

Intellectual Property as a Human and Natural Right?

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From a theoretical perspective, does it matter if we view the right to patent, copyright or trademark protection as a human right? What are the implications for promoting progress? Both natural rights intellectual property advocates and modern human rights law draw on John Locke's natural rights theories for theoretical support. Yet, some proponents of a natural rights approach to intellectual property argue for more expansive intellectual property protections while proponents of a human rights approach intellectual property contend that human rights can have a moderating influence on intellectual property law. This paper explores this apparent conflict.