



"The core area of my work is how do we build a more inclusive society using the tool of the law. And how do we build a more plural society. Because even within intellectual property debates we favor mainstream science. So part of my endeavor is to build a more plural inclusive knowledge system base where many multiple knowledge systems can thrive."

### Shamnad Basheer

Founder, SpicyIP and Founder and Managing Trustee, IDIA, India

- LL.B. from the National Law School of India University, Bengaluru
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Prof. Shamnad Basheer is a legal scholar of great distinction whose work has had an impact on the legal policy space, particularly intellectual property laws and regulations. He provides a fuller understanding of debates on Indian patent legislation in different contexts. Basheer has also undertaken pioneering work in fostering access to premier legal education to underprivileged communities through his IDIA project.



## Intellectual property and an inclusive knowledge society



Imagine that you've discovered a new concoction comprising tea, turmeric and iodine tincture that rids you of a headache. Did you know that you could get a patent for this new composition, meaning that no one could ever make this same composition or sell it without your permission? The law says that your new ideas can be protected and grants you exclusive rights over them. At the same time the law balances this against the right of the public to access your invention at an affordable price. This is the governing principle of Intellectual Property Rights or IPR. The first known references to intellectual property dates back to the ancient Greeks in 500 B.C.E.

The three main kinds of intellectual property are copyright, patents and trademarks. While patents protect new scientific/technological ideas and inventions, copyrights protect literary, artistic and musical expressions, trademarks protect brand owners from unscrupulous competitors who copy their name, logo and more recently even the unique smell of their product (such as the smell of freshly-cut grass on tennis balls).

The items covered by these laws keep increasing as the years go by. For example, patent protection is now available in several countries for genetically engineered plants, therapeutic drugs, business methods and software programs. The number of IP laws have also increased over the years, with the latest laws protecting new plant varieties, geographical indications and even traditional knowledge.

Prof. Shamnad Basheer is a legal scholar who specializes in IPR and especially in patents over pharmaceutical drugs, where there are fierce battles fought each day. These battles pit private patent rights which often engender excessive pricing against the larger societal concerns of public health and affordable medication. Through his extensive scholarship, Basheer cautions against a blind adoption of the prevalent Western paradigm favoring an inefficient rent seeking patent system and proposes new, creative alternatives for encouraging drug innovation, whilst keeping prices low.

Basheer's writings on the blog, SpicyIP, have helped democratize the discussion around intellectual property, enabling a wider set of stakeholders including the general public to participate. His engagement with the courts through academic interventions has helped lay the foundation for the evolution of nuanced patent jurisprudence. Intellectual property will be a key competitive tool in our new knowledge economy. Basheer's work aids the formulation of an independent policy space for India that furthers its national interest, whilst remaining compliant with international treaties.

Through his IDIA (Increasing Diversity by Increasing Access) project, Basheer is also fostering access to law and legal education to the weakest sections of society, empowering them in the process by creating legal leaders from within. More broadly, Basheer's engagement with the law and legal processes through his research, writings and activism helps build a more inclusive knowledge society.