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With this thought, we hereby present to you

W H I T E B L A C K  
L E G A L

# **HARNESSING INTELLECTUAL PROPERTY RIGHTS FOR POVERTY ALLEVIATION: A LEGAL FRAMEWORK FOR SUSTAINABLE DEVELOPMENT AND INNOVATION**

AUTHORED BY - IQMAAZ MATLOOB

## **Abstract**

*Intellectual Property Rights (IPRs) play a crucial role in fostering innovation, economic development, and poverty alleviation. By granting exclusive rights to creators, IPRs incentivize technological advancements that address pressing social and economic challenges, particularly in developing regions. This paper examines the intersection of IPRs and sustainable development, highlighting how patents, copyrights, and trademarks contribute to economic growth, technology transfer, and improved access to essential goods and services. It also explores legal challenges, including enforcement gaps, accessibility barriers, and the need for balanced regulatory frameworks. The study advocates for inclusive IPR policies, international cooperation, and public-private partnerships to ensure that intellectual property fosters equitable economic opportunities. Addressing these challenges through tailored legal frameworks can unlock the full potential of IPRs in reducing poverty and promoting sustainable development. The paper underscores the necessity of balancing innovation incentives with equitable access to knowledge and technology for marginalized communities.*

**Keywords:** Intellectual Property Rights, Innovation, Sustainable Development, Poverty Alleviation, Legal Framework.

## **Introduction: Intellectual Property Rights as a Catalyst for Poverty Alleviation**

Intellectual Property Rights (IPRs) are fundamental tools that foster innovation and economic development in the modern world. These rights, including patents, copyrights, trademarks, and trade secrets, grant creators exclusive control over their inventions and creative works for a designated period. This exclusivity serves as an incentive, encouraging individuals and organizations to invest time, resources, and effort into developing new technologies, artistic expressions, and brands. The patent system and IP rights can stimulate local innovation that

directly addresses poverty. By protecting these investments, IPRs ensure that innovators can reap the rewards of their labour, thus promoting a cycle of continuous improvement and advancement across various sectors.<sup>1</sup> The relationship between IPRs and sustainable development is particularly critical, especially in poverty-stricken regions where innovation can be a powerful catalyst for change. Strategic use of IP rights can accelerate progress in sustainable development, fostering social and economic growth.

The concept of sustainable development, as defined by the United Nations' Sustainable Development Goals (UNSDGs), encompasses economic growth, social inclusion, and environmental protection. In the context of poverty alleviation, IPRs can play a pivotal role in achieving these goals by incentivizing the development and dissemination of technologies and solutions tailored to the specific needs of underserved communities.<sup>2</sup> For instance, innovations in agriculture, healthcare, and clean energy, protected by IPRs, can enhance productivity, improve health outcomes, and promote environmental sustainability in developing countries.<sup>3</sup> Patent laws need to be relaxed and adapted to help developing countries fight poverty and gain access to technology, medicines, and research.<sup>4</sup> IPRs can facilitate technology transfer from developed to developing countries, enabling local industries to adopt and adapt existing technologies to their unique circumstances. This process can lead to the creation of new jobs, the improvement of existing products and services, and the overall enhancement of economic competitiveness.<sup>5</sup> In Brazil, Companhia Vale do Rio Doce acknowledges and rewards intellectual property contributions by their employees. Protecting their IP has increased export revenue, contributing to Brazil's sustainable development.<sup>6</sup> However, it is crucial to recognize that the effective utilization of IPRs for sustainable development requires a balanced approach that takes into account the specific needs and challenges of developing countries.

Developing a robust legal framework that promotes IPRs is of paramount importance for

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<sup>1</sup> Overview, IPRCOMMISSION, [http://www.iprcommission.org/papers/text/final\\_report/overviewhtmfinal.htm](http://www.iprcommission.org/papers/text/final_report/overviewhtmfinal.htm) (last visited Feb 12, 2025).

<sup>2</sup> Clara Fong & Diana Roy, *What Are the UN Sustainable Development Goals?* | Council on Foreign Relations, COUNCIL ON FOREIGN RELATIONS, <https://www.cfr.org/background/what-are-un-sustainable-development-goals> (last visited Feb 14, 2025).

<sup>3</sup> Overview, *supra* note 1.

<sup>4</sup> Zosia Kmietowicz, *Patent Laws Are Keeping Poor Countries in Poverty*, 325 *BMJ* 562 (2002).

<sup>5</sup> Overview, *supra* note 1.

<sup>6</sup> How IP benefits developing countries, ICC - INTERNATIONAL CHAMBER OF COMMERCE (2005), <https://iccwbo.org/news-publications/news/how-ip-benefits-developing-countries/> (last visited Feb 10, 2025).

fostering social and economic growth, particularly in regions grappling with poverty.<sup>7</sup> Such framework has to strike a delicate balance between protecting the rights of innovators and ensuring access to essential goods and services for the poor. An intellectual property system, if not used carefully, can introduce distortions that are detrimental to the interests of developing countries. This involves tailoring IPR laws and regulations to the unique circumstances of each country, taking into consideration its level of development, technological capabilities, and social priorities. Developed countries should balance their commercial interests with the need to reduce poverty. For instance, developing countries can formulate laws that give them easier access to cut-price drugs and generic versions of drugs that are still patented, ensuring that diagnostic and surgical methods are excluded from patents.<sup>8</sup>

The legal framework ought to promote transparency, accountability, and inclusivity, ensuring that all stakeholders, including local communities, small businesses, and civil society organizations, have a voice in the development and implementation of IPR policies. Local governments and international bodies must work together to ensure that IP laws facilitate the dissemination of life-changing technologies, rather than hinder them. This can be achieved through capacity-building initiatives, awareness-raising campaigns, and the establishment of accessible and affordable mechanisms for IPR enforcement and dispute resolution. Millions of rural poor and the urban poor living in informal settlements lack access to land. But even when they have access to land, their rights, however understood, to the land may not be formally or legally recognized.<sup>9</sup>

International cooperation is essential to create a fairer and more equitable global IPR system. This includes strengthening the role of international organizations such as the World Intellectual Property Organization (WIPO) in providing technical assistance and support to developing countries, as well as promoting the harmonization of IPR laws and standards across different jurisdictions. The broad aim is to improve the understanding of intellectual property rights-related issues among developing countries and to assist them in building their policies and frameworks.<sup>10</sup> Developed countries need to pay more attention to reconciling their

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<sup>7</sup> Judy Winegar Goans, *Intellectual Property and Developing Countries An Overview*, (2003), <https://www.hsdn.org/c/view?docid=446296>.

<sup>8</sup> Kmietowicz, *supra* note 4.

<sup>9</sup> Ruth Meinzen-Dick, *Property Rights for Poverty Reduction?*, UNDESA 1 (2009).

<sup>10</sup> International Cooperation in association with the World Intellectual Property Organization (WIPO) and the Japan International Cooperation Agency (JICA), JAPAN PATENT OFFICE, [https://www.jpo.go.jp/e/news/kokusai/developing/experts\\_workshops\\_e.html](https://www.jpo.go.jp/e/news/kokusai/developing/experts_workshops_e.html) (last visited Feb 13, 2025).

commercial self-interest with the need to reduce poverty in developing countries, which is in everyone's interest. Moreover, international agreements such as the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement are to be interpreted and implemented in a manner that takes into account the specific needs and concerns of developing countries, allowing them to utilize flexibilities and exceptions to promote access to essential medicines, technologies, and knowledge.<sup>11</sup> The incorporation of intellectual property rights into the multilateral trading system and their relationship with several key public policy issues is intended to contribute to a better understanding of the key policy issues raised by IPRs and their impact on economic development, poverty alleviation and sustainable human environment.

The importance of IPRs in achieving the UNSDGs cannot be overstated. Innovations protected by IP can act as critical catalysts in achieving the Sustainable Development Goals. For instance, patents on agricultural technologies can help farmers increase crop yields and enhance food security, directly contributing to SDG 1 No Poverty. Similarly, IPRs can incentivize the development of new medicines and diagnostic tools to combat diseases such as HIV/AIDS, tuberculosis, and malaria, contributing to SDG 3 Good Health and Well-being. Medicines can only be developed if pharmaceutical companies are part of the R&D team, and they will only play their role if intellectual property rights are protected and proper contractual terms established. IPRs can promote the adoption of clean energy technologies and sustainable resource management practices, contributing to SDG 7 Affordable and Clean Energy and SDG 15 Life on Land.<sup>12</sup> IPRs have never been more economically and politically important or controversial than they are today. Patents, copyrights, trademarks, industrial designs, integrated circuits and geographical indications are frequently mentioned in discussions and debates on such diverse topics as public health, food security, education, trade, industrial policy, traditional knowledge, biodiversity, biotechnology, the Internet, and the entertainment and media industries. The implementation of a robust and inclusive legal framework will ensure equitable access to IPRs for all and that requires action for policymakers, international bodies, and stakeholders to create a fairer global IPR system.

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<sup>11</sup> THE TRIPS AGREEMENT AND DEVELOPING COUNTRIES, (United Nations Conference on Trade and Development ed., 1996), [https://unctad.org/system/files/official-document/ite1\\_en.pdf](https://unctad.org/system/files/official-document/ite1_en.pdf).

<sup>12</sup> World IP Day 2024: Sustainable Development Goals and Intellectual Property – The role of Intellectual Property rights in the innovation world, EUROPEAN COMMISSION (2024), [https://intellectual-property-helpdesk.ec.europa.eu/news-events/news/world-ip-day-2024-sustainable-development-goals-and-intellectual-property-role-intellectual-property-2024-04-26\\_en](https://intellectual-property-helpdesk.ec.europa.eu/news-events/news/world-ip-day-2024-sustainable-development-goals-and-intellectual-property-role-intellectual-property-2024-04-26_en) (last visited Feb 17, 2025).

## Theoretical and Legal Foundations of Intellectual Property Rights

Intellectual Property Rights are essential legal mechanisms that protect the creations of the mind, providing exclusive rights to inventors and creators over their innovations for a specified period. These rights encompass various categories, including patents, copyrights, trademarks, and trade secrets. Patents protect new inventions or processes, granting the inventor exclusive rights to exploit their creation commercially for a limited time, typically 20 years from the filing date. Copyrights safeguard original works of authorship, such as literature, music, and art, allowing creators to control the reproduction and distribution of their works. Trademarks protect symbols, names, and slogans used to identify goods or services, ensuring that consumers can distinguish between different providers in the marketplace. Trade secrets refer to confidential business information that provides a competitive edge, such as formulas or practices that are not publicly known. Together, these forms of IPR serve as critical tools for fostering innovation and creativity in various sectors of the economy.<sup>13</sup>

The international legal framework governing IPRs is primarily shaped by agreements established under the auspices of the WIPO and the TRIPS Agreement. WIPO is a specialized agency of the United Nations dedicated to promoting intellectual property protection worldwide. It provides a forum for member states to negotiate international treaties and develop policies that harmonize IPR laws across jurisdictions. The TRIPS Agreement, which came into force in 1995 as part of the World Trade Organization (WTO) framework, sets minimum standards for IPR protection and enforcement among its member countries. It mandates that countries provide protection for patents, copyrights, trademarks, and other forms of intellectual property while allowing for certain flexibilities to accommodate public health needs and access to essential medicines.<sup>14</sup> This international legal framework aims to balance the interests of innovators with those of society at large by promoting innovation while ensuring that knowledge and technology are accessible.

National legal systems play a crucial role in shaping the development and enforcement of IPRs within individual countries. Each nation has its own set of laws and regulations governing intellectual property, which can vary significantly in terms of scope, duration, and enforcement

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<sup>13</sup> Chapter-2 Intellectual Property Right, SOUTH CALCUTTALAW COLLEGE, <https://www.southcuttalawcollege.ac.in/Notice/50327GENERAL%20CONCEPT%20OF%20INTELLECTUAL%20PROPERTY%20RIGHTS.pdf> (last visited Feb 15, 2025).

<sup>14</sup> Uruguay Round Agreement: TRIPS Trade-Related Aspects of Intellectual Property Rights, WIPO, <https://www.wipo.int/wipolex/en/text/305907> (last visited Feb 10, 2025).

mechanisms. For instance, some countries may offer stronger protections for certain types of intellectual property than others, influencing how effectively creators can safeguard their innovations. National laws must comply with international treaties like TRIPS while considering local economic conditions and cultural contexts. This interplay between national and international frameworks can create challenges for developing countries seeking to enhance their IPR systems. Many developing nations face difficulties in establishing effective enforcement mechanisms due to limited resources and capacity.<sup>15</sup> Consequently, disparities in IPR protection can lead to inequities in innovation and economic growth.

The relationship between IPRs and innovation is well-documented in economic literature. Strong intellectual property protection incentivizes investment in research and development (R&D) by ensuring that innovators can reap financial rewards from their inventions. This is particularly important in industries where R&D costs are high, such as pharmaceuticals and technology. By safeguarding inventions through patents or copyrights, companies are more likely to invest in innovative projects that could lead to ground breaking products or services.<sup>16</sup> Furthermore, IPRs can stimulate competition by encouraging new entrants into the market who seek to innovate around existing patents or create alternative solutions. This dynamism fosters an environment conducive to technological advancement and economic growth.

IPRs play a significant role in poverty reduction efforts globally. Access to protected technologies can empower communities by enabling them to improve agricultural practices, enhance healthcare delivery systems, and promote sustainable development initiatives. For example, patents on agricultural innovations can help farmers increase crop yields and improve food security in developing regions. Similarly, access to patented medical technologies can enhance healthcare outcomes by facilitating the development of affordable treatments for diseases prevalent in low-income populations. However, it is crucial that IPR systems are designed inclusively so that marginalized communities can benefit from these advancements without facing prohibitive costs.<sup>17</sup> The effective use of IPRs for poverty alleviation requires

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<sup>15</sup> Chandra Nath Saha & Sanjib Bhattacharya, *Intellectual Property Rights: An Overview and Implications in Pharmaceutical Industry*, 2 J ADV PHARM TECHNOL RES 88 (2011).

<sup>16</sup> Jakob Edler, Hugh Cameron & Mohammad Hajhashem, *The Intersection of Intellectual Property Rights And Innovation Policy Making – A Literature Review*, MANCHESTER INSTITUTE OF INNOVATION RESEARCH, UNIVERSITY OF MANCHESTER, UNITED KINGDOM FOR THE INNOVATION POLICY SECTION, DEPARTMENT FOR TRANSITION AND DEVELOPED COUNTRIES OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION 81 (2015).

<sup>17</sup> Diogo Antunes, *World IP Day 2024: Intellectual Property as a Catalyst for Achieving Sustainable Development Goals in Africa*, INVENTA (2024), <https://inventa.com/en/news/article/986/world-ip-day-2024-intellectual-property-as-a-catalyst-for-achieving-sustainable-development-goals-in-africa> (last visited Feb 16, 2025).

careful consideration of how intellectual property laws intersect with broader social policies. For instance, while strong patent protections may incentivize pharmaceutical companies to invest in R&D for new drugs, they can also lead to high prices that limit access for low-income patients.<sup>18</sup> Therefore, policymakers must strike a balance between protecting innovators' rights and ensuring that essential goods remain accessible to those who need them most. This may involve implementing measures such as compulsory licensing or parallel importing to facilitate access to life-saving medications while still encouraging innovation.

Understanding the theoretical and legal foundations of intellectual property rights is essential for recognizing their potential as catalysts for innovation and poverty alleviation. The various forms of IPR—patents, copyrights, trademarks, and trade secrets—provide critical protections for creators while fostering an environment conducive to economic growth. International frameworks like WIPO and TRIPS play a vital role in harmonizing IPR laws across borders; however, national legal systems must adapt these frameworks to local contexts effectively. The relationship between IPRs and innovation is complex but underscores the importance of robust protections in driving research and development efforts. Ultimately, leveraging IPRs effectively requires a nuanced approach that considers both economic incentives for innovators and equitable access for communities striving for sustainable development.

### **IPRs and Sustainable Development: A Global Perspective**

Intellectual Property Rights are foundational to the success of the Sustainable Development Goals (SDGs), serving as vital enablers of innovation and technology transfer. The SDGs, set by the United Nations, represent a collective global effort to address various challenges, ranging from poverty and hunger to health, education, clean water, and environmental sustainability, by 2030.<sup>19</sup> Intellectual property is so important for the achievement of the SDGs that WIPO considers it an essential incentive for innovation.<sup>20</sup> The SDGs, a global call to action to end poverty, protect the planet, and ensure prosperity for all, find a powerful ally in the realm of intellectual property. IPRs act as a catalyst for innovation, protecting the rights of inventors

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<sup>18</sup> KATRIONA MCGLADE ET AL., *Intellectual Property Rights on Genetic Resources and the Fight Against Poverty*, (2011), <https://www.ecologic.eu/11982> (last visited Feb 12, 2025).

<sup>19</sup> Ákos Cserkúti, *How Intellectual Property Helps Achieve the SDGs*, PATENTRENEWAL (2024), <https://www.patentrenewal.com/post/the-power-of-intellectual-property-in-achieving-the-sustainable-development-goals> (last visited Feb 17, 2025).

<sup>20</sup> Intellectual property is an undisputed support for Sustainable Development Goals, PONS IP (May 13, 2024), <https://ponsip.com/en/ip-news/news/intellectual-property-is-an-undisputed-support-for-sustainable-development-goals/> (last visited Feb 17, 2025).

while also encouraging a competitive environment. This system fosters economic growth and addresses critical challenges outlined in the SDGs, such as clean energy, healthcare accessibility, and environmental sustainability.<sup>21</sup> In essence, intellectual property rights act as a catalyst for innovation and technological development, which leads to greater infrastructure investment.

The link between IPRs and the SDGs is evident in several key areas. IPRs support innovation and sustainable practices by encouraging inventors and creators to develop solutions aligned with the SDGs. Patents, utility models, and registered designs protect inventions and contribute to innovation in fields connected to the SDGs, including agriculture, renewable energy, and healthcare. Copyrights safeguard educational resources, facilitating advancements in providing quality education globally. By providing exclusive rights, the intellectual property system encourages technological advancements that nurture the SDGs.<sup>22</sup> Access to knowledge is a cornerstone for achieving various SDGs, including Quality Education (SDG 4), Industry, Innovation, and Infrastructure (SDG 9), and Partnerships for the Goals (SDG 17).

Examining specific SDGs reveals the profound impact of IPRs. Regarding climate action (SDG 13), the IP sector actively champions environmental sustainability by promoting the development of green technologies and fostering environmentally friendly innovations. Robust IP protections facilitate the transfer and adoption of sustainable practices, contributing significantly to combating climate change. The legal safeguards provided by intellectual property frameworks incentivize the creation of eco-friendly solutions and accelerate their dissemination globally. In the realm of renewable energy and clean technology (SDG 7), the link between intellectual property and innovations is growing stronger. Patents play a crucial role in driving advancements in solar energy, wind energy, and other sustainable technologies like grid integration and tidal energy. Protecting these innovations and their patents is crucial for achieving affordable, reliable, sustainable, and modern energy for all. For clean water and sanitation (SDG 6), innovative technologies related to water management systems, such as waterless sanitation systems and eco-friendly sewage treatment, contribute to sustainable sanitation practices. Smart water metering and grey water recycling systems can promote water conservation. Regarding healthcare and well-being (SDG 3), intellectual property emerges as

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<sup>21</sup> Ákos Cserkúti, *supra* note 19.

<sup>22</sup> *Id.*

a key driver of progress. Patents and IP rights support the development of medical technologies and pharmaceuticals, bringing transformative benefits to global health. These protections encourage research and development in the medical field and facilitate the widespread dissemination of life-saving innovations. In agriculture and sustainable food production (SDG 2 and 12), intellectual property takes centre stage in addressing hunger and responsible consumption. Patents and IP rights encourage researchers and innovators to find better ways to grow crops, invent new farming tools, and practice sustainable farming. Safeguarding these innovations ensures that we can meet the growing demand for food while minimizing environmental impact, fostering a more sustainable and resilient food system.<sup>23</sup>

Several case studies demonstrate how IPRs have contributed to innovation, wealth creation, and poverty alleviation. Proper management of intellectual property, such as open access initiatives and licensing agreements, ensures that knowledge is shared widely, facilitating collaborative efforts and creating a more inclusive environment for progress. IP plays a pivotal role in technology transfer, a key component of SDG 9. Licensing agreements and collaborations facilitated by intellectual property rights contribute to the dissemination of technology across borders, aligning with SDG 17, which emphasizes the importance of partnerships in achieving sustainable development goals. The protection of intellectual property, particularly through copyright, supports the growth of cultural and creative industries. These industries contribute significantly to economic growth (SDG 8) and play a role in fostering sustainable communities and cities (SDG 11). In the realm of healthcare, intellectual property, especially in the form of patents, is instrumental in encouraging innovation. It drives the development of new medicines and healthcare solutions, aligning with the objectives of Good Health and Well-being (SDG 3); Industry, Innovation, and Infrastructure (SDG 9). Intellectual property such as Plant Breeder's Rights, contributes to advancements in agriculture. By incentivizing the development of new crop varieties, IP supports the objectives of Zero Hunger (SDG 2) and Life on Land (SDG 15), ensuring sustainable and diverse ecosystems. Green technology patents, a subset of intellectual property, play a crucial role in addressing climate change. These patents incentivize the development and adoption of clean and sustainable technologies, supporting Affordable and Clean Energy (SDG 7) and Climate Action (SDG 13).

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<sup>23</sup> *Id.*

IPRs incentivize sustainable development in developing countries by rewarding innovation and creativity. By protecting the rights of innovators, IPRs encourage them to invest in research and development, leading to new technologies and solutions that can address pressing challenges in developing countries. Promoting intellectual property education is integral to building capacity in understanding and leveraging IP rights. This education contributes to Quality Education (SDG 4) and strengthens the foundation for Industry, Innovation, and Infrastructure (SDG 9). IPRs can facilitate technology transfer from developed to developing countries, enabling local industries to adopt and adapt existing technologies to their unique circumstances. This fosters economic growth, job creation, and the development of sustainable solutions tailored to local needs.<sup>24</sup>

The potential of IPRs to address issues like healthcare, education, and technology transfer in marginalized communities is significant. In healthcare, patents on new medicines and medical technologies can lead to the development of affordable treatments for diseases prevalent in marginalized communities. IPRs can also incentivize the development of educational resources and technologies that can improve access to quality education in underserved areas.<sup>25</sup> Additionally, IPRs can facilitate technology transfer to marginalized communities, enabling them to adopt and adapt existing technologies to their specific needs and circumstances.

However, challenges remain in ensuring accessibility and equitable distribution of innovations. Striking a balance between protecting intellectual property rights and ensuring that advancements reach those who need them most remains a complex challenge on the path to sustainable development. Businesses and innovators can leverage IP for sustainable development by committing to SDG 17, forming global partnerships, making licensing agreements, and working together on projects. When businesses focus on responsible and sustainable practices, they not only help achieve the Sustainable Development Goals but also become leaders in their industries.<sup>26</sup> In summary, intellectual property rights act as a catalyst for innovation and technological development, which leads to greater infrastructure investment.<sup>27</sup> Intellectual property emerges as a linchpin, fostering innovation and creativity across various domains outlined in the SDGs. Striking the right balance between protection and

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<sup>24</sup> Divya Samriti, *Role of IPR in Sustainable Development in India*, SSRN JOURNAL (2023), <https://www.ssrn.com/abstract=4397580> (last visited Feb 17, 2025).

<sup>25</sup> Ákos Cserkúti, *supra* note 19.

<sup>26</sup> *Id.*

<sup>27</sup> World IP Day 2024, *supra* note 12.

accessibility, IP lays the groundwork for a collaborative and innovative global community working towards common goals. As we navigate the challenges of the 21st century, the synergy between IP and the SDGs holds the key to unlocking a future where prosperity is shared, innovation thrives, and creativity knows no bounds.

## **Legal Challenges and Barriers to Effective Use of IPRs in Developing Countries**

Developing countries face significant legal challenges and barriers in effectively harnessing Intellectual Property Rights for poverty alleviation. One of the primary challenges is the lack of awareness and understanding of IPRs among local entrepreneurs, businesses, and policymakers. Many individuals in these regions are unaware of the potential benefits that IPRs can offer in terms of protecting their innovations and fostering economic growth. This lack of awareness often leads to underutilization of available IP protections, which can stifle innovation and limit opportunities for wealth creation. The complexities of intellectual property law can be daunting for small businesses and entrepreneurs who may not have access to legal expertise or resources needed to navigate the system effectively. As a result, innovative ideas may remain unprotected, leaving them vulnerable to exploitation by competitors or larger corporations.<sup>28</sup>

Enforcement issues also pose significant barriers to the effective use of IPRs in developing countries. Many nations struggle with inadequate legal frameworks and insufficient resources to enforce existing IP laws. This lack of enforcement can lead to widespread piracy and counterfeiting, undermining the value of intellectual property protections. For instance, in countries where enforcement mechanisms are weak, businesses may be reluctant to invest in research and development due to fears that their innovations will be copied without recourse. Moreover, the judicial systems in many developing countries often lack the capacity to handle IP-related disputes efficiently, resulting in lengthy legal processes that discourage innovators from seeking protection for their creations.<sup>29</sup>

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<sup>28</sup> DR. LISA BORGATTI & DR. NEIL BALCHIN, *Harnessing Intellectual Property Rights for Innovation, Development and Economic Transformation in Least Developed Countries*, 1 (2024), [https://production-new-commonwealth-files.s3.eu-west-2.amazonaws.com/s3fs-public/2024-01/D19530%20V9%20COM%20Harnessing%20IPRs%20in%20LDCs%20UNCTAD%20C%20Lawson\\_LR.pdf](https://production-new-commonwealth-files.s3.eu-west-2.amazonaws.com/s3fs-public/2024-01/D19530%20V9%20COM%20Harnessing%20IPRs%20in%20LDCs%20UNCTAD%20C%20Lawson_LR.pdf) (last visited Feb 17, 2025).

<sup>29</sup> Gabriel Garcia, *Intellectual Property Rights in South East Asian Least Developed Countries: The Cases of Cambodia, the Lao Peoples Democratic Republic, and Myanmar*, in *INTELLECTUAL PROPERTY LAW IN SOUTH EAST ASIA* 157 (Christoph Antons & Michael Blakeney eds., 2023),

Access to technology is another critical challenge faced by developing countries in harnessing IPRs for poverty alleviation. Many innovations are protected by patents that may not be accessible or affordable for local communities. This situation creates a significant barrier to entry for small businesses and entrepreneurs who wish to leverage technology for economic development. For example, patented agricultural technologies that could improve crop yields may be out of reach for smallholder farmers who cannot afford licensing fees or royalties. As a result, these farmers may miss out on opportunities to enhance their productivity and contribute to food security in their communities.<sup>30</sup> Additionally, the high costs associated with obtaining patents can deter local innovators from pursuing IP protection altogether.

The role of international organizations and governments is crucial in improving IPR infrastructure and enforcement in developing countries. Organizations such as the WIPO and the United Nations Conference on Trade and Development (UNCTAD) provide technical assistance and capacity-building programs aimed at strengthening national IP systems. These organizations work with governments to develop policies that promote innovation while ensuring that IP protections are accessible to all stakeholders, including marginalized communities.<sup>31</sup> Furthermore, international agreements like the TRIPS set minimum standards for IP protection that member countries must adhere to, but they also provide flexibilities that developing nations can leverage to address their specific needs.

Governments in developing countries must take proactive steps to reform their national IP systems to create an enabling environment for innovation. This includes investing in educational programs that raise awareness about IPRs among entrepreneurs and businesses while also providing training on how to navigate the IP system effectively. Governments need to focus on strengthening enforcement mechanisms by allocating resources toward IP law enforcement agencies and establishing specialized IP courts capable of handling disputes efficiently.<sup>32</sup> By building robust legal frameworks that align with local needs and conditions, developing countries can better harness the potential of IPRs for economic growth and poverty

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<https://www.elgaronline.com/view/book/9781035308392/book-part-9781035308392-11.xml> (last visited Feb 17, 2025).

<sup>30</sup> EMMANUEL HASSAN, OHID YAQUB & STEPHANIE DIEPEVEEN, *Intellectual Property and Developing Countries: A Review of the Literature*, 1 (2010).

<sup>31</sup> Intellectual property: A potential game-changer for least developed countries, UN TRADE AND DEVELOPMENT (2024), <https://unctad.org/news/intellectual-property-potential-game-changer-least-developed-countries> (last visited Feb 15, 2025).

<sup>32</sup> Dr. Galal Wafaa Mohamedien, *Recent Developments and Challenges in the Protection of Intellectual Property Rights (IPRs) Under the Trips Agreement: Concerns and Strategies for Developing Countries* (2001).

alleviation.

Balancing IPR protection with access to affordable medicines, education, and technology for the poor is a complex challenge that requires careful consideration. While strong IP protections are essential for incentivizing innovation, they can also create barriers to access for vulnerable populations. For instance, patent protections on life-saving medications can result in exorbitant prices that make them unaffordable for low-income individuals.<sup>33</sup> This situation has led to calls for more flexible approaches to IP protection that prioritize public health needs without undermining incentives for pharmaceutical innovation. Compulsory licensing is one such mechanism that allows governments to authorize the production of generic versions of patented drugs under specific circumstances, thereby increasing access to essential medicines while still respecting the rights of patent holders.<sup>34</sup>

In education, copyright protections can sometimes hinder access to learning materials for low-income students. The high costs associated with purchasing textbooks or educational resources protected by copyright can limit educational opportunities for marginalized communities. To address these concerns, policymakers must explore alternative models that balance copyright protections with open access initiatives that promote wider dissemination of knowledge while still rewarding creators.<sup>35</sup> Concerns about the misuse of IPRs also need to be addressed as they can exacerbate inequality within developing countries. In some cases, powerful corporations may exploit existing IP laws to stifle competition or limit access to essential goods and services. For example, large multinational companies may use aggressive patent strategies to maintain monopolies over certain technologies or products, making it difficult for local businesses or entrepreneurs to compete effectively. This dynamic can perpetuate cycles of poverty by restricting economic opportunities for smaller players in the market.<sup>36</sup>

To mitigate these risks, it is essential for developing countries to adopt inclusive IP policies that prioritize equitable access while still protecting the rights of creators. Engaging

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<sup>33</sup> Intellectual property and access to medicine, <https://www.oxfamamerica.org/explore/issues/economic-well-being/intellectual-property-and-access-to-medicine/> (last visited Feb 17, 2025).

<sup>34</sup> Aditya Pratap Singh, *Impact of IPR on Pharmaceutical Industry - S&A Law Offices*, S&A LAW OFFICES (Jan. 6, 2024), <https://sandawalawoffices.com/impact-of-ipr-on-pharmaceutical-industry/>, <https://sandawalawoffices.com/impact-of-ipr-on-pharmaceutical-industry/> (last visited Feb 17, 2025).

<sup>35</sup> Noha Abdel Meguid El Labban, *Copyright: A Roadblock to Education in Developing Countries?*, 2013.

<sup>36</sup> Chakravarthi Raghavan, *IPRs Costly for Third World, Don't Help Reduce Poverty*, <https://twn.my/title/twe289a.htm> (last visited Feb 17, 2025).

stakeholders from various sectors—including civil society organizations, local businesses, and academia—in the policymaking process can help ensure that diverse perspectives are considered when shaping IP laws and regulations. Fostering collaboration between public and private sectors can promote innovation while addressing social challenges effectively. Developing countries face numerous legal challenges and barriers in harnessing IPRs for poverty alleviation. Lack of awareness, enforcement issues, access to technology, and concerns about inequality all contribute to a complex landscape where intellectual property rights have yet to reach their full potential as tools for economic development. However, through targeted interventions by international organizations and governments aimed at strengthening national IP systems and balancing protections with accessibility considerations, there is an opportunity for these nations to leverage IPRs as catalysts for innovation and sustainable growth. Addressing these challenges will require a concerted effort from all stakeholders involved—ensuring that intellectual property becomes a powerful ally in the fight against poverty rather than an obstacle hindering progress.

### **Proposals for Strengthening Legal Frameworks to Promote IPRs for Innovation and Poverty Alleviation**

Strengthening legal frameworks to promote Intellectual Property Rights for innovation and poverty alleviation requires a multi-faceted approach encompassing reforms at both national and international levels. To begin, legal reforms at the national level must prioritize the creation of an ecosystem conducive to innovation and creativity. This entails streamlining the process for obtaining IPRs, reducing bureaucratic hurdles, and ensuring that the legal system is accessible and affordable for all stakeholders, especially small businesses and individual innovators. Governments ought to invest in building public awareness about the economic, social, and cultural benefits of IPRs among all sections of society. A nationwide program aimed to improve awareness about the benefits of IPRs and their value to the rights-holders and the public. Such a program will build an atmosphere where creativity and innovation are encouraged in public and private sectors, R&D centers, industry and academia, leading to the generation of protectable IP that can be commercialized.<sup>37</sup> India's national IP strategy needs to be specifically tailored to her development priorities and objectives while ensuring conformity

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<sup>37</sup> National Intellectual Property Rights Policy, (2016), [https://www.meity.gov.in/writereaddata/files/National\\_IPR\\_Policy.pdf](https://www.meity.gov.in/writereaddata/files/National_IPR_Policy.pdf) (last visited Feb 17, 2025).

with her international obligations.<sup>38</sup>

At the international level, reforms shall focus on ensuring that the global IPR regime supports the development goals of developing countries. This includes advocating for flexibilities within international agreements like the TRIPS Agreement, allowing developing countries to tailor their IPR laws to their specific needs and circumstances. Developed countries must pay more attention to reconciling their commercial self-interest with the need to reduce poverty in developing countries, which is in everyone's interest.<sup>39</sup> Additionally, international cooperation is needed to combat counterfeiting and piracy, which disproportionately harm businesses and innovators in developing countries.<sup>40</sup> This can be achieved through greater information sharing, joint enforcement efforts, and capacity-building initiatives.

Developing inclusive IPR policies that benefit marginalized groups and encourage innovation is essential for poverty alleviation. Such policies prioritize access to knowledge and technology for marginalized communities, ensuring that they can participate in the innovation economy. This may involve implementing measures such as open licensing, technology transfer programs, and support for traditional knowledge and cultural expressions. The Policy creates a framework conducive to unlock the potential of IP as a tool towards poverty eradication.<sup>41</sup> It is important to formulate a customized policy initiative for poverty alleviation. Understanding the changes in the institutional structure is a prerequisite of such policy formulation. Mere formulation of a large number of innovative schemes and programmes for the poor may not be adequate; a strong political commitment and a sustainable and healthy development of the State economy are equally important. Vision and sensitization, flexibility and capability to adapt and indigenise, responsiveness, continuity and sustainability are the fundamental key-structures of efficacious governance.<sup>42</sup> Inclusive IPR policies to promote the participation of women and other underrepresented groups in the innovation ecosystem are the need of the hour. This can be achieved through targeted support programs, mentorship initiatives, and policies that address gender biases in the IPR system. The Constitution commands justice, liberty, equality

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<sup>38</sup> National IPR Strategy, [https://www.cgihamburg.gov.in/pdf/national\\_IPR\\_Strategy\\_21July2014.pdf](https://www.cgihamburg.gov.in/pdf/national_IPR_Strategy_21July2014.pdf) (last visited Feb 17, 2025).

<sup>39</sup> KEITH E. MASKUS, *Integrating Intellectual Property Rights and Development Policy*, 178 (2002), <https://linkinghub.elsevier.com/retrieve/pii/S0022199603000849> (last visited Feb 17, 2025).

<sup>40</sup> National Intellectual Property Rights Policy, *supra* note 37.

<sup>41</sup> National Intellectual Property Policy and Strategy 2019-2024, (2019), <https://wipolex-res.wipo.int/edocs/lexdocs/laws/en/na/na031en.pdf>.

<sup>42</sup> Vikrant Narayan Vasudeva, *Legal Intervention in Poverty Alleviation: Enriching the Poor through Law*, 3 NUJSLR 447 (2010).

and fraternity as supreme values to usher in the egalitarian, social, economic and political democracy. In a developing society like ours, law is a catalyst and rubicon to the poor to reach the ladder of social justice.<sup>43</sup>

Technology transfer, licensing, and public-private partnerships (PPPs) play a crucial role in fostering innovation and promoting sustainable development. Technology transfer enables developing countries to access and adapt existing technologies to their specific needs and circumstances, accelerating economic growth and improving living standards. This requires creating an enabling environment for technology transfer, including incentives for companies and research institutions to share their technologies with developing countries. Vision 2030 envisages a prosperous and industrialized Namibia, developed by her human resources, enjoying peace, harmony and political stability by 2030. In order to realize the grand development vision, a number of development policies, strategies and plans have been developed and are being implemented. The objectives and strategies of each of the above policy instruments can be effectively supported with intellectual property.<sup>44</sup>

Licensing is another important mechanism for promoting innovation and access to technology. By granting licenses to local companies, foreign firms can enable them to manufacture and distribute patented products in developing countries, creating jobs and stimulating economic activity. However, licensing agreements are to be structured in a way that ensures fair terms and conditions for local companies, avoiding exploitative practices. PPPs can also play a critical role in fostering innovation and addressing social challenges. By bringing together the resources and expertise of the public and private sectors, PPPs can develop and implement innovative solutions to problems such as healthcare, education, and environmental sustainability.<sup>45</sup>

Tailored legal frameworks are necessary to balance economic incentives with social welfare. These frameworks ought to recognize that IPRs are not an end in themselves but rather a means to promote innovation and development. Therefore, they shall be designed to maximize social welfare, ensuring that the benefits of IPRs are shared broadly across society. Policies required

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<sup>43</sup> *Id.*

<sup>44</sup> National Intellectual Property Policy and Strategy 2019-2024, *supra* note 41.

<sup>45</sup> Workshop on Innovation in, and Access to, COVID-19 Technologies, (2021), [https://www.wto.org/english/tratop\\_e/trips\\_e/trilateral\\_workshop\\_summary.pdf](https://www.wto.org/english/tratop_e/trips_e/trilateral_workshop_summary.pdf) (last visited Feb 17, 2025).

in countries with a relatively advanced technological capability where most poor people happen to live, for instance India or China, may well differ from those in other countries with a weak capability, such as many countries in sub-Saharan Africa.<sup>46</sup> The impact of IP policies on poor people will also vary according to socio-economic circumstances. What works in India, will not necessarily work in Brazil or Botswana. This may involve implementing measures such as compulsory licensing to ensure access to essential medicines, promoting open educational resources to improve access to education, and supporting community-based innovation initiatives to address local challenges; focus on enhancing access to healthcare, food security and environmental protection, among other sectors of vital social, economic and technological importance.<sup>47</sup> Social protection programmes in India have helped reduce poverty significantly. The Prime Minister Jan Dhan Yojana and biometric identity cards under Aadhar have also transformed the anti-poverty programmes by replacing the current cumbersome and leaky distribution of benefits under various schemes using the Direct Benefit Transfers (DBT) programme.<sup>48</sup>

Strengthening legal frameworks to promote IPRs for innovation and poverty alleviation requires a comprehensive approach that addresses challenges at both national and international levels. By implementing legal reforms, developing inclusive IPR policies, promoting technology transfer and licensing, and tailoring legal frameworks to balance economic incentives with social welfare, developing countries can harness the power of IPRs to drive sustainable development and improve the lives of their citizens.

### **Conclusion: Charting a Path Forward for IPRs in the Fight Against Poverty**

As we conclude this exploration of Intellectual Property Rights and their potential role in alleviating poverty, it is essential to summarize key findings and reflect on their implications for sustainable development. IPRs can serve as powerful tools for fostering innovation, driving economic growth, and ultimately contributing to poverty alleviation. However, the effective

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<sup>46</sup> RICARDO H. CAVAZOS CEPEDA, DOUGLAS C. LIPPOLDT, & JONATHAN SENFT, *Policy Complements to the Strengthening of IPRS in Developing Countries*, 104 71 (2010), [https://www.oecd.org/en/publications/policy-complements-to-the-strengthening-of-iprs-in-developing-countries\\_5km7fmwz85d4-en.html](https://www.oecd.org/en/publications/policy-complements-to-the-strengthening-of-iprs-in-developing-countries_5km7fmwz85d4-en.html) (last visited Feb 11, 2025).

<sup>47</sup> National Intellectual Property Rights Policy, *supra* note 37.

<sup>48</sup> Kumar Das & Bijeta Mohanty, *Poverty Eradication in India: Successes and Shortcomings of Social Protection*, INTERNATIONAL GROWTH CENTRE (Oct. 15, 2020), <https://www.theigc.org/blogs/progress-poverty-eradication/poverty-eradication-india-successes-and-shortcomings-social> (last visited Feb 17, 2025).

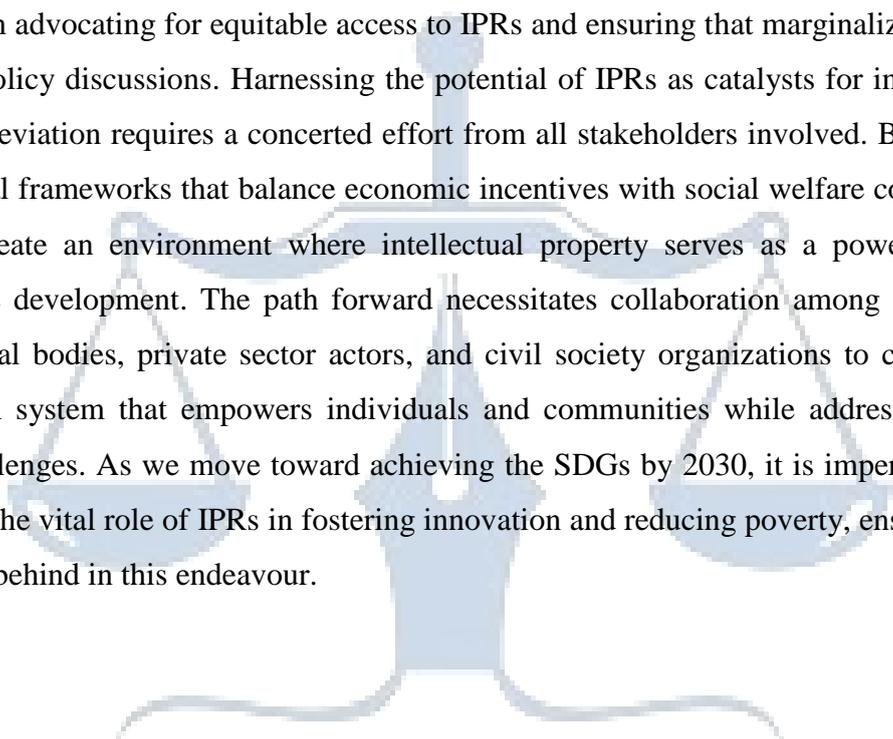
utilization of these rights requires a robust legal framework that is inclusive and accessible to all stakeholders, particularly in developing countries where the need for innovative solutions is most pressing. The relationship between IPRs and the UNSDGs highlights the potential of intellectual property to contribute to a range of critical issues, including health, education, and environmental sustainability. By protecting innovations that address these challenges, IPRs can facilitate the development of technologies that improve living conditions for underserved populations.

The future of IPRs in fostering innovation and reducing poverty hinges on the ability of governments, international organizations, and stakeholders to create an environment where intellectual property can thrive while also ensuring equitable access. As demonstrated in various case studies, successful implementation of IPRs has led to significant advancements in sectors such as agriculture, healthcare, and renewable energy. For instance, innovations in agricultural technologies have empowered smallholder farmers to increase crop yields and improve food security, while advancements in healthcare have facilitated access to life-saving medicines for marginalized communities. However, these successes are often accompanied by challenges related to enforcement, access to technology, and the need for inclusive policies that prioritize the needs of the most vulnerable populations.

To chart a path forward for IPRs in the fight against poverty, it is crucial to emphasize the importance of developing a robust and inclusive legal framework. Such a framework must not only protect the rights of innovators but also ensure that these protections do not come at the expense of access to essential goods and services for low-income individuals. Policymakers must strike a balance between incentivizing innovation through strong IP protections while also addressing concerns about affordability and accessibility. This may involve implementing measures such as compulsory licensing for essential medicines or promoting open-access initiatives in education to ensure that knowledge is widely disseminated. Fostering collaboration between public and private sectors can enhance the effectiveness of IPR systems in promoting innovation and addressing social challenges. Public-private partnerships can facilitate technology transfer and create opportunities for local businesses to engage with global markets. By leveraging the expertise and resources of both sectors, PPPs can develop innovative solutions tailored to local needs while also promoting sustainable development goals. For example, partnerships between pharmaceutical companies and local governments can lead to the development of affordable healthcare solutions that benefit underserved

communities.

A call to action is necessary for all stakeholders involved in shaping the future of IPRs. Policymakers must prioritize the creation of inclusive IPR policies that consider the unique challenges faced by developing countries while also aligning with international standards. International organizations shall continue to provide technical assistance and capacity-building programs aimed at strengthening national IP systems and promoting awareness about the benefits of intellectual property among local communities. Civil society organizations play a vital role in advocating for equitable access to IPRs and ensuring that marginalized voices are heard in policy discussions. Harnessing the potential of IPRs as catalysts for innovation and poverty alleviation requires a concerted effort from all stakeholders involved. By developing robust legal frameworks that balance economic incentives with social welfare considerations, we can create an environment where intellectual property serves as a powerful tool for sustainable development. The path forward necessitates collaboration among governments, international bodies, private sector actors, and civil society organizations to create a fairer global IPR system that empowers individuals and communities while addressing pressing social challenges. As we move toward achieving the SDGs by 2030, it is imperative that we recognize the vital role of IPRs in fostering innovation and reducing poverty, ensuring that no one is left behind in this endeavour.



WHITE BLACK  
LEGAL