



# Innovation in Intellectual Property Rights during the COVID-19 Pandemic

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## DESCRIPTION

The COVID-19 pandemic has had a profound impact on many aspects of society, including the field of Intellectual Property Rights (IPR). The need for rapid innovation in healthcare, particularly in the development of vaccines, medical technologies and digital solutions, has sparked discussions about the relationship between creativity and intellectual property rights. The concept of intellectual property has evolved significantly. The origins of intellectual property law can be traced back to the Statute of Anne in 1710, which was the first copyright law enacted to protect the rights of authors. Over the following centuries, various forms of IPR emerged, including patents, trademarks and trade secrets, forming a complex legal system that encourages creativity and innovation by providing creators with temporary exclusive rights over their works.

The establishment of the World Intellectual Property Organization (WIPO) in 1967 further enhanced international cooperation on intellectual property rights, creating a standardized framework for cross-border intellectual property protection. The COVID-19 pandemic emergency has required unprecedented levels of creativity in scientific research and public health response. Their leadership underscores the urgent need to share knowledge and resources amid a global crisis. The creativity demonstrated by scientists and researchers has therefore not only proven to be critical in meeting immediate public health needs, but has also highlighted the need for flexibility in intellectual property rights.

On a positive note, the pandemic has prompted many governments and organizations to reassess their IPR frameworks to improve global access to vaccines and treatments. The introduction of initiatives such as the COVID-19 Technology Access Pool (C-TAP) is an important step in promoting collaboration and sharing of intellectual property related to COVID-19 technologies. This initiative encourages pharmaceutical companies to share their vaccine and treatment

technologies, fostering a community innovation environment aimed at defeating the virus. This collaboration illustrates the shift towards open innovation, where creativity thrives within shared goals rather than strict monopoly control. This new model is not without its challenges, however.

The balance between protecting intellectual property and encouraging scientific collaboration has become a contentious issue. Pharmaceutical companies such as Pfizer and Moderna have sought to retain patent protection for their vaccines, raising questions about access for low-income countries. Critics argue that strict intellectual property rights hinder the rapid dissemination of essential medical technologies. For example, Medicines Sans Frontiers and other advocacy groups have argued that the refusal to exempt COVID-19 vaccines from patent protection is delaying vaccination efforts in poorer countries. This situation illustrates the negative aspects of the IPR system, which, although designed to encourage innovation, can inadvertently stifle innovation when monopoly interests override public health priorities. Furthermore, the pandemic has sparked a debate around the concept of "common goods" in intellectual property rights. The concept of commons refers to shared resources that are accessible to all, which is in sharp contrast to the exclusive nature of intellectual property.

In summary, the COVID-19 pandemic has served as a catalyst for important discussions around IP and creativity. While the historical context of IPR established a framework for fostering innovation, the unique circumstances of the pandemic have highlighted both the strengths and weaknesses of this system. Striking a balance between protecting property rights and promoting collective knowledge sharing will be essential to addressing future global health crises. The lessons learned during this period have the potential to reshape intellectual property law, ultimately fostering an environment that values innovation while ensuring equitable access to essential technologies.

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