

Corporate Intellectual Property Rights & Human Rights

Some scholars have argued that intellectual property rights, or at least certain aspects of intellectual property rights, are human rights under the *Universal Declaration of Human Rights*, the *International Covenant on Economic, Social & Cultural Rights*, and the *European Convention on Human Rights*. A human rights framework for intellectual property has been advocated as a tool for balancing the interests of creators with other competing interests, such as the right to health or access to knowledge. In adopting this human rights approach, many commentators take the position that corporations are, by definition, excluded from human rights-based intellectual property claims. In theory, if domestic and international intellectual property obligations are interpreted in light of human rights law, it will help to achieve more balance in the system. Yet, as this paper argues, corporations could effectively assert human rights or “human rights-like” interests in their intellectual property, and they have done so in Europe. In an era where corporations are, as we saw in the *Citizens United* decision, increasingly treated as having rights akin to those of natural persons, this paper contemplates the impact of a human right to intellectual property. The paper concludes by suggesting some options for mitigating any potential negative impact that may arise from corporate “human rights” claims.