

TOWARDS AN EQUITABLE GLOBAL IP ORDER: REFORMING WIPO AND TRIPS TO ADVANCE INCLUSIVE INNOVATION AND TECHNOLOGY ACCESS

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ABSTRACT

The worldwide intellectual property (IP) environment is very much like a turning point, influenced by such factors as rapid technological change, geopolitical division, and the growing differences in access to innovation. In fact, the multilateral frameworks under the World Intellectual Property Organization (WIPO) and the Agreement on Trade, Related Aspects of Intellectual Property Rights (TRIPS) were intended to standardize international relations. However, the result of their implementation has been far from social justice in terms of nations diversity. Poor and middle, income countries still have obstacles in getting, using, and commercializing knowledge, based assets. This research looks at reform from three different angles. Firstly, the paper investigates the repositioning of WIPO from being an essentially administrative treaty, centered organization to becoming a proactive development, focused facilitator which would be capable of ensuring legal harmonization, dispute resolution, and innovation financing in the case of underrepresented economies. Secondly, the paper deals with changes in TRIPS, especially in the interpretative flexibility of the different facets of the issues like compulsory licensing, parallel importation and, least, developed, country exemptions. The article argues that top, level international intellectual property (IP) management should be less uniform and more adjusted to the differing situations of the parties involved, with development cooperation and an inclusive digital infrastructure as two factors that would enable a fair participation of all in the knowledge economy. It will be definitely required a reform of both WIPO and TRIPS as a first step towards a global system operating on the basis of mutual trust which would not only take into account the rights of the owners but also the

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needs of the society and would facilitate the emergence of new technologies accessible to everyone.

KEYWORDS: Global IP Order, WIPO Reform, TRIPS Flexibility, Inclusive Innovation, Technology Access.

INTRODUCTION

Given the essential role of knowledge in today's economy, Intellectual Property Rights (IPRs) have become a key component of the global knowledge economy. By bestowing upon authors and inventors the legal rights to their works and inventions, IPRs aim to serve as an engine for technological progress and economic development through incentivizing innovation. Intellectual property has become a crucial tool in determining worldwide competitiveness and development paths, in the context of an ever, more knowledge, based economy, digital technologies, and international trade. The main reason behind international intellectual property governance changes over time is the need for regulation that is consistent with globalization. Cooperation among states based on the Paris and Berne Conventions first, established the principle of international intellectual property protection, whereas the later agreements provided for more detailed and binding standards.

The formation of the World Intellectual Property Organization (WIPO) signaled the commitment of the international community to organizing global IP regulation and collaboration. Later on, under the World Trade Organization, the TRIPS Agreement introduced standardised IP protection requirements among its members. On the other hand, the desire for harmonization has led to equity and inclusivity concerns. Standardizing IP rules may overlook the differences in levels of economic development, technological capabilities, and social welfare needs. Developing and least developed nations are still struggling hard to get access to essential technologies, medicines, and knowledge resources. Thus, the necessity of an IP system that encourages inclusive innovation and fair six access to technology has been highlighted. In this context, this study discusses the existing issues of the global IP system and looks at reforms within WIPO and TRIPS that would help make the global intellectual property system more balanced and fair.²⁴⁶ On a worldwide scale, the intellectual property system suffers from a fundamental imbalance that results from imposing the same IP standards on economies at very different levels of development. While highly advanced societies get

²⁴⁶ World Intellectual Property Organization. (2004). Intellectual property handbook: policy, law and use. Geneva: WIPO

benefits from trademarking their high, tech inventions, the developing and least, developed countries (LDCs) are turned away from getting hold of new technologies, medicines, and knowledge resources that are essential for their welfare. The fact is that the World Intellectual Property Organization (WIPO) and the TRIPS Agreement, which on paper are intended to foster innovation and development, have rarely been able to deliver their promises in practice. Thus, there is a disconnect between the law and the actual situation on the ground, which is a cause of concern not only for fairness and inclusiveness but also for the developmental legitimacy of the global IP system.²⁴⁷

REVIEW OF LITERATURE

THEORETICAL DISCUSSIONS ON GLOBAL INTELLECTUAL PROPERTY GOVERNANCE

The key issue that theoretical debates are grappling with is the balance of global intellectual property governance between innovation incentives and access to knowledge. On the one hand, mainstream economic theories support strong IP rights on the grounds that exclusivity rights are necessary to prompt investment in research and development. On the other hand, critical theorists point out that too stringent IP protection is detrimental as it hampers knowledge sharing, increases prices and stifles local innovation, especially in developing countries. From the perspective of public interest and human rights, IP rights are considered as social tools that should be harmonized with the rights to health, education, and access to science, thereby underlining the aspects of proportionality and flexibility.²⁴⁸

CRITICAL PERSPECTIVES ON TRIPS

One of the main themes in the academic literature criticism of TRIPS is that it mandates the adoption of uniform IP standards which have a negative impact on access to medicines and essential technologies. The authors note that, despite the fact that TRIPS provides for compulsory licensing and parallel importation, the use of these options is effectively undermined by the factors of political pressure, complicated procedures, and lack of funds, thus compromising the objectives of the public welfare.

WIPO AND THE DEVELOPMENT AGENDA

²⁴⁷ Masus, K. E. (2000). Intellectual property rights in the global economy. Washington, DC: Institute for International Economics.

²⁴⁸ Gervais, D. (2012). International intellectual property: A handbook of contemporary research. Cheltenham, UK: Edward Elgar.

Research on the World Intellectual Property Organization (WIPO) recognizes the Development Agenda as a change in direction at the level of norms but points out that its implementation has been very limited. The major problems still are weak mechanisms for the transfer of technology and lack of enough capacity, building initiatives.²⁴⁹

EMERGING SCHOLARLY TRENDS

New scholarly trends call for differentiated IP standards and innovation models that are both inclusive and sustainable, focusing on equity, digital access, and development, oriented global IP cooperation.

EVOLUTION OF THE GLOBAL IP REGIME

HISTORICAL DEVELOPMENT OF INTERNATIONAL IP TREATIES

The worldwide intellectual property system is an outcome of a series of steps taken as a result of increasing cross, border trade, technological advancements, and the need for legal certainty in the protection of creative and inventive works. The first attempts at international cooperation date back to the late 19th century when the Paris Convention for the Protection of Industrial Property (1883), and the Berne Convention for the Protection of Literary and Artistic Works (1886) were adopted. These treaties laid down basic principles like national treatment and independence of rights, so that creators could receive protection throughout the member states without the necessity of having uniform domestic laws. Although these conventions encouraged cooperation, large regulatory autonomy was still retained by states, especially in the aspect of modifying IP laws to fit their domestic socio, economic conditions.

ESTABLISHMENT AND FUNCTIONS OF WIPO

International governance of intellectual property was unified through the creation of the World Intellectual Property Organization (WIPO) in 1967, which later became a specialized agency of the United Nations. WIPO's initial purpose was to be the international intellectual property treaty administrator and to foster cooperation among states in the protection of intellectual property worldwide. It is responsible for global registration systems, technical assistance provision, capacity, building facilitation, and policy development support among others. After the adoption of the WIPO Development Agenda, the scope of the organization grew from mere administrative coordination to including development, oriented objectives. Nevertheless,

²⁴⁹ World Intellectual Property Organization. (2010). WIPO development agenda, Geneva: WIPO.

researchers maintain that WIPO still mainly focuses on IP protection and harmonization, rather than on real development results.²⁵⁰

TRIPS AGREEMENT UNDER THE WTO FRAMEWORK

The Agreement on Trade, Related Aspects of Intellectual Property Rights (TRIPS) under the World Trade Organization framework marked a major overhaul of the global IP governance system in 1995. While previous treaties were more about "nagging on the side," TRIPS set down binding minimum standards of IP protection that all WTO members had to follow and linked the fulfilling of these standards with international trade commitments. Integration increased the power of enforcement and thus brought the possibilities of regulatory adjustments for developing countries sharply down. The TRIPS agreement indeed provides a number of flexibilities such as compulsory licensing, parallel importation, and transition periods for least developed countries; however, their real exercise has been limited by political pressure and economic considerations. Therefore, TRIPS is still the key issue of disputes over how to balance trade interests, innovation, and fair development in the global IP regime.

CHALLENGES TO INCLUSIVE INNOVATION

TECHNOLOGICAL AND DIGITAL DIVIDE

A considerable challenge to inclusive innovation is the enduring technological and digital disparities between the developed and developing countries. The advanced nations have a solid research infrastructure, highly qualified human resources, and access to digital technologies, which enable them to effectively generate and commercialize intellectual property. On the other hand, a lot of developing and least developed countries do not have sufficient digital infrastructure, research funding, and technical know-how. This gap in development hampers their ability to fully engage in the global knowledge economy and to enjoy the benefits of the intellectual property systems which favor formal innovation outputs over local and incremental innovation.²⁵¹

ACCESS TO MEDICINES AND PUBLIC HEALTH TECHNOLOGIES

Making affordable medicines and public health technologies available to everyone is still an issue of great concern in the global intellectual property framework. Pharmaceutical patent protection usually results in high prices, thereby making the essential medicines out of the

²⁵⁰ World Trade Organization. (1995). Agreement on Trade-Related Aspect of Intellectual Property Rights. Marrakash: WTO

²⁵¹ Stiglitz, J. E. (2008). Economic of intellectual property rights. *Duke Law Journal*, 57(6), 1693–1724.

reach of the majority of the population in developing countries. Public health emergencies, such as pandemics, have revealed the inadequacies of the current IP system in meeting the global needs in a timely manner. Even though there are legal provisions to handle such situations, the structural and procedural hurdles are still causing delays in the access to the technologies which save lives, thus going against the concept of inclusive innovation.

WEAK TECHNOLOGY TRANSFER MECHANISMS

Successful technology transfer is a key driver for innovation and domestic technological capacity building in developing countries. Yet, international mechanisms in this area have largely been ineffective. There are usually no legally binding and verifiable standards for the technology transfer obligations. Although the World Intellectual Property Organization (WIPO) has been recognized as playing a role in technology transfer and capacity, building, scholars point out that such programs are limited in both scale and impact. Thus, developing countries are still technologically dependent on imports without having the necessary skills for innovation that is sustainable.²⁵²

POLITICAL AND ECONOMIC PRESSURES ON DEVELOPING STATES

Political and economic pressures are additional reasons why developing countries are less able to take advantage of the policy space available to them under the global IP regime. States are often discouraged from implementing measures that weaken IP protection through trade negotiations, bilateral agreements, and diplomatic influence. The fear of trade sanctions, divestment, or loss of reputation causes regulatory authorities to be overly cautious, even when public interest factors demand intervention. Such pressures not only perpetuate inequalities but also limit the sovereign power of developing states to create IP policies that are in line with the national development priorities and inclusive innovation goals of their countries.²⁵³

REFORMING WIPO FOR INCLUSIVE GROWTH

RESHAPING WIPO AS A DEVELOPMENT, FOCUSED ORGANIZATION

If the global intellectual property system is to facilitate inclusive growth, the World Intellectual Property Organization (WIPO) needs to be changed from a mainly administrative and treaty, focused body into a development, oriented institution. Although WIPO has been chiefly

²⁵² Chang, H. J. (2001). Intellectual property rights and economic development. *Journal of Human Development*, 2(2), 287–309

²⁵³ Boyle, J. (2008). *The public domain: Enclosing the commons of the mind*. New Haven, CT: Yale University Press.

focused on the harmonization and protection of IP rights, the emergence of new global challenges calls for a greater emphasis on fairness, access, and the innovation capability of developing and least, developed countries. Putting development at the center of WIPO's strategy would mean incorporating socio, economic goals into IP policymaking and making sure that IP protection is not used as a tool to prevent public interest or developmental priorities.

ENHANCING CAPACITY, BUILDING AND TECHNICAL ASSISTANCE

Capacity, building and technical assistance are vital to help developing countries in harnessing IP systems as a means for innovation and growth. WIPO's current programs in legislative aid, institutional strengthening, and IP awareness should not only be augmented but also customized to local realities. Priority should be given to elevating national research capacities, providing support to small and medium enterprises, and facilitating access to digital IP infrastructure. When technical assistance is in line with the overall national development plans, WIPO will be assisting in the transformation of IP from just a legal requirement to a viable instrument for inclusive economic development.²⁵⁴

EFFECTIVE DISPUTE RESOLUTION MECHANISMS

WIPO should give more emphasis on enhancing alternative dispute resolution mechanisms that are low in cost, easy to get, and cater to the requirements of developing countries. Besides that, enabling innovation financing through public, private partnerships, patent pools, and development, oriented funding initiatives can help in grassroots innovation as well as technology commercialization. All these steps taken together will lead to having a global IP system that is more balanced and inclusive.

ROLE OF PUBLIC SECTOR INNOVATION AND GOVERNMENT-FUNDED RESEARCH

Innovative public, sector services and government, sponsored research activities are instrumental in fostering inclusive innovation and providing tough access to technology, notably in developing and least, developed nations. A major part of scientific research and technological advances, especially in sectors like healthcare, pharmaceuticals, agriculture, climate technology, and digital infrastructure, is funded through public money. Since taxpayers

²⁵⁴ United Nations Committee on Economic, Social and Cultural Rights. (2006). General Comment No. 17. Geneva: UN.

are the ones who eventually finance such research, there is a question of whether it is fair that the resulting intellectual property should be allowed to be monopolized by private firms.²⁵⁵

In several instances, publicly, funded inventions are patented and privately licensed to corporate entities that thereafter commercialize the products at exorbitant prices. This kind of behaviour is very likely to be the main cause of the unaffordability of medicines, educational materials, and other necessary technologies in developing countries. Moreover, the use of scarce government funds to finance such research should be channelled toward meeting the real needs of the people rather than promoting the interests of a few commercial companies. From the perspective of inclusive innovation, publicly funded inventions should be treated as public goods or, at the very least, be subject to access-oriented intellectual property policies. International institutions such as World Intellectual Property Organization have emphasized the need to align IP protection with development objectives. However, practical mechanisms ensuring that public sector innovations remain accessible are still limited. The prevailing global IP framework, influenced by the World Trade Organization and the TRIPS Agreement, largely prioritizes private ownership and exclusivity, even where public funding is involved.

A potential solution to this problem could be the spreading of open licensing types of publicly financed research and development. An open license is a license that enables multiple users to access, use, and build innovations without the risk of challenging patent barriers. Such models promote collaboration, minimize the repetition of research works, and speed up the spread of technology. For example, during global health emergencies, open or non, exclusive licenses can greatly increase the supply of medicines and medical technologies that save lives.

Moreover, governments can take the lead by making research grants dependent on IP terms that are friendly to access. This covers the issuance of mandatory non, exclusive licenses, the imposition of obligations for the transfer of technology, and the incorporation of affordability clauses in public, private partnerships. Thus, governments, through their innovation funding, can meet the needs of the society and work towards the goals of sustainable development.

Last but not least, it is important to note that access, oriented IP policies supporting the public sector's innovative potential play a crucial role in establishing a just and inclusive global intellectual property landscape. Making sure that research funded by the government is doing

²⁵⁵ Correa, C. M. (2000). *Intellectual property rights, the WTO and developing countries*. London: Zed Books.

the public good is not only a matter of social justice but it also helps to legitimize the global IP system that is becoming more and more interconnected and knowledge, based.²⁵⁶

TRIPS-PLUS AGREEMENTS AND THEIR IMPACT ON DEVELOPING COUNTRIES

TRIPS, Plus agreements are commonly understood as bilateral or regional trade and investment agreements that raise the bar for intellectual property (IP) protection beyond what is mandated by the TRIPS Agreement of the World Trade Organization. If we look at the history of TRIPS, this Agreement was primarily aimed at being a multilateral compromise that included certain flexibilities for developing and least, developed countries; hence TRIPS, Plus provisions religiously disregard this policy space. Generally, these agreements are negotiated between developed and developing countries, where imbalances in the bargaining power frequently result in weaker economies being saddled with stricter IP obligations.

TRIPS, Plus provisions, however, go beyond the mere extension of patent terms, data exclusivity for pharmaceuticals, restrictions on compulsory licensing, limitations on parallel importation, and enhancement of enforcement mechanisms. Apart from being more demanding than the TRIPS Agreement, dichas provisions often disallow the developing countries from effectively utilizing the TRIPS flexibilities which were indeed explicitly provided for the purpose of addressing public interest concerns. Therefore, the outcome is that such countries have to bear high costs when they require access to medicines, agricultural technologies, and digital innovations.²⁵⁷

Among the chief repercussions of TRIPS, Plus commitments is their effect on public health. Prolonging monopoly rights and thus postponing the availability of generic medicine, these deals can price essential drugs out of reach for major portions of the population in low, and middle, income nations. This is at odds with the aims of the Doha Declaration on TRIPS and Public Health, which recognized the right of WTO members to safeguard public health and to make medicines accessible to everyone. In reality, however, TRIPS, Plus commitments tend to override these multilateral protections through enforceable bilateral agreements.

In addition, TRIPS, Plus agreements restrict the freedom of domestic regulations and deteriorate national innovation strategies. Developing countries find themselves forced to

²⁵⁶ Bott, F. M. (2002). The TRIPS AGREEMENT, access to medicines and the WTO Doha Ministerial Conference. *Journal of International Economic Law*, 5(1), 5–30.

²⁵⁷ WTO. (2001). Doha Declaration on the TRIPS Agreement and Public Health. Doha: WTO.

implement IP laws copying those of wealthy countries, even though they do not have a similar level of technological capability, industrial infrastructure, or innovation ecosystems. This universal solution thus runs the risk of deepening the dependence on foreign technology and discouraging local, small, scale, and adaptive innovation. Under such stringent regimes, small and medium enterprises, public research institutions, and informal innovators are among the most disadvantaged.

From a global IP governance perspective, the proliferation of TRIPS-Plus agreements fragments the multilateral system and shifts norm-setting away from inclusive forums such as the WTO and the World Intellectual Property Organization. This trend raises serious concerns regarding equity, transparency, and democratic participation in international law-making. To advance inclusive innovation, it is essential to resist the normalization of TRIPS-Plus standards and reaffirm the legitimacy of TRIPS flexibilities as integral components of a balanced and development-oriented global IP order.

RE-IMAGINING TRIPS FLEXIBILITIES

COMPULSORY LICENSING AS A PUBLIC POLICY TOOL

Compulsory licensing is one of the major flexibilities under the TRIPS Agreement, which aims at a proper balance between the protection of patent rights and the achievement of public interest objectives. It is a measure whereby a government can grant a third party the right to use a patented invention without the permission of the patent holder, especially where public health emergencies or national necessities are involved. Nonetheless, at times, compulsory licensing has been considered more as a measure of last resort rather than a legitimate policy instrument. A re, imagination of this flexibility entails permitting its regular use at the domestic legislation level, and also making the procedural requirements less stringent. If compulsory licensing is viewed as a legitimate method of making access to essential technologies easier, it can be a powerful means of enabling governments to work towards the welfare of their people even at the risk of IP system compromise.²⁵⁸

PARALLEL IMPORTATION AND MARKET ACCESS

One of the ways parallel importation contributes to market access is by allowing the import of patented products, which have been sold at lower prices, from other countries where these

²⁵⁸ Reichman, J. H. (2009). Intellectual property in the twenty-first century. *Houston Law Review*, 46(4), 977–1023.

products are sold at a cheaper rate. This makes the products more affordable locally. It is acknowledged that TRIPS makes a provision for member states to decide on their own exhaustion regimes, nevertheless, due to trade and diplomatic pressures, most countries are reluctant to adopt international exhaustion. There are quite a few articles, research papers, and other materials written by scholars, which advocate for the more widespread use of parallel importation as a means that helps to a great extent in the correction of price distortions and thereby giving patients and others a better access to medicines and technologies. It could be said that if this mechanism is allowed to be more widely used, it will be a point of reference in ensuring that prices become more competitive and the control of one's monopoly over a necessity will no longer be possible.²⁵⁹

EXEMPTIONS AND TRANSITION PERIODS FOR LEAST, DEVELOPED COUNTRIES

Across the board, the least, developed countries (LDCs) have been recognized as those which are limited in terms of technology, institutional capacity, and others. Hence, the international community, under TRIPS, kindly allowed them longer transition periods during which they do not have to comply fully with the obligations of the IP. On the other hand, apart from the above tangible benefits, it has been the view of the majority of the researchers that such exemptions only help LDCs to a limited extent, and also, LDCs do not get enough support from these exemptions. It is quite different to talk about the new reform of TRIPS flexibilities without the first step of merely stretching out transition periods, and on top of that, you are suggesting that the extension be supported by technical assistance, capacity, building, and technology transfer. These are the kinds of things that LDCs could be expected to carry through with their development goals when participating in the global IP system.²⁶⁰

MOVING TOWARDS A DIFFERENTIATED AND EQUITABLE GLOBAL IP ORDER

A differentiated and equitable global intellectual property order entails going beyond rigid standardization to context, sensitive IP norms. Given the varying economic, technological, and social situations of countries, there should be flexibility in crafting IP systems in harmony with national development objectives. Developing and least, developed countries are often the ones to suffer when standardization is implemented without consideration of local capacities, as their policy space is severely curtailed and the domestically, generated innovations are even

²⁵⁹ Moon, S., & Waage, J. (2013). Innovation and access to medicines for neglected populations. *Bulletin of the World Health Organization*, 91(6), 398–404.

²⁶⁰ United Nations Conference on Trade and Development. (2011). *Using intellectual property rights to stimulate local innovation*. Geneva: UNCTAD.

more hampered. A context, sensitive approach would give states the freedom to adjust IP protection so that it can be a facilitator of technological learning, industrial growth, and social welfare.²⁶¹

One of the key elements of achieving equity within the global IP system is the balancing of IP protection with the public interest. Intellectual property rights, on one hand, are essential tools for spurring innovation; however, if they are overly protective or rigid, they run the risk of denying the public access to essentials like medicines, educational resources, and digital technologies. Therefore, an equitable framework must acknowledge IP not as an end in itself but rather as a means to an end. The inclusion of public interest safeguards, proportionality principles, and human rights considerations into the framework ensures that the societal benefits of innovation are widespread and that the gap in equality is not further widened.

Digital infrastructure along with open innovation are great enablers in breaking walls and facilitating access to knowledge and technology for all the people. Better digital connectivity makes it possible for more people to become part of the innovation process, especially small businesses, universities and inventors in poorer nations. Open innovation schemes like co, operative research labs, patent pools, and voluntary licensing, act as complements to the traditional IP systems by opening up channels for sharing of knowledge and lessening the entry barriers. They can hardly be substituted as the most effective method in solving the problems of the world which require collective responses.²⁶²

It is highly important to differentiate between and keep the IP global cooperation inclusive if we are to successfully continue with it. The World Intellectual Property Organization (WIPO) as a multilateral institution should focus its efforts in development cooperation, transparency and inclusive decision, making. By working together, countries can lessen the influence of the more powerful ones and create a global IP system that is based on innovation, fairness and common development.

RECOMMENDATIONS

Institutional Reforms within the WIPO, The World Intellectual Property Organization (WIPO) should be broadly seen as a development, oriented entity and not just an administrative body.

²⁶¹ Castells, M. (2010). *The rise of the network society* (2nd ed.). Oxford: Wiley-Blackwell.

²⁶² Drahos, P. (2007). Expanding intellectual property's empire. *Oxford Journal of Legal Studies*, 27(2), 277-305.

Development aspects should be a major focus in all WIPO works and not merely confined to the Development Agenda., There should be a guarantee for a significant share of developing and least, developed countries in the formation of policies and decision, making. Normative Reinterpretation of TRIPS Provisions, TRIPS flexibilities like compulsory licensing, parallel importation, and transition periods should be recognized once again as a legitimate and vital part of the Agreement, To define the details and legitimate usage of these flexibilities, various vocal interpretative guidelines should be made available. Increased International Cooperation and Enforcement of Development Obligations, It is imperative that developed countries genuinely carry out their commitments connected to the transfer of technology, provision of technical assistance, and capacity, building., Compliance with development, related commitments should be ensured through the introduction of more robust monitoring and accountability mechanisms.²⁶³ Integration of Human Rights and Sustainability Principles, The governance of global IP should be consistent with human rights obligations, especially concerning the rights to health, education, and access to science.

CONCLUSION

This paper has critically analyzed the structural flaws of the global intellectual property regime and the consequent difficulties for inclusive innovation and fair access to technology. It has been revealed by the study of WIPO's institutional role and the TRIPS Agreement's normative framework that the imposition of uniform IP standards by the two agreements is usually incompatible with the diverse developmental realities of states. In fact, while both systems have a formal recognition of development concerns and public interest safeguards, their implementation on the ground has been uneven, and limited. It is confirmed here that a substantial overhaul of global IP governance is indispensable if we truly mean to fulfill the laws ambitions. For instance, transforming WIPO into a truly development, focused institution and viewing TRIPS flexibilities as perfectly legitimate instruments of national policies will restore the equilibrium between innovation incentives and societal needs. The transition to a differentiated, context, sensitive IP framework is not simply an option but rather a requirement for the global system to be fair and legitimate.²⁶⁴ It is said that the future of inclusive innovation hinges on various factors such as increased international collaboration, a strong digital infrastructure, and open innovation models that lead to the sharing of knowledge. If a global

²⁶³ May, C. (2014). *The global Political Economy of intellectual Property law* (2nd ed.). London: Routledge.

²⁶⁴ Chesbrough, H. (2006). *Open Innovation : The New Imperative for creating and profiting from technology*. Boston, MA: Harvard Business School Press

IP order is fair that is, if it harmonizes human rights, sustainability, and development can become a powerful agent of change by guaranteeing that innovation and technology are for the benefit of all mankind.²⁶⁵



²⁶⁵ Sen, A. (1999). *Development as freedom*. New Delhi: Oxford University Press.