

OIC-IPHRC's message on 'World Intellectual Property Day 2025' calls for mainstreaming human rights-based approaches to protect intellectual property rights, ensuring equitable, inclusive, and human development-oriented intellectual property framework that upholds the inherent dignity of all in accordance with universal human rights principles.

Jeddah 26th April 2025: The Independent Permanent Human Rights Commission (IPHRC) of the Organization of Islamic Cooperation (OIC) joins the international community in commemorating 'World Intellectual Property Day 2025', calling for a transformative approach that bridges intellectual property rights with human rights and combines protection with inclusion to secure a future where creativity thrives, rights are respected, and innovation serves humanity without discrimination, marginalization, and divide.

In this context, the Commission upholds that Intellectual Property Rights (IPRs) are legal constructs intrinsically linked to international human rights law. The right to benefit from protecting one's intellectual creations is enshrined in *Article 27* of the Universal Declaration of Human Rights (UDHR)¹ and *Article 15* of the International Covenant on Economic, Social, and Cultural Rights (ICESCR)². These provisions affirm the right of individuals to benefit from the protection of their moral and material interests resulting from their creative work, whilst safeguarding the public's right to access the benefits of scientific progress and cultural life. Based on this concept, the idea raises a twofold issue, highlighting the need to balance the rights of creators with the broader social good. Accordingly, international human rights principles call for an IPR framework that is equitable, inclusive, and development-sensitive, ensuring that intellectual property protections do not create technological divides.

In addition, the Commission highlights that Intellectual Property Rights are closely aligned with Islamic principles, which protect individual ownership, encourage creativity and fair competition, recognize individual contributions, and prohibit counterfeiting, fraud, stealing, and inflicting harm on others. This can be proved in Islamic jurisprudence, which recognizes the concept of '*Haqq al-Milkiyyah*' (*Right of Ownership*), as extended to both tangible and intangible assets, including knowledge and innovation. The Islamic tradition also upholds that knowledge is a trust (*Amanah*) and its dissemination is a moral duty, that the rights of creators to benefit materially and morally from their work must be respected. The International Islamic Fiqh Academy has resolved that copyrights and patents are protected in Islam, and the persons entitled to them have the right to benefit from them. Therefore, infringing such rights is not permissible³. However, the balance between rewarding innovation and serving the public good remains a guiding principle for harmonizing IP protection frameworks with appropriate ethical policies necessary to ensure the equitable development of contemporary societies.

The Commission further underscores that IPR frameworks must respect the right to development, especially for developing and least-developed countries. Although IPRs are dedicated to protecting innovation, they should not become barriers to accessing essential technologies, particularly in critical areas, including education, medical research, and immunization. The IPHRC, in the *Abu Dhabi Declaration on the Right to Development*, stated that "*technology and scientific innovation which can play a role in the fulfillment of human rights should be equitably*

¹ UDHR: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

² ICESCR: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

³ Resolutions and Recommendations of International Islamic Fiqh Academy, Resolution No. 43 (5/5): <https://iifa-aifi.org/wp-content/uploads/2021/12/Resolutions-Recommendations-of-the-IIFA-Official-Edition-Oct-2021.pdf>

shared in a manner that takes into account the needs of the most vulnerable"⁴. A human rights-based approach calls for equitable sharing of scientific advancements, including flexible licensing, technology transfer, and capacity building, to ensure that the results of lifesaving medical research are accessible and affordable to all.

With regard to the IPR situation in the OIC, the Commission notes that some Member States struggle with limited infrastructure for research and development, weak enforcement of intellectual Property (IP) laws, and lack of public awareness about intellectual property. Undoubtedly, these challenges are compounded by global IP frameworks that often prioritize commercial interests over equitable access to knowledge, particularly in critical sectors like pharmaceuticals and technology. To address these gaps, the OIC Member States must work collectively to strengthen national IP frameworks, promote regional cooperation, and advocate for a more balanced global IP system. The 2nd OIC Summit on Science and Technology held in Abu Dhabi under the theme of "*Science, Technology, and Innovation: Opening New Horizons*" has called on rules for balanced and effective intellectual property rights protection to develop a comprehensive roadmap for establishing technology transfer mechanisms amongst the OIC Member States⁵.

In view of the foregoing, the Commission is of the view that Artificial Intelligence (AI) presents both exciting transformative opportunities and complex challenges in the protection field due to a lack of clarity on ownership, attribution, and accountability of AI-generated content. In this regard, it is noteworthy that the legal ambiguity of IP laws can potentially undermine both innovation and fair recognition of creators. Additionally, AI's ability to replicate and manipulate existing works poses risks of mass infringement and dilution of originality. To contribute to the global efforts aimed at addressing challenges, the IPHRC has adopted the 'Jeddah Declaration Guiding Principles of Artificial Intelligence Governance and Human Rights Protection,' which calls for clear, ethical, and human rights-based standards that safeguard creativity, ensure transparency, and protect both human creators and public interest, in an increasingly automated world.

In conclusion, the Commission recommends that IPR laws be aligned with universal human rights standards, particularly the rights to education, health, and participation in cultural life. This includes **integrating safeguards, such as compulsory licensing, fair use, and technology transfer mechanisms**, especially in sectors critical to public welfare. Also, there is a need to reform the global IP framework in such a manner as to include an appropriate human rights-based approach to IPRs, ensuring that innovation serves as a catalyst for inclusive development, social justice, and global solidarity, leaving no one behind. *noraalrshoud*



211561-26/04/2025

⁴ IPHRC Abu Dhabi Declaration on the RtD (2016): <https://www.oic-iphrc.org/home/post/6>

⁵ Declaration of the 2nd OIC Summit (2021): https://www.oic-oci.org/topic/?t_id=28236&t_ref=18423&lan=en&ref=quillette.com