



WIPO, TRIPS, AND THE WTO: STRENGTHENING THE GLOBAL FRAMEWORK FOR INTELLECTUAL PROPERTY

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ABSTRACT

The World Intellectual Property Organization and World Trade Organization have worked together on some of their competition into collaboration in a novel context defined by the Agreement on Trade-Related Aspects of Intellectual Property Rights. This article discusses, among other things, the historical developments of WIPO and WTO as the preeminent global institutions governing IP, including their respective missions, operational mechanisms, and areas of influence. It reiterates how the TRIPS Agreement, as an instrument of historical proportions, bridged the trade-IP divide, providing common international standards while facing the problems of cross-border IP.

By examining the conflicting roles and responsibilities of WIPO on the one hand and TRIPS on the other, this article draws attention to their overlapping jurisdictions, divergent priorities, and the resultant tensions inherent in the process of implementing and enforcing global IP laws. Whereas WIPO has been norm-setting and building the capacity in those areas, the WTO focuses on generating enforceable trade rules and resolving trade disputes, thereby highlighting their various strengths and weaknesses. Among other things, they are placed in their contemporary context regarding IP governance, including digital technologies, access to essential medicines, and climate change and innovation.

Addressing these great issues would, by necessity, mean greater synergy and cooperation between WIPO and the WTO to find a balance between competing interests as innovation and equitable access to knowledge and technology that are going to be increasingly brought to bear on IP laws across the globe. This provides an opportunity for the two institutions to reflect on the strategy they need to take to respond to developments in the fast-evolving global

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landscape, including technology advancement, public-private partnerships, and incorporating sustainability considerations in IP frameworks. This analysis points to a need for coherent and inclusive global IP governance that would accommodate public welfare, economic growth, and technological advancement.

INTRODUCTION

Necessary though not sufficient, are the relations between the World Intellectual Property Organization (WIPO) and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), which is administered by the World Trade Organization (WTO), constituting the cornerstone for the North-South cooperation and IP governance. Although the institutions are distinct in their duties and responsibilities, their agreement has dictated the characteristics of global policies on IP. WIPO was born in the United Nations, in 1967 as a specialized agency, and is primarily interested in actively promoting IP rights and in developing an international framework of cooperation on IP matters. TRIPS, on the other hand, is the legally binding agreement signed with the supply-side motivation, whereby the member states are bound to implement a fully-fledged and enforceable set of minimum IP standards. WIPO and TRIPS come together to mediate the interplay of various international IP systems and such tensions between innovation promotion, public interest, and fairness of knowledge, medicines, and technological access.

The genesis of WIPO's relationship with TRIPS lies deep in the history of global IP treaties. Before the inception of TRIPS, WIPO played a seminal role in the formation of foundational treaties, including the Paris Convention for the Protection of Industrial Property (1883) and the Berne Convention for the Protection of Literary and Artistic Works (1886), which formed an important international nucleus for IP cooperation and established the technical and legal framework on which TRIPS was built with higher norms and enforceability standards. The formalization of the WIPO-WTO relationship in 1995 provides an agreement on technical cooperation and capacity building as a genuinely new phase of collaboration between the two institutions.

Made possible by the conflicting mandates of WIPO and TRIPS, the tensions between both organizations are palpable. WIPO works as a developmental organization, providing technical assistance and cooperatively working with member states for capacity-building programs. It focuses on promoting innovation, creativity, and balanced IP systems concerning public and

private interests. Because TRIPS renders its IP standards binding by utilizing the WTO's dispute settlement mechanism and proposes a framework where member states can challenge any non-observance of obligations in terms of TRIPS, it has often been criticized for backing up the interests of developed nations and multinational corporations in a way that sacrifices the interests of developing countries and global public goods.

The conflicts erupted fully during COVID-19 during the pandemic, and access to vaccines has acted inequitably rich countries put themselves first while low-income nations fell behind. TRIPS stipulated those strong protections of IP on COVID-19 vaccines initially prevented their production in developing countries, thereby increasing the divide between rich and poor in the world's health standard. Procrastinating under the CAS of worldwide appeals, the WTO settled for a temporary waiver of the above provisions back in 2022, licensing governments to sidestep patent protections for the COVID-19 vaccine. *Thumbnail though it is, one thing done showed illuminated the way forward for a very flexible and inclusive IP regime that would be most valued in times of global crises.* The potential for such a strategic alliance with TRIPS was further illustrated as WIPO elaborated on the technical cooperation for the transfer of skills and know-how and developing frameworks for voluntary licensing agreements.

The dynamics of WIPO and TRIPS further must deal with wider contexts of global development and access to technology. For instance, WIPO's agenda for development, adopted in 2007, emphasizes aligning the IP systems with the developmental needs of member states. This agenda is concerned with ensuring that IP policies will not only serve commercial interests but will also promote the greater public good, including education, healthcare, and sustainable development. On the contrary, TRIPS has been largely criticized for its one-size-fits-all approach, which requires member states to adopt identical IP standards irrespective of their level of development or institutional capacity.

Dealing with the actual woes of the world aptly illustrates the WIPO-to-TRIPS interplay. For instance, conflicts concerning patents in the pharmaceutical industry have time and again brought to the fore the conflict between IP protection and public health. The case of HIV/AIDS treatment during the early years of the 2000s provides ample evidence. TRIPS initially meant that strict patent protection placed antiretroviral drugs out of reach for people on developing grounds. This was met through prompt counsel from global health organizations and civil society, which resulted in several changes, including the Doha Declaration on TRIPS and Public Health in 2001, which affirmed the right of WTO members to prioritize public health

over IP rights. WIPO's technical assistance, in support of the use of TRIPS flexibilities such as compulsory licensing, combines into a mitigation of the harsh results of the rigid enforcement of IP.

Looking ahead, WIPO-TRIPS cooperation will be crucial in tackling emerging issues arising within the IP landscape. Rapid technological advancement, for example, in AI, biotechnology, or climate change innovation, adds added layers of complexity to IP governance. WIPO has made a start in this direction by implementing the WIPO Conversation on IP and Artificial Intelligence, which contemplates the impact of AI-generated works on IP systems. On the other hand, TRIPS will be under pressure to adjust to this new technological landscape by finding a balance between solid IP protection and the need to stimulate equitable access to novel technologies.

Besides, the digital economy has brought new challenges to bear on global IP governance. The problems of digital piracy, transborder flows of data, and rights on digital content require a more coordinated approach between WIPO and TRIPS for their harmonized treatment. These services could work through WIPO's treaty development capabilities together with TRIPS' enforcement assets and clear the way for the two international organizations to agree on some coherent and responsive framework with which to tackle many of the emerging issues.

Strengthening the partnership between WIPO and TRIPS provides great opportunities for developing an equitable and inclusive global system of intellectual property. With a better alignment of priorities to ensure that IP governance is serving economic and public interests, WIPO and TRIPS could help in navigating the 21st-century enigmas of IP challenges, and equitable access to healthcare *to the moral values underlying new technologies*. Their continued association remains imperative for balancing individual innovation with equity in the landscape of global IPR.

HISTORICAL CONTEXT: THE FORMATION OF WIPO AND TRIPS

The Founding of WIPO: A Mandate for Global IP Protection

The World Intellectual Property Organization (WIPO) was founded in 1967, with its headquarters in Geneva, as a semi-autonomous agency of the United Nations, to meet the growing need for international cooperation in the field of IP. As one of the specialized agencies of the UN, WIPO is at the forefront of formalizing global IP systems for fostering innovation,

creativity, and economic growth. Most importantly, it is charged with providing an international forum for developing international IP norms, collating common ground among nations, and enacting advice for greater IP access for economic and cultural development. Since the beginning, WIPO has stood out as the solid base for harmonization in international IP laws and the development of ways to meet the challenges of a globalized economy. WIPO has helped put in place an international framework that protects creators, inventors, and innovators while fostering equitable access to all countries.

Some of WIPO's early successes included the administration of key international treaties that set the foundation for contemporary IP systems. The Paris Convention for the Protection of Industrial Property and the Berne Convention for the Protection of Literary and Artistic Works are among these treaties. These treaties introduced fundamental principles such as national treatment which establishes equal treatment for foreign and domestic IP holders, priority rights for inventors, and minimum standards of IP protection. In this regard, by establishing those, WIPO has made cross-border cooperation easier, ensuring that IP systems are not only effective but also accessible. Over the years, WIPO has expanded its portfolio beyond treaty administration to promote technical assistance, capacity building, and the development of practical tools for enhancing IP frameworks worldwide.

Globalization presents surging opportunities and challenges. Given this, WIPO is growing into its role, modifying and adapting to the other ballooning aspirations of all its member nations. While WIPO is fully committed to helping developing countries specially build competent intellectual property (IP) systems, capacity-building initiatives are becoming one of the cornerstones of WIPO's work. Other forms of assistance include training programs, technical assistance, and funding opportunities for nations to improve their IP infrastructure environment to bolster innovation and address the need for foreign investment. An example is the Global Innovation Index, an annual publication presenting an assessment of the innovation-oriented performance of countries. It highlights trends in innovation around the world, elucidates the role played by IP in driving forward economic growth, and provides useful data for policymakers and stakeholders.

Apart from fostering innovation, WIPO laps for a leading role in addressing emerging issues for the protection of traditional knowledge, genetic resources, and cultural expressions. The problems become pressing for Indigenous and local communities, given that their cultural heritage and biodiversity are at an increasing risk of being exploited. Working on these topics,

WIPO has created the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC). The committee aims to provide a forum for dialogues among member states to create international measures by which traditional knowledge and cultural heritage would be respected and protected more inclusively. By enabling discussions on emerging issues, WIPO helps to bridge the interest of diverse parties, making sure that global IP reflects a balance between innovation and cultural preservation.

WIPO has also capitalized on the technology to improve the reach and efficacy of IP systems. It developed user-friendly tools, such as global databases for patents, trademarks, and designs, that allowed stakeholders to search, file, and manage IP rights with ease. The digital transformation is one that increases transparency and reduces barriers for SMEs, researchers, and creators to participate in the global IP framework.

WIPO has a history of persisting evolution in meeting the challenges of an interconnected world laying down the foundation of international IP cooperation to relevant contemporary issues such as digital piracy, climate change innovation, and access to equitable IP resources. Resilience and relevance have always been, and continue to be, the hallmark of WIPO. WIPO continues to empower nations to utilize the transforming power of innovation and creativity to their advantage, promoting equitable distribution of the benefits. Through a vigorous and forward-looking approach, WIPO continues to remain a cornerstone for global endeavours for sustainable economic and cultural progress.

THE TRIPS AGREEMENT: LINKING IP AND TRADE

The Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement *heralded a watershed* moment in the development of international intellectual property (IP) law and its intermixing with global trade. Negotiated during the Uruguay Round of trade discussions under the GATT, the TRIPS Agreement was adopted in 1994 and established as a cornerstone of the World Trade Organization (WTO) when it formally came into being in 1995. This agreement represented the changing of guard in the governance of IP, tying it directly to international trade and working out mechanisms of enforceability which have left a bitter mark on both developed and developing nations.

One of the foremost objectives of the TRIPS Agreement is to harmonize IP law among WTO member states. This is intended to create a modal global framework through the establishment

of minimum standards for the protection of various forms of IP, including patents, copyrights, trademarks, geographical indications, industrial designs, and trade secrets. Such harmonization will decrease the extent of distortions and barriers to international trade created through conflicting national measures of IP. The generic provision for the recognition of IP thereby affixes a baseline standard for protection, reducing uncertainty and increasing security for those engaged in activity across borders.

The agreement's provisions mandate WTO members to offer IP protection that meets or exceeds these minimal standards. For example, patents must be valid for at least 20 years from the date of filing, while copyright should last for the life of the author plus 50 years. With this alignment, not only does IP protection become parallel to the international trade rules, but also a more stable environment is created for global exchanges of goods, services, and technology.

Many developing nations seek access to technology and knowledge, while TRIPS has attempted to balance the interests of IP holders (mostly from developed countries) with those of developing nations. The developed nations that house most of the world's top innovators and creators enjoy stronger, smoother IP protections that allow their investments to be safeguarded and long-term innovation to be encouraged. However, because the standards necessarily change from one country to another, developing countries may still be shackled in adapting to their most basic governing instruments with a lack of institutional capacity, legal infrastructure, and financial resources.

Most developing countries think that implementing the TRIPS agreement will be very costly. Enormous investments would be necessary to modernize the legal frameworks and establish enforcement mechanisms, as well as mitigate the costs of training personnel. Costlier patenting technology access and high-priced medicines, other protected products, equity, and inclusivity concerns loom large in these nations.

One of the distinctive features of the TRIPS Agreement is its enforceability through the treaty's Dispute Settlement Understanding, which is part of the World Trade Organization. In contrast to earlier international obligations, the enforcement and compliance mechanisms employed in TRIPS present a more deliberate and structured approach to the settlement of disputes among countries. Such a mechanism gives member countries that fail to adhere to TRIPS the possibility of being punished, whether through trade sanctions or other penalties, by the other countries of the WTO.

Due to enforcement being a critical factor for the effective inclusion of IP protection within the domain of international trade relations, it presently has so gained currency as a matter of international policy consideration for all policymakers across the globe. The enforcement of TRIPS also acts as a tide swell, wherein nations increasingly align with global IP standards, thus strengthening the international IP regime. Unfortunately, this has opened the way for cheaper attacks, especially from the representatives of developing countries, upon which grounds that non-compliance penalties only aggravate their incomparable economic plight and stall any further development.

While it highlights the protection of IP rights, TRIPS also provides for protection against public interest considerations, optionally in the context of public health. The Doha Declaration on the TRIPS Agreement and Public Health, adopted in 2001, reaffirmed that the TRIPS agreement does not in any way prevent the member states of the World Trade Organization from taking measures to protect public health and promote access to essential medicines. It redefined the scales for the lenses applied within the TRIPS agreement, including compulsory licensing along with parallel importation.

A compulsory license allows a government to authorize the production or use of a patented invention without the consent of the patent owner, mainly during public emergencies or public health crises. Parallel imports refer to the importation of patented products from other nations that sell them at prices lower than those in their markets, thus making access to such products cheaper and affordable. They have helped address global health problems like the HIV/AIDS epidemic and the COVID-19 pandemic.

For instance, compulsory licensing has permitted many countries to either manufacture or import cheap versions of life-saving medicines that would cost a fraction of the patented medicines. This has been particularly necessary for most low- and middle-income countries, where the cost of patented medicines is often beyond the reach of a sizeable section of the population. By utilizing the TRIPS flexibilities, these countries could make progress in granting access to the essential treatments to address public health emergencies.

Despite the advantages, the TRIPS Agreement has posed profound challenges to developing countries. Committing to TRIPS standards will require huge amounts spent on systemic and institutional building, straining already paltry resources. Many developing countries have been struggling to modernize their IP systems, target enforcement too late, and clarify international

trade rules. Other concerns about compliance costs have prompted calls for a fairer global IP system. Opponents charge the agreement with supplying undue benefits to countries who mostly play host to IP holders-thus burdening developing nations. These inequalities have fueled debates about a more concerted approach to IP governance that considers the varying needs and capacities of all countries.

Another burgeoning criticism of TRIPS relates to access to technology and knowledge. Stronger IP protection acts as a barrier to developing countries wishing to adopt advanced technologies. This slows down innovation and economic development and entrenches inequalities between developed and developing countries. Some in the developing world call instead for increased technology transfer initiatives across national boundaries as the solution to narrowing the gap between high-income and low-income nations. While the world depends on an evolving reality, the TRIPS Agreement will remain the underpinning of the international IP system. Its provisions will have extensive consequences for trade, innovation, and development, influencing interaction between different countries in an increasingly global landscape. Nevertheless, the challenges and critiques that have arisen around TRIPS underline the urgency for continuous stepwise dialogue and reform to make sure that the agreement meets the needs of all parties fairly and neither treats one over the other.

Future discussions on TRIPS could address bolstering support for developing countries, enhancing the transfer of technology, and emerging issues, such as digital technologies and artificial intelligence. By creating a more inclusive and flexible IP framework, the global community could find a better balance between the interests of IP holders and the interests of the wider public, developing a system that truly stimulates innovation, development, and shared prosperity. TRIPS Agreement defines the relationship between IP and trade and sets up enforceable universal standards that ensure uniformity and predictability. The TRIPS has undoubtedly proved useful, particularly to developed nations, while developing countries face their own set of challenges whilst implementing the provisions and seeking technology and knowledge for their development. Thus, TRIPS must be a force for positive and equitable change in the international IP landscape, adapting along with the evolving objectives and challenges of humans.

THE INTERPLAY BETWEEN WIPO AND TRIPS

To illustrate, the relationship between the World Intellectual Property Organization (WIPO) and the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) depicts a diversified yet interlinked system of global governance of intellectual property (IP). WIPO is the main body responsible for developing new IP standards and treaties, capacity-building and technical assistance, and the promotion of innovation and creativity throughout the world. In contrast, the TRIPS Agreement is a binding commercial agreement administered by the U.S.) It is the only IP agreement currently available for multilateral discussions and seeks to provide a uniform enforcement mechanism within the WTO on protecting IP which is left basically to the discretion of member states to implement as a prerequisite trade commitment. That interplay reflects the differencing and composite nature of global IP governance, where the roles of WIPO and TRIPS converge and diverge in structuring the great IP landscape overall.

Furthermore, those Joint Projects between WIPO and WTO have indications of the synergistic opportunities that stem from the first two agencies' respective responsibilities in carrying out their missions. Quite often the collaboration centers on enhancing the awareness and implementation of TRIPS provisions, particularly in developing countries. For instance, the WIPO's role in IP is standard-setting and typically comes with lots of resources in IP education and technical assistance. WTO, on the other hand, emphasizes trade compliance and disputes. Joint ventures, such as capacity-building workshops, technical assistance programs, and policy advice services aim to help developing countries meet their TRIPS obligations while pursuing widespread development objectives encompassing the promotion of innovation, access to technology, and protection of traditional knowledge. So far, the joint efforts of WIPO and the WTO have aided the harmonization of national IP systems with international standards, empowering member states to harness IP for economic growth and development.

Such partnerships are still subject to disagreement, especially between WIPO and TRIPS, on the tension between IP protection and access to knowledge and technology. Opponents contend that the TRIPS Agreement favours the interests of IP holders from developed countries, often at the expense of developing nations. This is more prominent in the context of patent protection for drugs, where rigid IP protection can hinder the means of access to cheap drugs in the developing world. The whole debate around TRIPS flexibilities-seeking compulsory licensing and parallel importing highlights the incessant battle between innovators and the public interest in health and access to essential technology. Similarly, the digital divide- access to digital

technology and the internet in developed and developing countries questioned how fair different IP systems are bridging global inequalities. Another important concern dealt with in this regard is the fragmentation of global IP governance. On one hand, are those instruments identified by WIPO in the form of treaties and agreements, whereas on the other hand, TRIPS operates through an enforcement mechanism of its own in a somewhat different approach that does not often reflect WIPO's principles and priorities. This duality has the propensity to create inconsistencies and challenges for countries to reconcile the uneven and sometimes contradictory demands of the complex and multidimensional global IP system.

For instance, developing countries often face problems reconciling their TRIPS obligations with their domestic policy objectives, like widening access to education, assisting the establishment of small and medium-sized enterprises, and protecting traditional knowledge and cultural heritage. This divergence of WIPO's emphasis on norm-setting and building capacity on one side and on the WTO's enforcement of IP oriented toward trade-in another side demonstrates the call for stronger coordination and coherence in global IP governance. Another area of importance where the interspersed roles of WIPO and TRIPS have a significant implication lies in the protection of traditional knowledge and biological resources. WIPO has been in the vanguard of attempts to formulate legal frameworks for the recognition and protection of traditional knowledge and the rights of indigenous communities. These efforts mostly seek to position cultural preservation benefits, equitable sharing of benefits, and respect for community practices. On the contrary, the TRIPS Agreement does not touch on traditional knowledge, and this provision has generated requests for either the amendment of TRIPS or the implementation of complementary mechanisms to fill the emerging voids. The dissonance between WIPO's proposals and TRIPS provisions on this issue can reflect the problem of relevance and realization of diverse interests in the present global IP context.

The ever-evolving nature of technology and innovation brings additional complications to the interplay between WIPO and TRIPS. The different faces of disciplines in development such as biotechnology and artificial intelligence will provide new challenges and opportunities for IP governance. The two institutions have been working closely to tackle these emerging issues, attempting to achieve a balance between varied interests. A joint series of consultations, studies, and framework proposals designed to assist in adapting existing systems to an evolving technological environment has taken urgency at WIPO. Meanwhile, since the development of the TRIPS Agreement focuses on enforcement and implementation, it has twiddled its thumbs

offering the opportunity for the emergence of these gaps in the global IP milieu. The lacuna must be filled with more cooperation between WIPO and the WTO so that the unending refinement of international IP frameworks remains alive in innovation promotion and answering current evolution challenges.

It becomes clearer from this interplay between WIPO and TRIPS that global IP governance operates in complex ways and remains dynamic. Though much has been gained in the areas of capacity-building and alignment of national IP systems with international standards, numerous challenges and tensions still exist. In this regard, contrasts between WIPO and TRIPS regarding IP protection, access to knowledge, traditional knowledge, and technological innovation demonstrate that greater coordination and coherence in global IP governance is required today. There is a growing need for both organizations to collaborate closely and fill holes within their frameworks, thus leading to more concise and inclusive global IP systems, improving innovation, providing equitable access to knowledge and technology, and meeting the various demands of all stakeholders.

OPPORTUNITIES FOR INTEGRATION AND GROWTH

The opportunity for developing nations to join the world economy is perhaps, one of the most important implications for them, besides many. Companies view these countries as suitable for foreign direct investments (FDI), galvanizing innovation and ultimately leading to growth since establishing protections for intellectual property systems opens new avenues for investments. Multinational corporations are much more inclined to invest in countries offering robust IP protections as those systems provide safety for their innovations and trademarks. Moreover, WIPO's technical assistance programs are important in the process of modernizing the IP infrastructure of developing countries. Through the provision of training, resources, and technical expertise, the programs build the institutional capacity for effective IP management. Improved IP systems initiate local innovation by protecting the rights of both inventors and creators, thereby encouraging them to develop their ideas in the market. For instance, in developing countries, SMEs can utilize IP in marketing their products and thus secure a competitive market advantage.

CHALLENGES OF COMPLIANCE AND ACCESS

Building the whole discourse depends on the international standards established by WIPO and TRIPS, which pose considerable challenges for developing countries. The costs involved in establishing and maintaining an IP regime meeting those international standards are considerable. Most developing countries cannot accommodate the personnel and financial resources required to implement and maintain a compliant IP system. Therefore, IP obligations can distract critical attention and resources from other important areas in developing countries, most notably those of education, healthcare, and infrastructure development.

Another challenge is access to technology. Very strict IP protections would likely put aside the developing countries from benefits such as cheaper access to more widely usable technologies and medicines. For example, trademark and patent franchises established over certain essential medicines can lead to increased prices beyond the affordability of many in the population. This is particularly concerning about public health emergencies, including, to mention only two, the HIV/AIDS pandemic and the COVID-19 crisis, where accessibility to life-preserving drugs and vaccines becomes paramount.

FLEXIBILITIES UNDER TRIPS

These include compulsory licensing and parallel imports, among others, to take care of the concerns mentioned in the TRIPS Agreement. Compulsory licensing is the government power meant to authorize the use of the invention without the consent of the patent holder in case of certain predicaments, for example, a public health emergency. Also, parallel importing enables countries to import patented products from other markets where these products are usually sold at lower prices. These provisions balance the interest of the patent holders with the considerations of public interest so that IPRs do not end up being insuperable barriers to access.

But this flexibility reality tends to be marred with practicality issues. Legal or political complications shall impede many developing countries from making effective use of these provisions. For instance, the procedure of granting a compulsory license could take time and attract retaliatory attacks from developed countries or multinationals. In addition, poor technical capacity as well as institutional capabilities obstruct developing countries from maneuvering through complexities arising out of the TRIP framework.

PROTECTION OF TRADITIONAL KNOWLEDGE AND GENETIC RESOURCES

Protection of traditional knowledge (TK) and genetic resources is one more area of grave concern for these countries. The indigenous communities of these countries have a wealth of knowledge about medicinal plants, agricultural practices, and cultural expressions in general. This knowledge is increasingly being misappropriated and exploited by external bodies without any form of acknowledgment or remuneration; hence the term biopiracy.

WIPO initiated work to relieve these concerns in national arrangements and work toward legal frameworks for safeguarding TK and genetic resources. These plans will work toward ensuring Indigenous communities control their knowledge and receive a fair return for its use. Value, which is being shared, and which is often emphasized in treaties like the Nagoya Protocol under the Convention on Biological Diversity, provides guidelines on access to genetic resources and the equitable sharing of benefits that arise from the utilization of genetic resources.

This notwithstanding, finding agreement on approaches for the protection of TK and genetic resources is far from a simple or complete process. Developed countries tend to put the needs of their capital-intensive, propriety-held industries ahead of the developing nations that advocate for mechanisms that will give recognition to and protect their cultural heritage. Reconciliation between these polarized views calls for sustained dialogue and a spirit of cooperation at the international level.

ADDRESSING GLOBAL INEQUALITIES

Critics hold that the international IP system is occluded toward the interests of developed countries. Such nations harbor most industries too IP-intensive, pharmaceuticals, biotechnology, and software, which derive disproportionate advantages from stricter IP protections. Such imbalanced approaches worsen the global inequalities existing, working to inhibit developing countries' opportunities in the knowledge economy.

For instance, other than restricting access to life-saving medicines and technologies, strong patent protections are also a sneak route to further inflating the existing socio-economic gap. What needs to be considered when drafting IP is to balance the interests between protecting commercial interests and the needs of vulnerable communities, among many through

safeguarding cultural heritage. Addressing inequalities in IP requires a much more inclusive and equitable governance built around all countries' unique needs and priorities.

TOWARDS A BALANCED AND INCLUSIVE IP SYSTEM

The ongoing debates over IP governance underscore the need for reforms that promote a balanced and inclusive approach. Developing countries must have a more noteworthy voice in international negotiations in this regard to ensure the proper addressing of their concerns. Capacity-building initiatives, such as those fostered by WIPO, must be further upscaled to assist those developing countries in becoming more active players in the global IP system.

There should be more emphasis on producing and disseminating technologies that directly address global challenges, ranging from climate change to public health to food security. Cooperation between the broadly categorized developed and developing countries would allow for the transfer of knowledge and technologies, thus enabling innovation for everyone.

Special attention must also be afforded to promoting the protection of TK and genetic resources through international frameworks that respect the rights of Indigenous communities and promote equitable sharing of benefits. Addressing these issues and promoting them into the global IP system would catalyze sustainable development and prosperity for the common good. The formation of both WIPO and the TRIPS Agreement has made deep inroads into the lives of developing states; although both provide pathways to the global economy and innovation, they also raise immense challenges in the areas of compliance, access, and equity. The protection of traditional knowledge and genetic resources further complicates the global IP landscape.

To unlock the greatest potential in the global IP system will require an inclusive and equitable approach: ensuring that concern is expressed by the developing world, investing in capacity-building initiatives, and enhancing international cooperation. It will thus be an interplay between WIPO, TRIPS, and other stakeholders that will be fundamental to making intellectual property a lever for sustainable development and shared prosperity as globalization and technological changes reshape the world economy.

CONCLUSION

The relationship between the World Intellectual Property Organization (WIPO) and the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement, administered by the World Trade Organization (WTO), forms the backbone of global intellectual property (IP) governance. While both institutions have different mandates and different approaches towards IP protection, the interplay between the TRIPS Agreement and WIPO has proved to be rather complex, marked by a history of cooperation as well as contention. The party with authority over the TRIPS Agreement was founded in 1995 inside the World Trade Organization; it implements enforceable minimum standards of IP protection in trade, in contrast to the norms of international IP law. Despite their sometimes-conflicting caterings, there is increased recognition of the need to create the synergy between WIPO and TRIPS to better tackle emerging unresolved issues and ensure that the IP systems do emerge as vehicles for innovation and the common good.

WIPO's overall approach to IP governance may be taken as highly normative and developmental. It is a forum for negotiations on international treaties, advocates harmonization of IP laws, and offers technical support to countries in building and reinforcing their IP infrastructure. WIPO emphasizes a functionalist role in that it builds the capacity for cooperation among countries at various levels of development between the North and South. WIPO strikes a balance that incentivizes innovation through IP protection on the one side and seeks to see to it that the public benefits from creativity and technological advancement.

On the one hand, TRIPS is a global agreement that merges rights of intellectual property (IP) into the multilateral trading system. It compels WTO member countries to make and implement provisions for the rights of IP, such as patents, copyrights, trademarks, and other forms of IP. The key to executing TRIPS IP rights becomes a kind of legal regulation, that aims at the creation of the whole complex legal system. In practical terms, the TRIPS barrier is the basic provision that is often interpreted in terms of strong IPR rights for international trade and foreign investment. Nonetheless, this method has been so much denounced as it preferred them to the richer developed countries and the transnational corporations over these developing nations and the public in general.

The main differences between WIPO and TRIPS are in the objectives that they pursue. WIPO's OCTAD strategy on inclusion and development holds divergent views from the trade-oriented,

rules-based approach of TRIPS. This is because the WIPO edition of the Development Agenda envisages development issues as the directive of policy for developing countries; in contrast, TRIPS is problematically intended as the ipso facto for the rest of the world. This issue has raised the issue of an adequate and fair redistribution paradigm for the profit derived from copyrights, especially in the fields of drugs, education, and technology.

The most controversial and important issue is access to medicines. Patent protection embodied in the TRIPS Agreement has been criticized for the potential restriction of affordable medicines in low-income countries. Patents result in high-priced drugs, therefore limiting access to potentially life-saving interventions for the vulnerable.

WIPO has addressed this through its efforts to support the initiative of the Patent Pool and facilitate technology transfer. This step demands closer alignment between efforts and the goals of TRIPS to ensure public health objectives prevail above commercial considerations. The adoption in 2001 of the Doha Declaration on TRIPS and Public Health was another key step where members declared, at the general level, TRIPS provisions may not prevent Members from taking measures that protect public health and ensure access to medicine.

WIPO and TRIPS will need to closely cooperate in an area like digital transformation with the rapidity at which technology is growing. Some issues are copyright for the digital environment, data protection, artificial intelligence, and even digital innovations requiring cooperative action in determining the right international framework that shall apply across nations. WIPO's norm-setting and TRIPS' enforcement mechanisms may balance in creating an environment of IP that is supportive of innovation but addresses ethical and societal concerns, such as the case of ongoing work on AI and IP policy of WIPO, in which TRIPS can help achieve compliance and hold and harmonize it among member states.

Climate change and sustainability raise further the need for a cooperative approach between WIPO and TRIPS. The development and dissemination of green technologies are critical to combating climate change, yet the strength of IP protections under TRIPS could potentially limit access to them in developing countries. WIPO's initiatives in the promotion of the transfer of environmentally sound technologies and facilitating public-private partnerships offer a way forward. Working together, WIPO and TRIPS can ensure that IP systems contribute to global sustainability goals without creating barriers to technology diffusion.

In many ways, WIPO and TRIPS have a chance to complement each other by working together and sharing their work. Juntas can narrow the gap between their mandates through mutual work and cooperation, such as carrying out capacity-building programs and technical assistance to developing countries. Enhanced cooperation will also address challenges shared by both, such as combating counterfeit goods and piracy that affect both innovation and trade.

A more balanced and cooperative relationship between WIPO and TRIPS would ensure that the IP systems continue to be relevant and equitable in the rapidly changing global landscape. In this respect, these organizations can align their efforts to create an IP framework that not only incentivizes innovation but also serves the broader needs of society, such as providing access to medicines, utilizing digital technology for development, and promoting sustainable practices in combating climate change.

In a nutshell, the complex interplay between WIPO and the TRIPS Agreement sums up the changing nature of global IP governance. Their similarities or differences notwithstanding, WIPO and the TRIPS Agreement hold the key to overcoming the most urgent problems of our age. WIPO and TRIPS can facilitate IP systems that may be the springboard for advancement and equity into the 21st century while keeping innovation geared, making exclusivity conspicuous, and keeping a balance between commercial and public welfare interests. "Innovation is never an isolated practice but always teamwork—where each idea, every solution, every partnership, builds a more radiant and more inclusive world.

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