

# INTERNATIONAL DIMENSIONS TO INTELLECTUAL PROPERTY

by

**Mayowa Ajileye**

Intellectual Property law has been rightly described as a growing practice area of law,<sup>1</sup> nonetheless, Intellectual property (IP) rights are among the most complex and contentious areas of law. This area of law is an important part of a country's infrastructure necessary for economic development. Unlike tangible assets, the protection of intellectual property has been a subject of numerous debates, interestingly yet unsurprisingly, the protection of intellectual property despite the numerous debates has survived many premature obituaries, and as such, the justification for the protection of intellectual property exists under international human rights frameworks, notably is the Universal Declaration of Human Rights, which provides as follows:

**“Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author”<sup>2</sup>**

Similarly, Article 15 of the International Covenant on Economic, Social and Cultural Rights<sup>3</sup> provides that everyone has a right to both the moral and economic interest resulting from any scientific, literary or artistic production of which he is the author.

---

<sup>1</sup> <https://www.thebalancecareers.com/intellectual-property-law-2164607> (accessed 8 January 2020)

<sup>2</sup> UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), Article 27

<sup>3</sup> UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3

Against this backdrop, the benefits of the protection of intellectual property rights transcend all societies. Its impact on developing states has been a subject of numerous deliberations at various international symposiums, notably the World Intellectual Property Organization<sup>4</sup>, concomitant with the deliberations are controversies as to its relevance for such states, it has been argued that the protection of intellectual property rights in developing and underdeveloped states is uneconomical, and a waste of already limited resources<sup>5</sup>. In spite of the numerous controversies tailing the protection of these rights in developing states, many of such countries have enacted laws for the protection of same. In the same vein, there has been a plethora of discussions on the importance of intellectual property as a commercial asset and key player in promoting innovative activities in developed states.

In a bid to protect intellectual property rights globally, the World Intellectual Property Organization (WIPO) was established as one of the specialized agencies of the United Nations in 1967. The organization which currently comprises of 192 member states administers 26 treaties including the WIPO Convention<sup>6</sup>.

---

<sup>4</sup> The Role of Intellectual Property in Development and WIPO's Development Cooperation Program, WIPO Intellectual Property Handbook: Policy, Law and Use, available at <https://www.wipo.int/export/sites/www/about-ip/en/iprm/pdf/ch3.pdf> (accessed 8 January 2020)

<sup>5</sup> Adejoke Oyewunmi, *Nigerian Law of Intellectual Property*, (Unilag Press: Lagos, 2015)

<sup>6</sup> WIPO-Administered Treaties, available at <https://www.wipo.int/treaties/en/> (accessed 8 January 2020)

Similarly, the World Trade Organization has made great strides towards the protection of IP rights. Evidence of this progress is the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). This agreement is the most pertinent and comprehensive multilateral agreement on intellectual property, the agreement introduced intellectual property law into the multilateral trading system.

The progress made appears more evident than real as a result of the disparate interests in IPRs protection across various states depending on their level of economic development. There are considerable differences in the strength of laws and enforcement of same globally, and as such a clamour for a modification of international frameworks and treaties drafted for the protection of IP rights, particularly by developing states.

Conclusively, it is trite that the protection of intellectual property rights is essential for economic development, and while there are distinctive interests in IPR protection amongst various states, international treaties and agreements have seemingly harmonized these differences by creating a minimum standard for the protection of the rights. The effectiveness of these treaties and agreements, particularly, TRIPS remains a subject of academic debate.

For further enquiries: