly support the idea that creators deserve protection while balancing public interest (92.9%) and that traditional knowledge (e.g., Ayurveda, folk remedies) should be legally protected (92.9%). This reflects an intuitive, rights-based view of IPR that aligns with Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which recognizes both the author's moral and material interests and the public's right to benefit from science and culture.

The near-unanimous belief that access to life-saving medicines should be affordable (92.9%) further underscores a strong preference for human rights over strict, exclusionary IPR regimes in matters of health and essential goods. This supports the argument that, in public perception, IPR must be subordinated to fundamental socio-economic rights like health and dignity, especially when access is at stake.

5. Awareness–Behaviour Gap and Perceived Complexity

Despite high awareness, 71.4% admit to using or downloading movies, songs, or books from unofficial sources, revealing a significant gap between knowledge and behavior. This is consistent

with global trends where convenience, cost, and weak enforcement often outweigh formal IPR awareness.

Moreover, 96.4% agree that IPR laws are confusing or difficult for common people to understand, indicating that the legal regime is perceived as technical, inaccessible, and alienating. This perception of complexity undermines the effectiveness of IPR as a rights-based system, as it limits the ability of small creators, students, and marginalized groups to exercise their rights and access justice.

6. Demographic Profile and Limitations

The sample is dominated by young adults (64.3% aged 18–25), with a balanced gender split (50% male, 50% female) and high educational attainment (all at least graduates, 39.3% post-graduates) [own data]. This profile explains the high levels of awareness but also limits generalizability to older, less educated, or non-academic populations.

Findings therefore primarily reflect the views of legally and academically literate youth, who are more likely to encounter IPR and human rights in curricula and digital spaces. This should be acknowledged as a limitation when extending conclusions to broader, more diverse populations.

11. Implications for IPR–Human Rights Linkages in the Paper

These findings support the core argument that IPR–human rights linkages are widely recognized at a general, normative level, but they remain underdeveloped in terms of legal understanding and practical implementation. Respondents intuitively accept a balanced, rights-based IPR regime that protects creators while safeguarding public interests like access to knowledge, health, and culture

However, the low workshop participation, reliance on schools/colleges, and perceived complexity of IPR laws highlight a critical need for structured, rights-based education. In the paper, this can be used to argue that:

- Educational institutions must be strengthened as primary sites for IPR–human rights literacy, integrating these topics into curricula at school and university levels.
- Public awareness campaigns should move beyond basic definitions to clarify legal boundaries (e.g., what can be protected, exceptions, fair use) and the human rights dimensions of IPR (e.g., access to medicines, traditional knowledge).
- Policy must address the awareness behaviour gap by improving access to legal content and strengthening enforcement in a way that is proportionate and rights-respecting, rather than relying solely on punitive measures.
- The near-universal demand for more education (96.4%) and the perception of IPR laws as confusing (96.4%) provide strong empirical support for a human rights critique of overly

technical, opaque IPR regimes that undermine meaningful access to justice and the enjoyment of rights.

12. Suggestions and Recommendations

The analysis of the intersection between Intellectual Property Rights (IPR) and Human Rights reveals the necessity for a more equitable and inclusive legal framework one that promotes innovation while safeguarding fundamental human rights such as the right to health, education, and culture. Based on the doctrinal and analytical study, the following suggestions and recommendations are proposed:

1. Adopt a Human-Rights-Based Approach in IP Policymaking

Intellectual property protection should not be viewed solely as an economic or commercial instrument but as a developmental and social tool that contributes to the realization of human rights. Policymakers should ensure that IP laws, policies, and enforcement mechanisms are consistent with international human rights obligations, including those under the Universal Declaration of Human Rights (UDHR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

2. Strengthen Compulsory Licensing and Parallel Importation Mechanisms for Essential Drugs

The TRIPS Agreement provides flexibility to member states under Articles 31 and 6 to issue compulsory licenses and permit parallel importation in cases of public health emergencies. India has utilized these provisions through Section 84 of the Patents Act, 1970, but greater policy emphasis and administrative efficiency are needed to make them more effective for example simplifying the procedural framework for granting compulsory licenses, Encouraging public sector and generic manufacturers to produce affordable medicines and so on.

3. Encourage Open Access and Creative Commons Initiatives in Education and Research

The right to education under Article 21-A of the Constitution and Article 26 of the UDHR necessitates affordable access to educational materials and scientific information. Excessive copyright enforcement often limits dissemination of knowledge, especially in developing countries. To counter this, the government and academic institutions should promote open-access publishing models, enabling free availability of academic and scientific works and encourage digital libraries and institutional repositories to improve accessibility.

4. Recognize and Protect Traditional Knowledge and Community Rights

One of the most overlooked areas in IPR discourse is the protection of traditional knowledge (TK), folklore, and indigenous cultural expressions. These forms of knowledge are collectively owned by communities and often exploited through biopiracy and misappropriation by corporations and

researchers. Expanding the Traditional Knowledge Digital Library (TKDL) and integrating it with global patent databases to prevent misuse and ensuring benefit-sharing mechanisms for indigenous communities through local governance structures.

5. Incorporate Human Rights Impact Assessments (HRIAs) Before Enacting or Amending IP Laws

Before introducing or amending IP-related legislation, it is crucial to conduct Human Rights Impact Assessments (HRIAs) that is, systematic evaluations that determine the potential effects of IP policies on fundamental rights.

6. Strengthen Judicial and Administrative Capacity

Judicial interpretation has played a central role in maintaining the IPR–human rights balance in India. To strengthen this role, conduct capacity-building programmes for judges, patent officers, and legal practitioners on human-rights-sensitive IP adjudication and establish specialized IPR benches or tribunals with multidisciplinary expertise.

7. Promote Awareness and Public Participation

Lastly, awareness at the societal level is key to maintaining the IPR–human rights equilibrium. Public participation in policymaking ensures accountability and inclusiveness. Educational campaigns, inclusion of IP and human rights topics in legal education, and community-level sensitization can foster a culture where both creativity and accessibility are valued

13. Conclusion

The intricate relationship between Intellectual Property Rights (IPR) and Human Rights represents one of the most debated legal intersections in the modern globalized world. The two regimes—while sharing the common objective of promoting creativity, innovation, and human welfare—often diverge in practice due to conflicting priorities. IPR tends to emphasize individual exclusivity and economic reward, whereas human rights underscore collective well-being, equality, and access to knowledge. Balancing these competing interests has therefore become a pressing concern for lawmakers, courts, and policymakers alike.

From this research, it becomes evident that the evolution of intellectual property law must be guided by constitutional morality and social justice. In India, this balance is anchored in Article 21 of the Constitution, which guarantees the Right to Life, interpreted expansively to include the Right to Health, Education, and Livelihood. Judicial activism has been instrumental in ensuring that intellectual property protection does not compromise these fundamental human entitlements. The Supreme Court, through landmark cases such as *Novartis AG v. Union of India* (2013) and *Bayer Corporation v. Union of India* (2014), has demonstrated a progressive approach by subordinating corporate monopolies to public welfare and accessibility.

The Indian legal framework comprising the Patents Act, 1970 (as amended in 2005), the Copyright Act, 1957, and other allied laws reflects a conscious attempt to harmonize TRIPS obligations with national priorities. Provisions such as Section 3(d) and compulsory licensing mechanisms showcase India's commitment to maintaining affordability in pharmaceuticals and access to essential technologies. This approach not only safeguards domestic interests but also serves as a model for other developing nations seeking to align IP protection with socio-economic realities.

Internationally, debates around the TRIPS Agreement, WIPO treaties, and the Doha Declaration highlight the ongoing struggle to align global trade obligations with the human rights agenda. The global IP system, often criticized for being dominated by corporate and developed-country interests, must evolve toward a more equitable, human-centric paradigm. The UN Sub-Commission on Human Rights (2001), and scholars such as Laurence Helfer and Peter Drahos, have consistently emphasized the need to embed human rights safeguards into IP governance. These perspectives reinforce the understanding that intellectual property is not an end in itself but a means to achieve human progress.

To ensure sustainable development and equitable access to innovation, India must continue to strengthen its human-rights-based approach to IPR. This includes incorporating Human Rights Impact Assessments (HRIAs) in policy formulation, encouraging open-access movements, and protecting community knowledge systems. Legal reform should go hand in hand with public awareness and institutional capacity building so that both creators and consumers can enjoy the fruits of innovation without injustice.

Ultimately, intellectual property rights should be viewed as servants of human welfare, not masters of it. The law must strike a dynamic balance protecting innovation while ensuring that no one is denied access to life-saving medicines, educational materials, or cultural participation due to excessive commercialization. A system rooted in equity, accessibility, and constitutional compassion can transform intellectual property from a tool of exclusion into a vehicle for inclusive human development.

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