ABSTRACT

Proprietary rights, especially those related to Intellectual Property and its protection, have permeated the development discourse as well as diverse political, philosophical and legal perspectives from time immemorial. TRIPS agreement was enforced on most countries especially developing countries in a unilateral and high handed manner. There are evidences to suggest that the provisions in TRIPS benefit the corporate interest and their parent countries in more ways than perceived. Conversely, most of such provisions, especially those related to article 27.3 (b) have had deleterious effect on the protection and management of IP related to biodiversity and traditional knowledge. Many of the provisions in TRIPS Agreement are in direct conflict with corresponding provisions in the conventions such as CBD, UPOV, UNCTAD, UNHRC and FAO.

KEY WORDS: IPR, TRIPS, Genesis.