

**THE ROLE OF INTELLECTUAL PROPERTY LAW IN ACHIEVING THE
SUSTAINABLE DEVELOPMENT GOALS**

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ABSTRACT

The world is longing for sustainable development, a development that meets the needs of the present without frustrating future generations in meeting their own needs. This led the United Nations Organisation to adopt the 2030 Agenda for Sustainable Development. There is no doubt that intellectual property and its protection play a pivotal role in achieving sustainable development, because innovation is one of the primary means of achieving sustainable development, and intellectual property law rewards innovation, thereby fostering development. Utilising doctrinal and analytical research methodologies, this paper seeks to appraise the importance of intellectual property law in achieving sustainable development. The article examines the concept of sustainable development, intellectual property law, and the role of the World Intellectual Property Organisation in the protection of intellectual property and the attainment of the Sustainable Development Goals. The article argues that intellectual property is relevant to the attainment of sustainable development goals if well managed. Lastly, the article proffers recommendations on how to best integrate intellectual property law with sustainable development.

Keywords: *Intellectual Property Rights, Sustainable Development Goals (SDGs), Innovation and Development, World Intellectual Property Organization (WIPO), Intellectual Property Law.*

1.0 Introduction.

The importance of innovation to society is obvious, and society must provide sufficient rewards to incentivise creators to innovate, by rewarding their investment in time and resources as well as allowing for some profit.¹ Intellectual Property Rights (IPRs) provide inventors with their reward: a period of proprietary exclusivity that imposes legal barriers around the creation, protecting it and preventing competitors from taking, adopting, or adapting it.

Intellectual property rights are often presented as a contentious issue in the development discourse. Some critics see strong intellectual property rights protection as an obstacle to development, as it creates barriers to the use of intangible resources on favourable terms.² Others perceive intellectual property rights as a means to foster growth in domestic industries, encourage innovation, and protect foreign firms in high-infringement jurisdictions.³ These differing global perspectives on whether, and if so how, intellectual property rights promote development in domestic and global economies often result in policies that are either conducive or challenging to development.⁴ On the one hand, Intellectual Property (IP) promotes development by incentivising innovation; on the other hand, it also hinders development by limiting access to inventions, particularly in the pharmaceutical and agricultural industries, by granting exclusive rights to proprietors.⁵ It is however true in support of the first argument, that a well-balanced intellectual property rights framework that takes the interest of the creator and the public into consideration is necessary for the promotion of sustainable development. It is worthy of note that the rights themselves are designed to “preserve a public domain, through limits to their duration, qualifying criteria that must be met before protection is gained, and exceptions to infringement”.⁶ In support of the argument that a well-structured intellectual property protection is not a hindrance to innovative development, Colston and Galloway opined thus:

Intellectual property rights do not confer monopolies outright. Subsistence of each of the rights is carefully structured by the criteria for grant or subsistence, and the nature of the right then conferred. The rights are also limited in duration: compulsory licences are available for patents and competition law provides a

¹ C Colston and J Galloway, *Modern Intellectual Property Law* (3rd edition, Routledge 2010) 21

² C Correa, ‘The Current System of Trade and Intellectual Property’ (2016) 7 (1) *EYIEL* 175

³ K E Maskus, ‘The Role of Intellectual Property Rights in Encouraging Foreign Direct Investment and Technology Transfer’ (1998) 9 (1) *Duke J Comp & Intl L* 109

⁴ C B Ncube, *Science, Technology & Innovation and Intellectual Property: Leveraging Openness for Sustainable Development in Africa* (Juta 2021) 16

⁵ *ibid*

⁶ *ibid* (n1) 37

balancing factor, as does accountability to the Copyright Tribunal. Additionally, alternative products are often available on the market. It is adjustments such as these that seek to provide both the objectives that intellectual property rights are designed to achieve and answer the arguments of intellectual property's critics. The balances needed are delicate and often specific to the nature of the particular type of creation.⁷

Arguing from the natural law approach, McFarland argues that the rights of ownership and control bestowed by intellectual property can be balanced against the common good by resorting to natural law theory going back to Aristotle.⁸ If natural law "recognises both the individual right and the common good, a conceptual basis can be found for achieving a balanced application of intellectual property protection".⁹ However, it is the case that the emphasis appears to have shifted from circumscribed rights granted in specific circumstances in order to serve the public good, to an emphasis on private reward, substantially eroding the "limiting factors."¹⁰ Rather, the emphasis should be on how best intellectual property law can be used in attaining development.

The United Nations (UN) General Assembly adopted the Sustainable Development Goals (SDGs) in 2015, which set out broader goals. The SDGs indirectly emphasise the connection between intellectual property and development by establishing various goals. The SDGs are strongly political in nature, ranging from no poverty to justice, peace, strong institutions, and partnerships for the goals.¹¹ Intellectual property law, as a tool for rewarding creators, does not appear to play a direct role in achieving sustainability goals, as the SDGs make no explicit reference to intellectual property. However, intellectual property is implicit in either the achievement of the SDGs as a whole or as an aspect of specific goals, such as innovation. If we analyse the technological innovation required to fulfil some of the SDGs, such as "cheap and clean energy, clean water and sanitation, and climate action, we can see an indirect correlation".¹² It should be noted that the economic growth, creation of employment, social, technical, commercial and cultural progress,¹³ all depend, to a large extent, on the genesis, and then the exploitation, of new ideas, techniques, products, and processes. Protecting the creation

⁷ *ibid* (n1) 36

⁸ M McFarland, 'Intellectual Property, Information, and the Common Good' (1999) *BC Intell Prop & Tech F* 060503

⁹ *ibid* n6

¹⁰ *ibid*

¹¹ P Jain, *Sustainable Development and IPR* (All India Legal Forum 2021)

¹² *ibid*

¹³ W Van Caenegem, 'Intellectual Property Law and the Idea of Progress' [2003] *IPQ* 237

and development of ideas lies at the heart of intellectual property law. The reason for doing so is to “stimulate and increase the production, development, and dissemination of the ideas necessary for progress.”¹⁴ This can be achieved by preventing the value of an idea from being misappropriated by others. Intellectual property law protects the results created when ideas are usefully exploited in products. “Without any protection at all, ideas are subject to being ‘stolen’ by competitors as soon as a product becomes publicly available.”¹⁵ While such “imitation might well be flattering, to lose all (or virtually all) one’s market advantage to copyists could render exploitation so fruitless as to be abandoned, depriving the public of the innovation in the first place”.¹⁶

Intellectual property indeed influences sustainable development goals, and when not properly managed, will limit development. This article deals with the relevance of intellectual property rights in the creation, use, protection, and management of innovation in achieving the SDGs. It discusses how the SDGs can be integrated with intellectual property law and innovative strategies to create clarity in perspectives and sustainable synergies with diverse aspects of the economy. The article argues that a well-structured integration of Intellectual property rights with SDGs will go a long way in fostering innovation, which is one of the hallmarks of achieving the SDGs.

2.0 Definition of Concepts.

2.1 Sustainable Development Goals.

To better understand the concept of “Sustainable Development,” it is pertinent to look at the meaning of “development.” To develop is to “cause something to expand, or bring out the potentialities, capabilities, or cause to come to completeness.”¹⁷ In conjunction with “sustain,” which means to endure without yielding, to withstand,¹⁸ sustainable development would ordinarily be construed to mean “an expansion or coming to completeness which endures without yielding.”¹⁹ It is a growth that is self-subsisting, maintained, and capable of being kept going. It has also been defined as “development that meets the needs of the present without

¹⁴ *ibid* (n1) 44

¹⁵ *ibid*

¹⁶ *ibid* 44

¹⁷ F A Anyogu and M V C Ozioko, ‘Intellectual Property and Sustainability of Global Development Processes in Nigeria’ (2022) 4 (1) *International Review of Law and Jurisprudence* 125

¹⁸ *ibid*

¹⁹ *ibid* 127

compromising the ability of future generations to meet their own needs,”²⁰ such as stable development, taking into account processes of change in which the “exploitation of resources, major divisions of investment, directions of technical development, progress, and institutional changes remain in harmonious relations, making it possible to satisfy both current needs and aspirations for the future”.²¹

Development has been a global priority since the end of the Second World War.²² The United Nations and its agencies have given it considerable attention. After initially being addressed in a fragmented way by multiple agencies, a coherent approach was provided by the Millennium Development Goals (MDGs) in 2000.²³ Commentary on the success of the MDGs varies, with some writers critiquing their limited success²⁴ while others laud their significant accomplishments, particularly in relation to hunger reduction, health, and education goals.²⁵ Either way, “the Millennium Declaration did usher in a coherent and consolidated approach to global development.”²⁶ At the end of the timeframe for the MDGs, they were superseded by the SDGs in 2015. The opportunity was taken to enhance and strengthen the global development agenda in the transition.

In its further quest to promote development globally, the United Nations General Assembly, on 25 September 2015, issued the Resolution (A/70/L.1) – Transforming Our World: the 2030 Agenda for Sustainable Development.²⁷ The document is divided into five main parts: Preamble and Definitions, Declaration, Sustainable Development Goals and Targets, Means of Implementation and the Global Partnership, and Follow-up and Review. The 2030 Agenda is a comprehensive framework that builds upon the previous work of the UN while framing the

²⁰ UN, Report of the World Commission on Environment and Development: Our Common Future (Transmitted to the General Assembly as an Annex to Document A/42/427 - Development and International Cooperation: Environment). <https://sswm.info/sites/default/files/reference_attachments/UN%20WCED%201987%20Brundtland%20Report.pdf> Accessed March 30 2026

²¹ A M Deren, J Skonieczny, ‘Green Intellectual Property as a Strategic Resource in the Sustainable Development of an Organization’ (2022) 14 *Sustainability* 4758

²² C B Ncube, *Science, Technology & Innovation and Intellectual Property: Leveraging Openness for Sustainable Development in Africa* (Juta 2021)

²³ United Nations Millennium Declaration General Assembly Resolution 55/2 of 8 September 2000; S. Kumar *et al*, ‘Millennium Development Goals (MDGs) to Sustainable Development Goals (SDGs): Addressing Unfinished Agenda and Strengthening Sustainable Development and Partnership’ (2016) 41(1) *Indian Journal of Community Medicine* 1

²⁴ M Fehling, and others, ‘Limitations of the Millennium Development Goals: A Literature Review’ (2013) 8(10) *Global Public Health* 1109

²⁵ M Lomazzi, and others, ‘Millennium Development Goals: How Public Health Professionals Perceive the Achievement of MDGs’ (2014) 7(1) *Global Health Action* 1; M Lomazzi, B Borisch & U Laaser ‘The Millennium Development Goals: Experiences, Achievements and What’s Next’ (2014) 7(1) *Global Health Action* 23695

²⁶ *ibid* (n4)

²⁷ G Antořová and J C Valenzuela, ‘Intellectual Property and Innovation Process under Goal 17 of Sustainable Development’ (2019) 19(37) *Civilizar: Ciencias Sociales y Humanas* 117

relevant issues as 17 Sustainable Development Goals (SDGs) accompanied with 169 specific targets.²⁸ Compared to previous UN instruments in the field, the 2030 Agenda is more ambitious. The scope of the SDGs, with 17 goals and 169 indicators, is considerably broader than the MDGs, which had 8 goals and 63 indicators.²⁹ Unlike the MDGs, which focused only on social development, the SDGs also address economic and environmental aspects of development. Two other distinguishing attributes of the SDGs are complexity and universalism.³⁰ By contrast, the MDGs were relatively simple and applied only to developing countries, while the SDGs set out a robust network of transformative goals and targets universal to both developed and developing countries.³¹ The 2030 Agenda embeds an interdisciplinary approach to achieving the SDGs. To achieve the SDGs in scope and within the planned timeframe, “diverse stakeholders must contribute their share.”³² Each SDG requires relevant stakeholder groups to work within their field, or ideally, foster collaboration leading to governmental regulation. The 2030 Agenda emphasizes each country’s role to define and implement cohesive, sustainable development strategies.³³

The SDGs are encapsulated in the ‘5 Ps’: People, Planet, Prosperity, Peace and Partnerships.

The goals can be grouped under the various Ps as follows:

The people/social category consists of the first five SDGs: no poverty, zero hunger, good health and well-being, quality education and gender equality. It also consists of SDG 10, reduced inequalities, which is common to all three spheres, as depicted above. Other cross-cutting SDGs are clean water and sanitation (SDG 6), which straddles people and planet; affordable and clean energy (SDG 7), which features in both planet and prosperity; and no poverty (SDG 1), which falls under both people and prosperity.

The planet/environmental category consists of clean water and sanitation (SDG 6), climate action (SDG 13), life below water (SDG 14), and life on land (SDG 15).

The prosperity/economic category consists of decent work and economic growth (SDG 8), industry, innovation and infrastructure (SDG 9), sustainable cities and

²⁸ Z Meskic, and others, ‘Digitalization and Innovation in Achieving SDGs – Impacts on Legislation and Practice’ (2022) 1026 *IOP Conf. Series: Earth and Environmental Science* 1

²⁹ S Fukuda-Parr, ‘From the Millennium Development Goals to the Sustainable Development Goals: Shifts in Purpose, Concept, and Politics of Global Goal Setting for Development’ (2016) 24(1) *Gender & Development* 43

³⁰ G Long, ‘The Idea of Universality in the Sustainable Development Goals’ (2015) 29(2) *Ethics & International Affairs* 203

³¹ *ibid* (n4) 18

³² *ibid* n30

³³ *ibid*

communities (SDG 11), and responsible consumption and production (SDG 12).

The final two categories are peace (SDG 16) and partnerships (SDG 17).³⁴

The concept of sustainable development, understood in this way, meets global problems related to human activity, the functioning of economies, and societies in both developed and developing countries. It is important to acknowledge that, attaining all these goals comes down to human endeavours, innovations, creativity, and ideas which must be deliberate enough and tailored towards achieving the set goals and the exact role IP plays in this. No nation in the world has developed to its current level without the intellectual property rights (IPRs) inherent in its citizens, these IPRs have been nurtured and exploited to bring about economic growth and development.³⁵

2.2 Intellectual Property Law.

According to the World Intellectual Property Organization (WIPO),³⁶ intellectual property refers to intangible creations of the human intellect and the rights granted to persons over such creations, giving the creator an exclusive right over the use of his or her creation for a certain period of time.³⁷ The term "intellectual property" gained ground in the 19th century but became popular in global legal systems in only the 20th century.³⁸ Intellectual property is an asset, a creation of the mind, a unique ingenuity belonging to its owner. There are two broad classes of intellectual property: copyright, which is concerned with the protection of literary, musical, and artistic creations; and industrial property, which is concerned with the protection of trademarks, industrial designs, patents, models, plants, and animal varieties.³⁹

Intellectual property law protects intellectual property rights, which are granted by statutory provisions, for instance, for patents, trademarks, and copyrights, and, in some jurisdictions, by common law, for instance, for trade secrets and passing off,⁴⁰ to grant economic exclusivity over inventions in all fields of technology and a variety of works including art and literature.⁴¹

³⁴ *ibid* (n4) 18

³⁵ T Olowoyo and A K Opeyemi, 'IP as a Critical Incentive for SDGs in Africa' <<https://dnlllegalandstyle.com/dnl/ip-as-a-critical-incentive-for-sdgs-in-africa/>> Accessed March 30 2026

³⁶ World Intellectual Property Organization (WIPO) (2016) Understanding Industrial Property <<https://www.wipo.int/publications/en/details.jsp?id=4080>> Accessed March 30 2026

³⁷ World Trade Organization, TRIPS: WHAT ARE IPRS <<https://www.wto.org/english/tratop-e/trips-e/intel1-e.htm>> Accessed March 30 2026

³⁸ F A Anyogu and M.V.C. Ozioko, 'Intellectual Property and Sustainability of Global Development Processes in Nigeria' (2022) 4 (1) *International Review of Law and Jurisprudence* 125

³⁹ *Ibid*

⁴⁰ United Kingdom and Nigeria

⁴¹ C B Ncube, 'Harnessing Intellectual Property for Development: Some Thoughts on an Appropriate Theoretical Framework' (2013) 16(4) *Potchefstroom Electronic Law Journal* 370

The exclusive economic rights are the mechanism through which the right holder controls reproduction, adaptation, and distribution, among other types of economic exploitation.

The protection of intellectual property rights is considered to encourage further technological research and innovation, as intellectual property rights motivate the creators to produce new works or improve the existing ones.⁴² A “well-functioning set of international IP rules and norms enhances the return on investment that encourages new discoveries and creations.”⁴³ These in turn accelerate growth, development, and progress.⁴⁴ At the same time, there are opinions claiming that intellectual property rights limit economic development, as “innovation is hampered in areas where a given entity cannot count on exclusive rights and thus on protection”.⁴⁵ Therefore, the principle has been adopted that intellectual property rights should balance the interests of the creator with the interests of the rest of society. They should, on the one hand, provide a certain financial benefit to the creator, and on the other hand, they must not foreclose access to new technologies. The solutions that serve this purpose include the temporality of economic rights, the institution of permitted use, and compulsory licenses.⁴⁶

It is worth noting that there exist several international legal instruments on intellectual property protection which provide guidelines and models for national legislations, such as the Universal Copyright Convention (UCC), the Berne Convention for the protection of Literary and Artistic works 1886; the Paris Convention for the protection of Industrial Property 1883; the Patent Cooperation Treaty, 1970, which provides for a unified procedure for filing patent applications; the African Regional Intellectual Property Organisation (ARIPO), 1976, and the Harare and Banjul Protocols, established to foster co-operation amongst African states in patent and other intellectual property matters; the WIPO Copyright Treaty (WCT) and WIPO Performances and Phonograms Treaty (WPPT), 1996; as well as Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPs Agreement) 1994.

There is a consensus that the most significant multilateral intellectual property law treaty is the World Trade Organisation (WTO) TRIPS Agreement.⁴⁷ It forms part of the Marrakesh Agreement Establishing the WTO, as Annex 1C, and is therefore, binding on all WTO member

⁴² A M Deren, J Skonieczny, ‘Green Intellectual Property as a Strategic Resource in the Sustainable Development of an Organization’ (2022) 14 *Sustainability* 4758.

⁴³ *ibid*

⁴⁴ *ibid*

⁴⁵ *ibid*

⁴⁶ *ibid*; See also C. Colston and J. Galloway, *Modern Intellectual Property Law* (3rd edition, Routledge 2010)

⁴⁷ H G Ruse-Khan, ‘Protecting intellectual property rights under BITs, FTAs and TRIPS: Conflicting Regimes or Mutual Coherence?’ in C Brown & K Miles (eds), *Evolution in Investment Treaty Law and Arbitration* (Cambridge University Press, 2011) 485; M. El Said, ‘The Road from TRIPS-Minus, to TRIPS, to TRIPS-Plus’ (2005) 8(1) *Journal of World Intellectual Property* 53.

states.⁴⁸ The TRIPS provisions apply to (1) copyright and related rights including the rights of performers, producers of sound recordings, and broadcasting organizations;⁴⁹ (2) trademarks;⁵⁰ (3) geographical indications, including appellations of origin;⁵¹ (4) industrial designs;⁵² (5) patents including the protection of new plant varieties;⁵³ (6) the layout designs of integrated circuits;⁵⁴ and (7) confidential information.⁵⁵ The TRIPS Agreement sets minimum standards of protection for the intellectual property rights it addresses, and provides standards for the enforcement of these rights.⁵⁶ However, it is important to note that, although minimum standards are prescribed, WTO member states have the flexibility to (1) attach specific meanings to some concepts; (2) decide on appropriate protection in specific cases; and (3) set their implementation agenda within the transition periods provided for in the agreement.⁵⁷ The core areas of Intellectual property law are patent, copyright, trademark, and industrial design.⁵⁸

2.2.1 Patent.

According to the World Intellectual Property Organization, a patent is a legal authorisation that grants its owner the exclusive right to control the use of an invention, as defined in its claims, within a geographical area and for a limited period of twenty years, preventing third parties from manufacturing, using, selling or offering the invention for sale without authorisation.⁵⁹

2.2.2 Copyright.

Copyright subsists automatically upon the creation of a work; no application is needed, nor do any formalities apply. Copyright works comprise original literary, dramatic, musical, and artistic works, as well as sound recordings, films, broadcasts, and the typographical layout of published editions. It is a long-lasting right, enduring, in the case of the original works, for the life of the author plus 70 years.⁶⁰ Copyright is fundamentally linked to the goal of education

⁴⁸ C B Ncube, *Science, Technology & Innovation and Intellectual Property: Leveraging Openness for Sustainable Development in Africa* (Juta 2021) 32.

⁴⁹ Agreement on Trade-Related Aspects of Intellectual Property Rights 1994, PART II, Section 1.

⁵⁰ *ibid* s 2

⁵¹ *ibid* s 3

⁵² *ibid* s 4

⁵³ *ibid* s 5

⁵⁴ *ibid* s 6

⁵⁵ *ibid* s 7

⁵⁶ *ibid* PART III

⁵⁷ *ibid* (n4) 32

⁵⁸ This article does not address registration processes, costs, their timelines and enforcement mechanism as such practical matters are not within the scope of this article

⁵⁹ WIPO - World Intellectual Property Organization (2018). <<http://www.wipo.int/portal/en/index.html>>

Accessed March 30 2026

⁶⁰ D. O. Oriakhogba and A. I. Fenemigho, 'Development, Concept and Scope of Copyright Protection in Nigeria: An Overview' (2014) *NAUJILJ* 179

(SDG 4) by encouraging the production and dissemination of educational materials and works of the mind.

2.2.3 Trademarks.

Trademarks relate to any mark, name, or logo under which trade is conducted for any product or service, and by which the manufacturer or the service provider is identified. Trademarks can be bought, sold, and licensed but have no existence apart from the goodwill of the product or service it symbolises.⁶¹ Trademarks are signs capable of distinguishing the goods and services produced or provided by one enterprise from those of other enterprises.⁶² Essentially, a trademark protects the name of a product rather than the idea behind it.⁶³

2.2.4 Industrial Design.

Industrial designs are arrangements of lines or colours, or any three-dimensional forms, which give a special appearance to a product. Heskett defines industrial design as “a process of creation, invention, and definition separated from the means of production, involving an eventual synthesis of contributory and often conflicting factors into a concept of three-dimensional form, and its material reality, capable of multiple reproduction by mechanical means”.⁶⁴ Industrial designs protect the decorative or aesthetic aspect of a useful article, which generally appeals on the sense of sight or touch and can be reproduced in significant quantities.⁶⁵

3.0 The Role of Intellectual Property Law in Achieving SDGs.

The SDGs, which are built on the principle of “leaving no one behind,” indicates the interlink between intellectual property law and development by providing for a goal to “build resilient infrastructure, promote sustainable industrialisation and foster innovation”. The role of intellectual property law in sustainable development can never be overemphasised. It is “important therefore to extend intellectual property protection to every endeavour that requires sustainability.”⁶⁶ According to Taylor “IPRs foster innovation by enhancing investor

⁶¹ C N Saha and S. Bhattacharya, ‘Intellectual Property Rights: An Overview and Implications in Pharmaceutical Industry’ (2011) 2 *J Adv Pharm Tech Res* 88-93

⁶² ‘Intellectual Property Rights for SMEs in the Pharmaceutical Industry’ WIPO, <http://www.wipo.int/sme/en/documents/ip_pharma_fulltext.html> Accessed March 30 2026

⁶³ Makati Business Club, ‘Exploitation of Intellectual Property Rights by Pharmaceutical Companies in the Philippines’ (2017) *MBC Research Report* 11

⁶⁴ J Heskett, *Industrial Design* (1st Edition, Thames & Hudson, 1980)10

⁶⁵ L Nyagahene and K L Wairimu, ‘Analysis of Influence of Intellectual Property Strategy on Sustainable Competitive Advantage of Pharmaceutical Manufacturing Companies in Nairobi City County, Kenya’ (2019) 3 (12) *International Journal of Economics, Business and Management Research* 35

⁶⁶ F A Anyogu and M V C Ozioko, ‘Intellectual Property and Sustainability of Global Development Processes in Nigeria’ (2022) 4 (1) *International Review of Law and Jurisprudence* 125

confidence, continuing to grant them will contribute to achieving the Sustainable Development Goals identified by the United Nations in 2015.”⁶⁷ In practical terms, enhanced global well-being and development are critically dependent on the existence of intellectual property law which protects innovation necessary for the achievement of sustainable development.

Intellectual property is, “theoretically, centrally linked to fostering innovation and industry”.⁶⁸ Some have raised doubts about the effectiveness of intellectual property in fostering innovation, noting that intellectual property can equally lock up innovation, thereby preventing follow-on innovation.⁶⁹ However, there is no doubt that, in policy discourse, a central goal of intellectual property is to foster innovation, as is evident in the preamble of the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPs Agreement), which provides that intellectual property serves developmental objectives by recognizing “the underlying public policy objectives of national systems for the protection of intellectual property, including developmental and technological objectives”. At the same time, it recognises that member states may “adopt measures necessary to protect public health and nutrition, and to promote the public interest in sectors of vital importance to their socio-economic and technological development”.⁷⁰

In Nigeria for instance, the Nigerian Start Up Act 2022, recognising the importance of intellectual property law to development, provided that:

- (1) The Council⁷¹ acknowledges the importance of intellectual property rights towards the growth and development of a start-up.
- (2) As part of its objectives, the Secretariat shall ensure that holders of intellectual property rights are encouraged to exploit these rights and shall take steps towards assisting them in internationalising and commercialising their rights.
- (3) The Secretariat⁷² shall further collaborate with the Nigerian Copyright Commission and the Trademarks, Patent, and Design Registries to ensure that registration and protection of intellectual property of labelled start-ups are seamless, expedited, and in accordance with the provisions of this Act.⁷³

⁶⁷ D Taylor, ‘The Role of Intellectual Property in Achieving the Health Sustainable Development Goal’(2022)

⁶⁸ S Bannerman, ‘The World Intellectual Property Organization and the Sustainable Development Agenda’ (2020) 122 *Futures* 102586

⁶⁹ M Boldrin, & D K Levine, *Against Intellectual Monopoly* (Cambridge University Press 2010)

⁷⁰ Agreement on Trade-Related Aspects of Intellectual Property Rights, Article 8

⁷¹ National Council for Digital Innovation and Entrepreneurship established by Nigerian Start Up Act 2022, s 3

⁷² National Information Technology Development Agency, see the Nigerian Start up Act 2022, s 9

⁷³ Nigerian Start up Act 2022, s 31

It is therefore, beyond doubt that “innovation and human ingenuity are key to the attainment of the Sustainable Development Goals. Intellectual property, as a key driver of innovation, fosters the kinds of inclusive economic, social, and cultural growth that are needed to allow us to overcome our greatest common challenges.”⁷⁴

We shall now examine how intellectual property can be used in achieving the SDGs in no particular order.

- a. **SDG 2: End Hunger, Achieve Food Security and Improved Nutrition and Promote Sustainable Agriculture:** As its first two targets, SDG 2.1 pledges to “end hunger and ensure access by all people ... to safe, nutritious and sufficient food all year round” by 2030, and SDG 2.2 commits countries, also by 2030, “to end all forms of malnutrition”. Additionally, the targets under Goal 2 promise to reach internationally agreed targets on stunting and wasting in children under five years of age and include the commitment to “address the nutritional needs of adolescent girls, pregnant and lactating women, and older persons.” Intellectual property rights play a critical role in promoting agricultural research and development and ensuring food security. It was primarily the advancement of new biotechnology, based on genetic engineering that propelled IP into the food security arena. A classic example of a deliberate approach to help solve this problem is the Costa Rican company, SIBO B.V, which has invested in insect-based food in order to supplement the shortage of food, the intellectual property behind this project lies in its trade secret of the first water-soluble insect-based protein.⁷⁵ By incentivising research on agricultural productivity and nutritional innovation, intellectual property law will foster innovation in agricultural technologies that will help in achieving Goal 2.
- b. **SDG 3: Ensure Healthy Lives and Promote Well-Being for All at All Ages:** The IP system supports innovation in health care by encouraging investment in new drugs and technologies. Medical research and development often involve significant upfront costs; products can take years to develop and reach the market, and many fail in testing. Companies rely on IP rights to help them secure a return on investment. The utilisation of the flexibilities contained in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) is important in achieving this goal. This is a treaty agreed in 1994 and administrated by the World Trade Organization. The treaty provides

⁷⁴ Daren Tang quoted in WIPO, *Innovation driving human progress: WIPO and the Sustainable Development Goals* (WIPO 2021) 3

⁷⁵ ‘Sibo Unlocks the potential of insect based food with entowise’

<<http://www.wipo.int/ipadvantage/en/details.jsp?id=12309>> accessed March 30 2026

that intellectual property, especially patents, should not be used to hinder the provision of medicines for all. The 2001 Doha Declaration on TRIPS and Public Health reaffirmed the treaty's principles. The exceptions and flexibilities in the TRIPS Agreement are important public interest mechanisms that enable states to tailor their patent regimes to achieve certain developmental ends. These mechanisms include transition periods, parallel importation, exceptions to patent rights, exclusions from patentability, and provisions on compulsory licenses and government use. Article 31 provides for "other use without authorisation of the right holder", including by the government or third parties, and sets out conditions applicable to such use in paras (a)–(l). These compulsory license and government use provisions have raised some concerns, particularly the limitation to supplying domestic markets by Article 31(f), because most developing countries do not yet have pharmaceutical manufacturing capacity. This has led to modification of the position through a waiver of the domestic market restriction by the "paragraph 6 solution" of the 2003 Waiver Decision,⁷⁶ which was subsequently incorporated into TRIPS as Article 31bis by the 2005 amendment of the Agreement. The significance of the modification is that WTO members may export pharmaceuticals produced under compulsory license to other member states with limited manufacturing capacity⁷⁷ thereby enhancing the availability of pharmaceutical products in those countries.

- c. SDG 4 Ensure Inclusive and Equitable Quality Education and Promote Lifelong Learning Opportunities for All:** The international and national copyright system supports education by encouraging the creation and sharing of new knowledge and information. However, education is not always accessible to all. For example, people with visual impairments and print disabilities often struggle to access study materials, hindering their ability to contribute to society. This can be addressed through the appropriate Implementation of "treaty-based adjustments to the IP system so that books for visually impaired and print-disabled readers can be more easily sourced and shared across national borders".^{78,79} WIPO has been instrumental in enhancing access to information and academic material for the visually impaired and print-disabled. For

⁷⁶ Doha Decision on the implementation of para 6 of the Doha Declaration (2003). Doc. WT/L/540 and Corr.1.0

⁷⁷ 'WTO Analytical Index: TRIPS Agreement – Article 31bis (Practice)' <https://www.wto.org/english/res_e/publications_e/ai17_e/trips_art31_bis_oth.pdf> Accessed March 30 2026

⁷⁸ WIPO, *Innovation driving human progress: WIPO and the Sustainable Development Goals* (WIPO 2021) 21

⁷⁹ In United Kingdom, the Copyright (Visually Impaired Persons) Act 2002 allows an exception to the reproduction and communication rights for the benefit of those with disabilities and added new permitted acts to the CDPA 1988 for the visually impaired

example, there is the WIPO-led Accessible Books Consortium (ABC) is a public-private partnership that works to harness the latest technologies to meet the needs of visually impaired people around the globe. ABC members collaborate to promote “born accessible” publishing so that books are designed from the earliest stages to be fully accessible. They also provide training and other capacity-building initiatives and establish international standards for inclusive publishing.

Another international effort is the Marrakesh Treaty of 2013.⁸⁰ The Treaty addresses the needs of visually impaired people by facilitating greater access to information and educational resources that are specially adapted for their use. It establishes the basis for exceptions and limitations in copyright law, enabling collaborative efforts by diverse stakeholders to meet this group’s needs. The Treaty’s provisions innovatively apply copyright law to enable the cross-border transfer of specially adapted materials for use by the blind, visually impaired, and print disabled.

It has been argued that, “both the Marrakesh Treaty and the ABC indirectly contribute towards Goal 4 of the SDGs, in which the international community aspires to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all”.⁸¹

- d. **SDG 5: Achieve Gender Equality and Empower All Women and Girls.** The most relevant target to intellectual property law is SDG5.b, which provides for enhancing the use of technology, in particular, information and communications technology, in promoting the empowerment of women.⁸² Creators will be more willing to develop enabling technologies that promote women's empowerment if their innovation are protected by intellectual property law.
- e. **SDG 6: Ensure Availability and Sustainable Management of Water and Sanitation for All:** Access to patented innovations can play a key role in securing access to clean and potable water, either by purifying water or by preventing water pollution. Intellectual

⁸⁰ 51 countries signed the Treaty at the close of the 2013 negotiations. The Treaty entered into force on September 30, 2016 with 20 contracting countries

⁸¹ S I Štrba, ‘The Marrakesh Treaty, Public-Private Partnerships, and Access to Copyrighted Works by Visually Impaired Persons’ in Margaret Chon et al. (eds), *The Cambridge Handbook on Public-Private Partnerships, Intellectual Property Governance, And Sustainable Development* (2018) 177

⁸² United Nations, *Transforming our World: The 2030 Agenda for Sustainable Development* (United Nations 2015) 20

property law will protect innovations, such as clean technology innovations, whose spread into developing countries can help address multiple issues under SDG6.⁸³

f. SDG 7: Ensure Access to Affordable, Reliable, Sustainable, and Modern Energy for All:

Target 7.b provides for the expansion of energy infrastructure and upgrading of technology for supplying modern and sustainable energy services for all in developing countries, in particular, least developed countries, small island developing states, and landlocked developing countries, in accordance with their respective programmes of support. The relevance of intellectual property law in achieving this goal cannot be overemphasised, as intellectual property rights-protected technology is useful in achieving it.

g. SDG 8: Promote Inclusive and Sustainable Economic Growth, Full and Productive Employment, and Decent Work for All. In regards to economic growth, the world has gone digital as the mode of economic activity is increasingly being transferred into the digital space. As a result, innovators across different sectors are contributing to the creation of sustainable economic growth, beyond the traditional mode of economic activity, and at the very heart of this process is intellectual property. Additionally, SDG8.3 requires creativity and innovation, both incentivised by the existence of protected intellectual property rights, as exclusive rights protect costly investments made to innovate. This is the utilitarian justification of intellectual property rights, which has been used as to justification for strong exclusivity, it can also be used as a justification for incorporating sustainable development concerns.⁸⁴

h. SDG 9: Industry, innovation, and infrastructure: Innovation is central to the achievement of the SDGs, and the central goal of intellectual property is to foster innovation. Given the fact that the protection of intellectual property rights fosters innovation by enhancing investor confidence, continuous protection will contribute to achieving the Sustainable Development Goals identified by the United Nations in 2015.⁸⁵

i. SDG 13: Take urgent action to combat climate change and its impacts: To achieve this goal, environmentally sustainable technologies must be designed or adapted to function in particular local contexts.⁸⁶ This has led to the discussion on green technology

⁸³ J Mattsson, *Sustainable Development Goals in the Light of Intellectual Property Rights and Competition Law* (Unpublished LLM Thesis, University of Helsinki 2022)

⁸⁴ *ibid*

⁸⁵ P Jain, *Sustainable Development and IPR* (All India Legal Forum 2021)

⁸⁶ WIPO, *Innovation driving human progress: WIPO and the Sustainable Development Goals* (WIPO 2021) 22

and green intellectual property. The term green technology refers to “devices and items used in environmental science, environmental monitoring, green chemistry, and environmental conservation.”⁸⁷ The term “green intellectual property” refers to the protection of green technologies or, more broadly, the protection of green innovations, a concept in which innovations that are helpful to the environment in one way or the other are legally protected through intellectual property law. In a research study carried out by Chu,⁸⁸ the importance of intellectual property rights in shaping the development and dissemination of green technologies is well recognised. The findings identify two types of strategies: on the one hand, are the positive strategies that encourage the development of green technologies; on the other hand, are the negative strategies that focus on counteracting the development of environmentally unfriendly technologies.⁸⁹ Given the enormous benefits of green intellectual property, countries must develop and access their intellectual property system, as well as actively accelerate the process of granting green IP protection.

- j. SDG 17: Global partnerships for sustainable development:** There is no doubt that successful research and innovation, undertaken responsibly, is a prerequisite for implementing the SDGs. The necessity for cooperative efforts in research and innovation for successful implementation of the goals is clear since the SDGs seek to address complex global problems that cannot be solved by single actors,⁹⁰ multiple stakeholders, including the World Intellectual Property Organisation and other regional and local intellectual property organisations, must work together to find solutions and ensure that actions are taken. Through SDG 17, partnerships are explicitly linked to the promise of greater innovation for sustainable development.⁹¹

It must be noted that beyond these specific goals mentioned above, intellectual property protection also benefits other goals indirectly. For example, Bannerman has argued that the intellectual property system would contribute to ending poverty if the proceeds realised from intellectual property protections were distributed widely across boundaries of class, gender, and race. This would include equality targets for equalising the flow of royalties and access to

⁸⁷ *ibid* n85

⁸⁸ J M W W Chu, ‘Developing and Diffusing Green Technologies: The Impact of Intellectual Property Rights and their Justification’ (2012) 4 *Wash. Lee J. Energy Clim. Environ.* 53

⁸⁹ *ibid* 53

⁹⁰ C Voegtlin and A. G. Scherer, ‘Responsible Innovation and the Innovation of Responsibility: Governing Sustainable Development in a Globalized World’ (2017) 143(2) *Journal of Business Ethics* 227

⁹¹ M Chon, ‘Recasting Intellectual Property in Light of the U.N. Sustainable Development Goals: Toward Knowledge Governance’ (2019) 34 *Am. U. Int’l L. Rev.* 763

knowledge across those same boundaries and would track the sustainability of culture and cultural practices.⁹² Furthermore, as a set of national and international legal institutions, the intellectual property systems theoretically serve Goal 16, “Peace, Justice, and Strong Institutions,” by establishing and expanding a system of international law.⁹³ Intellectual property rights protection is thus an essential and a pervasive element throughout all of the SDGs and critical to their success.⁹⁴

4.0 WIPO – The Innovation Organization and SDGs.

WIPO is one of the oldest multilateral organizations.⁹⁵ Its origins date back more than 130 years to the first international treaty on intellectual property rights, the Paris Convention for the Protection of Industrial Property of 1883, which helped protect intellectual works across national borders.⁹⁶ WIPO has “functioned at the core of the international intellectual property system since the late nineteenth century when its institutional predecessor, the United International Bureaux for the Protection of Intellectual Property (BIRPI) was established”.⁹⁷ WIPO continues to serve as the forum where political, business, individual, and civil society stakeholders broker agreements that propel worldwide progress.⁹⁸ It is a neutral forum where governments and other stakeholders forge consensus on the rules and norms that make up the international intellectual property system. WIPO’s work helps countries to conclude new treaties on intellectual property and to update and administer existing ones, in order to keep pace with the needs of the modern world. WIPO offers intellectual property registration and management services to applicants seeking international protection for their inventions, designs, marks, and other forms of intellectual property. These globally competitive services “generate more than 90 percent of WIPO’s budget, financing its varied operations.”⁹⁹ As the world’s innovative capacity evolves, WIPO’s focus and activities continually adapt to meet emerging intellectual property-related needs and challenges in an increasingly complex landscape.¹⁰⁰

⁹² S Bannerman, ‘The World Intellectual Property Organization and the Sustainable Development Agenda’ (2020) 122 *Futures* 102586

⁹³ *ibid*

⁹⁴ M Chon, ‘Recasting Intellectual Property in Light of the U.N. Sustainable Development Goals: Toward Knowledge Governance’ (2019) 34 *Am. U. Int’l L. Rev.* 763.

⁹⁵ WIPO, *Innovation driving human progress: WIPO and the Sustainable Development Goals* (WIPO 2021)

⁹⁶ *ibid*

⁹⁷ *ibid* n92

⁹⁸ WIPO, *Innovation driving human progress: WIPO and the Sustainable Development Goals* (WIPO 2021) 10

⁹⁹ *ibid*

¹⁰⁰ *ibid*

As the specialised United Nations agency for innovation and intellectual property, “WIPO has a unique role to play in achieving SDG 9: Build resilient infrastructure, promote sustainable industrialization and foster innovation”.¹⁰¹ By leading multilateral efforts to create a balanced and effective global intellectual property system at the heart of innovation, WIPO actively supports the inventiveness and creativity required to achieve each of the SDGs.¹⁰² For WIPO, the SDGs can be fully achieved with the aid of innovation, and for the people to be innovative, there must be a guarantee that whatever is invented is protected under intellectual property law. The protection of innovation thus serves as an incentive for the achievement of the SDGs. WIPO’s approach to development has shown few signs of broadening to match the larger mandate of sustainable development. In assessing its potential and actual contributions to the SDGs, WIPO views its role primarily as relating to SDG 9: Industry, Innovation and Infrastructure, and specifically to fostering innovation, declaring, “Innovation is at the heart of WIPO’s mission. In other words, SDG 9 is the most central to WIPO’s mandate”.¹⁰³ In 2019, it noted:

Of all the SDGs, Goal 9 is most closely aligned with WIPO’s mission, which is to lead the development of a balanced and effective international intellectual property (IP) system that enables innovation and creativity for the benefit of all. Innovation is also essential in achieving SDG 2 (zero hunger), SDG 3 (good health and wellbeing), SDG 6 (clean water and sanitation), SDG 7 (affordable and clean energy), SDG 8 (decent work and economic growth), SDG 11 (sustainable cities and communities), and SDG 13 (climate change). In a wider policy setting, innovation can also assist in achieving SDG 1 (no poverty), SDG 8 (decent work and economic growth), SDG 14 (life below water), and SDG 15 (life on land). Other SDGs are also achievable within an innovation policy framework, notably SDG 5 (gender equality), SDG 8 (decent work and economic growth), SDG 10 (reduced inequalities), and SDG 12 (responsible consumption and production).¹⁰⁴

The Director General of WIPO, while stating the relationship between intellectual property and the SDGs, said that “IP exists to create an enabling environment for and to stimulate investment

¹⁰¹ *ibid*

¹⁰² *ibid*

¹⁰³ World Intellectual Property Organization, *Report on WIPO’s Contribution to the Implementation of the Sustainable Development Goals and Its Associated Targets (CDIP/21/10)* (WIPO, 2018) 2

¹⁰⁴ World Intellectual Property Organization (2019). *Report on WIPO’s Contribution to the Implementation of the Sustainable Development Goals and Its Associated Targets (CDIP/23/10)* 2

<https://wipo.int/meetings/en/doc_details.jsp?doc_id=431319> Accessed March 30 2026

and innovation.” “That’s why WIPO is working for a world where innovation and creativity from anywhere are supported by intellectual property for the good of everyone – the core of the SDGs”.¹⁰⁵ Also, in a joint publication of WIPO and UNCHR, ‘IP and Human Rights’, they concluded that appropriate intellectual property can contribute to the economic, social, and cultural progress of the world.¹⁰⁶

Some activities of WIPO's activities point to the fact that it is contributing directly to the SDGs that relate to education, hunger, protection of biodiversity, climate change, or human health¹⁰⁷ while retaining SDG 9 as its central goal.¹⁰⁸ For example, WIPO promotes SDG 6 (Clean Water and Sanitation) and SDG 3 (Good Health and Well Being) by highlighting intellectual property’s connection to innovation in water desalination or vaccine production,¹⁰⁹ by aiding the development of green technology specifically Zero Mass Water’s Source Hydro panel in South Bali, Indonesia that is used to supply Green School’s Bali Campus’s drinking water,¹¹⁰ and by creating the WIPO Re:Search platform, which contributes to the SDG 3 by encouraging the sharing of intellectual property-protected health assets and know-how. In promoting SDG 4, WIPO established WIPO’s Accessible Books Consortium (ABC) to help increase the number of books worldwide in accessible formats and make them available to the visually impaired. In the case of SDG 17, there is the WIPO Match, a free online tool used to connect those with specific intellectual property-related development needs to potential providers offering resources. There is also the WIPO Technology Innovation and Support Centres, which seek to contribute to SDG 9 by providing on-the-ground intellectual property information and support to innovators where they need it most.¹¹¹

5.0 Conclusion.

This article presented a conceptualisation of Intellectual Property and sustainable development. It also outlined what is required for sustainable development and how Intellectual property is important to the sustainability of the global development agenda. Sustainable development is

¹⁰⁵ Daren Tang quoted in WIPO, *Innovation driving human progress: WIPO and the Sustainable Development Goals* (WIPO 2021) 3

¹⁰⁶ WIPO and UNCHR, *Intellectual Property and Human Rights* (WIPO, 1999)

¹⁰⁷ World Intellectual Property Organization, *Mapping of WIPO Activities Related to the Sustainable Development Goals (SDGs) Implementation* (CDIP/17/8) (WIPO, 2016)

¹⁰⁸ *ibid*

¹⁰⁹ World Intellectual Property Organization, *Report on WIPO’s Contribution to the Implementation of the Sustainable Development Goals and Its Associated Targets* (CDIP/21/10) (WIPO, 2018) 7

¹¹⁰ ‘SDGs Spotlight: Encouraging Green Tech

Innovation’ <www.wipo.int/wipogreen/en/new/2019/news_0008.html> accessed March 30 2026

¹¹¹ ‘Sustainable Development Goals and Intellectual Property’ <www.wipo.int/sdgs/en/> accessed March 30 2026

an important concept today, confronting global problems related to human activities, the functioning of economies, and societies in both developed and developing countries. It was argued that sustainable development requires the appropriate use of the existing intellectual property rights system, and that the choices made in this regard must take into account not only profit maximisation or market share, but also social, economic, and environmental impacts. The article concludes that the World Intellectual Property Organization (WIPO) contributes to the SDGs by providing concrete services to its member states, enabling them to use intellectual property systems to drive innovation, competitiveness, and creativity. This achievement encompasses the realisation of the three components of sustainable development; and forms the impetus for the achievement of sustainability in social, economic, and political spaces.

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