

## *Original Paper*

# The Conflict and Coordination between Intellectual Property Law and Human Rights Law in the Context of Globalization and Digitization

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Received: January 3, 2025

Accepted: January 15, 2025

Online Published: January 17, 2025

doi:10.22158/elp.v8n1p28

URL: <http://dx.doi.org/10.22158/elp.v8n1p28>

### ***Abstract***

*In the current era of digitalization and globalization, both intellectual property law and human rights law are facing unprecedented challenges and opportunities. In the process of constantly seeking the balance between the two, there are inevitably multiple conflicts, such as excessive protection of intellectual property rights that may limit the freedom of knowledge acquisition guaranteed by human rights law, and human rights demands that may also impact the exclusivity of intellectual property rights. It is necessary to explore ways to coordinate the conflicts between them in order to build a more harmonious and sustainable socio-economic and cultural environment. This article aims to analyze in depth the conflict manifestations and root causes of these two types of laws in the context of digitization and globalization, and actively explore feasible strategies for coordinating conflicts. By elaborating on the concepts and connotations of the two, analyzing their conflicts in multiple aspects such as balancing interests and acquiring knowledge resources, and exploring various strategies for coordinating conflicts in this new era environment, including the improvement of legal systems and the enhancement of public awareness of rights and interests, in order to promote the harmonious coexistence of the two under the legal framework of modern society and jointly promote social development.*

### ***Keywords***

*intellectual property law, human rights law, digital background, conflict resolution*

## 1. Introduction

The digital wave is sweeping across the world and changing the way of creating and utilizing the knowledge, while globalization has made this impact cross national borders, tightly linking countries and regions together. In this context, the complex relationship between intellectual property law and human rights law has become more subtle. The intellectual property law aims to protect the rights of creators of various intellectual achievements, stimulate innovation and creative expression (Feng, X. Q. & Zhou, H. W., 2019, pp. 188-195); The purpose of human rights law is to safeguard the fundamental rights of individuals and groups, and to uphold core values such as human dignity, equality, and freedom. However, as these two laws operate on the track of digitization and globalization, a series of collisions inevitably arise. In the digital age, the speed and scope of knowledge dissemination are faster, and the difficulty of protecting intellectual property rights has also increased. Meanwhile, globalization has blurred the boundaries of intellectual property, allowing multinational corporations to use and disseminate intellectual property globally, posing new challenges to the protection of intellectual property. On the other hand, the development of Internet technology has made personal privacy and information security the focus of human rights law. At the same time, the trend of globalization has made the application of human rights law more extensive, taking into account the differences in culture, law, and values among different countries and regions. Therefore, in the context of digitalization and globalization, the relationship between intellectual property law and human rights law has become more complex and subtle. We need to achieve a balance and coordination between protecting intellectual property rights and encouraging innovation, while also safeguarding the basic rights and dignity of individuals.

## 2. Some Significant Conflicts between Intellectual Property Law and Human Rights Law in the Context of Digitization and Globalization

### 2.1 *The Challenges Caused by the Expansion of Intellectual Property on Education and Academic Research*

With the advent of the digital age, the speed and scope of knowledge dissemination have become faster and wider, which has brought new challenges and opportunities for intellectual property protection. In order to adapt to this new situation, intellectual property laws are constantly being revised and improved, and their protection scope has also expanded to a certain extent (Gao, L., 2022, pp. 59-69). This expansion is mainly reflected in the protection of emerging fields such as digital media and network technology. For example, many countries have introduced relevant anti piracy laws to crack down on piracy in digital media; At the same time, some countries have also strengthened online copyright protection by monitoring and combating infringement through technological means. However, the expansion of intellectual property rights has also sparked some conflicts with human rights law. On the one hand, overly strict intellectual property protection may lead to technological barriers, hindering the dissemination and application of technology, thereby affecting the public's right

to access knowledge and information. On the other hand, the expansion of intellectual property rights may also conflict with social public interests such as the public's right to know and education. For example, in some cases, the holder of intellectual property may restrict others' fair use of their work, which to some extent limits the public's free access to and dissemination of knowledge. In addition, in the context of globalization, the cross-border protection of intellectual property rights has also brought new challenges. There are differences in intellectual property laws between different countries, which may lead to an increase in cross-border intellectual property disputes. At the same time, some developed countries may use their strong economic power and technological advantages to promote the internationalization of intellectual property protection, thereby to some extent harming the interests of developing countries and vulnerable groups.

In the context of digitization and globalization, education and academic research may also face the following challenges under the expansion of intellectual property rights, firstly in the process of obtaining research materials being restricted. Some academic databases and research resources are strictly protected by intellectual property rights, and obtaining these resources often requires paying high fees. For educational institutions and students, this may be a significant expense that limits their access to necessary information, especially for schools with limited funds and impoverished students, which may affect the depth and breadth of their learning and research. Secondly, even if one has the ability to pay the fees, they may still be subject to various constraints when using the data due to complex authorization terms and usage restrictions. For example, it can only be used in specific devices or network environments, and cannot be copied or shared in large quantities, which makes the use of materials less flexible and convenient, reducing the efficiency of research and learning.

In the fields of education and academia, the potential obstruction of academic exchange and knowledge dissemination is also a prominent issue. At present, some journals and academic platforms have set strict regulations on paper publication in order to protect their intellectual property rights. This may result in some valuable research findings being difficult to publish due to not meeting specific requirements, or the publication process being lengthy and complex, affecting the timeliness and breadth of academic communication. Researchers may also face limitations when sharing their findings. For example, some intellectual property regulations may not allow researchers to freely share their papers with others unless they go through a cumbersome authorization process, which hinders the rapid dissemination of knowledge in the academic community and is not conducive to the development and innovation of the discipline.

In the context of this conflict, it is likely to further lead to an imbalanced distribution of educational resources, resulting in a greater concentration of high-quality educational resources in developed regions. Because developed regions have stronger economic and technological capabilities to access and use educational resources protected by intellectual property rights, while underdeveloped regions may face difficulties in fully enjoying these resources due to resource and funding shortages, further exacerbating the imbalance of educational resources. From a micro perspective, large and well-known

educational institutions may obtain more intellectual property authorizations and have richer educational resources with strong funds and influence. However, small educational institutions or ordinary schools may be at a disadvantage in terms of educational resources due to their inability to afford related expenses, which affects their teaching quality and student development, and is also not conducive to the realization of educational equity.

Finally, this conflict pattern may also potentially inhibit innovation and academic freedom. Excessive intellectual property protection may make researchers overly concerned about infringement issues when conducting research, afraid to try new research ideas and methods easily, and afraid of violating certain intellectual property boundaries. This to some extent restricts researchers' innovative thinking and is not conducive to academic breakthroughs and development. In academic research, if intellectual property disputes are accidentally involved, researchers may need to spend a lot of time and energy dealing with legal procedures and resolving disputes, which not only affects the research progress but may also have a negative impact on the reputation and career development of researchers, causing them to have concerns when innovating.

### *2.2 Cultural Diversity and the Monopoly of Ethnic Intellectual Property Rights*

Driven by the wave of globalization, the channels for cultural dissemination are increasing day by day, and its scope of influence has reached unprecedented breadth. A few developed countries, with their strong economic strength and technological support, occupy a pivotal position in the cultural industry and hold the dominant power. The intellectual property intensive cultural products they produce, such as Hollywood blockbusters and works of popular music stars, have formed overwhelming market advantages on a global scale. This phenomenon not only makes it difficult for local cultural products to establish themselves in the international market, but also poses a serious threat to global cultural diversity.

Taking a certain country in Africa as an example, its traditional ethnic dance and music were originally loved by the local people, but with the influx of Western popular music, the local music culture gradually declined. The younger generation tends to imitate and pursue foreign cultures, leading to a discontinuity in the inheritance of local culture. From the perspective of human rights law, this cultural invasion essentially infringes upon the right of different ethnic groups to maintain and inherit their unique cultures (Luo, A. J. & Yang, Y. B., 2010, pp. 26-28).

On the other hand, in regions with relatively abundant ethnic or regional cultural resources, many precious traditional knowledge and folk arts contain profound wisdom and cultural connotations (Qing, Y., 2012, pp. 147-152). However, in the globalized commercial utilization, these valuable resources often fail to receive the respect and fair treatment they deserve. Some multinational companies or institutions use this traditional knowledge for commercial development without permission, making huge profits from it. However, regions with rich traditional culture often lack corresponding awareness and means of intellectual property protection, and are unable to effectively protect the cultural knowledge forms that have been passed down for generations. For example, certain unique medical

knowledge originates from a remote tribe, and through generations of inheritance and development, has formed a unique treatment system. However, these pharmaceutical knowledge have been stolen by some pharmaceutical companies for free, sold at high prices after packaging and promotion, and the tribes that originally possessed these knowledge have not received any economic returns. A similar situation also occurs in the field of traditional handicrafts, where some exquisite handicrafts are extensively replicated and sold at low prices, leading to livelihood difficulties for artisans in their place of origin. This exploitative development of traditional cultural resources not only damages the economic interests of traditional regions, but also tramples on their development and cultural rights.

### *2.3 Imbalance between Privacy Rights and Data Protection within the Framework of Intellectual Property Law*

The digital wave has led to the generation of massive amounts of data, many of which have commercial value. Some companies often optimize their products, provide services, or conduct precision marketing by collecting, analyzing, and utilizing large amounts of user data, which can easily infringe upon users' privacy rights. For example, some companies may collect personal information from users without their explicit consent, or use user data for purposes unrelated to providing services. The collection of these data often does not obtain sufficient user consent, seriously violating the privacy rights protected by human rights law.

With the development of artificial intelligence technology, works created by artificial intelligence have also sparked a large number of disputes over intellectual property ownership. At the same time, the sources of data collected for training artificial intelligence systems and the mechanisms for protecting the rights of data subjects are not yet clear, which poses a threat to basic human rights such as privacy.

In terms of intellectual property ownership of artificial intelligence works, due to the particularity of artificial intelligence, the generated works often involve the rights and interests of multiple parties, including developers, users, and data providers of artificial intelligence. However, the existing intellectual property legal framework often struggles to clearly define the rights and interests of these entities, leading to an imbalance in data protection in disputes over intellectual property ownership. On the one hand, developers of artificial intelligence may believe that their works generated through algorithms and models should enjoy copyright; On the other hand, data providers may believe that the raw data they provide plays a crucial role in the generation of the work and should also enjoy corresponding rights. This kind of controversy may not only lead to legal disputes, but also affect the innovation and development of artificial intelligence technology. In terms of specific cases, there have been multiple legal cases related to copyright of artificial intelligence works in China. For example, in the case of Tencent v. Yingxun for infringement of copyright and unfair competition, the court determined that the article in question was created by a creative team organized by the plaintiff, including an editorial team, product team, and technical team, using artificial intelligence software, and constituted a legal person's work, which should be protected by copyright. This case reflects the complexity of copyright ownership for artificial intelligence works and highlights the importance of

data protection in it.

### **3. The Root Causes of Conflicts between Intellectual Property Law and Human Rights Law in the Context of Digitization and Globalization**

#### *3.1 Differences in Interest Demands and Value Orientation*

As a specialized legal system, the core purpose of intellectual property law is to protect and reflect the interests and needs of intellectual property owners, such as enterprises, creators, inventors, and other parties. By clearly granting these owners exclusive rights, intellectual property law not only provides them with a fertile ground for innovation, but also guarantees at the institutional level that their creative achievements and investment returns can be reasonably and effectively maintained (Tan, M., 2017, p. 144). This exclusive design of rights aims to motivate more individuals and organizations to engage in knowledge innovation and artistic creation, thereby promoting cultural prosperity and technological progress throughout society. However, unlike intellectual property law, human rights law takes a more macro and universal perspective, focusing on safeguarding the fundamental rights of all individuals and groups of humanity. The human rights law emphasizes core values such as fairness, equality, and sustainable human development, and is committed to ensuring that every individual, regardless of their social status, economic conditions, or cultural background, can enjoy basic dignity and rights as a human being. These rights include but are not limited to the right to life, freedom, property rights, and the pursuit of happiness, which together form the cornerstone of human rights law. It is precisely because of the fundamental differences in interest orientation between these two legal systems that they may conflict in certain situations. The maximization of individual interests pursued by intellectual property law may sometimes come into conflict with the principles of fairness and equality advocated by human rights law (Wang, G. Z., 2017, pp. 70-72).

Finally, in terms of the value orientation of both, the value of intellectual property law is mainly reflected in encouraging innovation, promoting technological progress, and cultural prosperity. Its core lies in safeguarding the enthusiasm of knowledge producers through exclusive rights to knowledge achievements. And human rights law takes the fundamental rights and dignity of human beings as its core values, such as freedom, equality, fairness, etc. When facing complex issues in the process of digitization and globalization, this difference in value bias can lead to many contradictions.

#### *3.2 Differences in Normative Logic*

The normative logic of intellectual property law is deeply rooted in the soil of private rights protection, emphasizing and implementing strict exclusive protection. From copyright to patent rights, each intellectual property right is an exclusive authorization for a specific object, which grants the right holder exclusive control over the intellectual property for a certain period of time (Yan, Y. H. & Gan, X. L., 2012, pp. 12-21). This not only reflects respect for the individual labor achievements of creators and inventors, but also ensures through legal means that they can receive the due rewards from their intellectual labor, thereby encouraging more innovation and creativity (Yang, C. R., 2006, pp. 12-16).

In contrast, the logical starting point of human rights law is more based on the overall fairness and justice of society. The human rights law advocates a collective and universal concept of rights, emphasizing that human rights are fundamental rights that everyone can equally enjoy and should not be restricted by any specific private rights. This concept aims to safeguard the basic dignity and living conditions of all individuals, ensuring that everyone can enjoy equal rights and opportunities at all levels of society. The universality of human rights law enables it to transcend disputes over individual interests and examine and uphold fairness and justice in the entire society from a higher perspective.

Therefore, although intellectual property law and human rights law differ in the objects and methods of protection, they both play indispensable roles in their respective fields. The intellectual property law promotes social progress and innovation by protecting individual intellectual achievements; And human rights laws safeguard social fairness and justice by protecting the basic rights and interests of every individual. The two complement each other and jointly build a legal system that respects individual innovation while ensuring collective fairness.

#### **4. Coordination of Conflicts between Intellectual Property Law and Human Rights Law in the Context of Digitization and Globalization**

##### *4.1 Legal Policy Adjustments*

##### *4.1.1 Balance the Level of Intellectual Property Protection*

At the legislative level, we urgently need to re-examine and adjust the scope and duration of intellectual property protection. The purpose of this review is not to weaken the protection of intellectual property rights, but to seek a more balanced and socially beneficial protection mechanism. Especially for knowledge fields that involve public interests and are closely related to basic human rights, such as education, healthcare, etc., we should consider appropriately lowering the threshold for intellectual property protection.

This adjustment helps to promote the free dissemination of knowledge and enhance human capabilities. Taking the education sector as an example, excessively high intellectual property protection thresholds may hinder the sharing and dissemination of educational resources, thereby affecting the fairness and accessibility of education. To alleviate this contradiction, we can develop special copyright policies for educational literature materials (Zeng, T., 2020, pp. 272-293). For example, an “educational copyright licensing” mechanism can be established to allow educational institutions to obtain the permission to copy, distribute, and use specific literature materials for teaching purposes after paying reasonable fees. This can not only protect the legitimate rights and interests of intellectual property owners, but also promote the widespread dissemination and fair access to educational resources.

In addition to the education sector, intellectual property protection in the medical field is also worth paying attention to. In the medical field, the intellectual property protection of some key medical technologies, drugs, and treatment methods may affect the treatment effectiveness and life health of patients. Therefore, for medical knowledge closely related to basic human rights, we also need to

consider protecting intellectual property while ensuring that the public can access these critical medical resources in a timely and fair manner.

Taking the “Education Copyright Exception” policy implemented by a certain country in recent years as an example, the policy clearly stipulates that in certain circumstances, educational institutions can copy and disseminate specific literature materials for teaching purposes without obtaining permission from the copyright owner. The implementation of this policy greatly promotes the sharing and dissemination of educational resources, reduces education costs, and improves the popularity and quality of education. At the same time, the policy also safeguards the legitimate rights and interests of intellectual property owners from excessive infringement by setting reasonable restrictions, such as limiting the quantity and scope of copying, requiring copyright information to be indicated, etc. This successful case provides us with valuable reference experience and proves the necessity and feasibility of re-examining and adjusting the scope and duration of intellectual property protection at the legislative level.

#### 4.1.2 Emphasize the Positioning of Human Rights in Intellectual Property Policies

When formulating intellectual property policies, we should consider human rights as an important factor and explicitly incorporate it into the policy-making system. This means that when constructing policy frameworks such as trade-related intellectual property agreements, our perspective cannot be limited solely to the interests of rights holders. On the contrary, we need to broaden our thinking and deeply consider the human rights protection needs of different countries and groups.

Human rights are universal and inalienable, including but not limited to the right to life, freedom, dignity, etc., which are fundamental rights that every individual should enjoy. Therefore, when formulating intellectual property policies, we must ensure that these policies not only contribute to innovation and economic development, but also safeguard people’s basic human rights from infringement. At the same time, we should fully embody the values of fairness, equality, and development advocated by human rights law. This means that we must strive to ensure that intellectual property policies do not lead to unfair distribution of resources and do not exacerbate social inequality. We need to promote the sharing and dissemination of knowledge, and drive the overall progress and development of society through the formulation and implementation of policies. For example, when formulating trade-related intellectual property agreements, we can consider setting up provisions to safeguard the rights of developing countries and vulnerable groups in accessing knowledge, technology, and information. This can not only promote knowledge sharing and technology dissemination globally, but also promote fair trade and cooperation among countries.

#### 4.2 Deepening International Cooperation and Coordination

In the context of deepening globalization, international organizations such as the United Nations play a crucial role in promoting global governance and maintaining international order. Seeking coordination and balance between intellectual property law and human rights law has become an important issue that international organizations urgently need to address. Specifically, more effective cooperation



mechanisms can be established between the World Intellectual Property Organization and the Office of the High Commissioner for Human Rights to jointly address global challenges. In addition, the protection of traditional knowledge is also an area worthy of attention. Many traditional knowledge have unique cultural and practical value, but also face the risk of abuse and theft. How to protect traditional knowledge while respecting and safeguarding the rights of indigenous peoples and traditional communities is an urgent issue that needs to be addressed. Through the cooperation between the World Intellectual Property Organization and the Office of the High Commissioner for Human Rights, we can conduct in-depth research on the protection of traditional knowledge and develop targeted action frameworks and guidelines. In order to promote this process, the World Intellectual Property Organization (WIPO), the United Nations Human Rights Council and other international platforms can be used to actively establish an effective mechanism for coordinating intellectual property law and human rights law and supervise their implementation, regularly organize expert seminars, develop cooperative research plans, and promote in-depth understanding and cooperation between the two sides in the field of intellectual property law and human rights law through information sharing, experience exchange and other ways.

In addition, actively promoting the participation and voice of developing countries, strengthening bilateral and multilateral dialogue between developed and developing countries on intellectual property and human rights issues, formulating more fair and reasonable international intellectual property rules, and reflecting human rights considerations are also extremely important measures. In the process of globalization, developing countries are in a relatively special position regarding intellectual property and human rights issues. It is necessary to ensure that developing countries can actively participate in the formulation of international intellectual property rules, fully express their demands for human rights protection, and prevent international intellectual property rules from being dominated by the interests of individual developed countries, which may harm the common human rights of people in developing countries.

## **5. Summary**

In the wave of digitization and globalization, the conflict and coordination between intellectual property law and human rights law have become increasingly prominent, becoming a focus of international attention. This article explores how to achieve an effective balance between the two in the current era by deeply analyzing their inherent connections and potential contradictions. With the rapid development of digital technology, the scope of intellectual property protection continues to expand and the strength of protection continues to strengthen. However, this has also brought about a series of human rights issues, such as freedom of information and protection of privacy rights. How to protect intellectual property rights without infringing on individual human rights has become an urgent problem to be solved. This article reveals the conflict points between intellectual property law and human rights law in practical operation by analyzing specific cases, and proposes corresponding

solutions. Meanwhile, this article also emphasizes the important role of government, enterprises, social organizations, and individuals in coordinating the relationship between intellectual property law and human rights law. Only with the joint participation and active consultation of all parties can a joint force be formed to promote harmonious coexistence between the two. In the future, with the further deepening of digitization and globalization, the conflict and coordination issues between intellectual property law and human rights law will become more complex and varied. Therefore, we need to continue to pay attention to the development trends in this field, strengthen international cooperation and exchanges, and jointly explore a more perfect legal system to better safeguard human innovation achievements and basic rights. In short, the conflict and coordination between intellectual property law and human rights law in the context of digitization and globalization is a long-term and complex process. We need to adopt an open, inclusive, and cooperative attitude, constantly explore and practice, and contribute wisdom and strength to achieve a balance and win-win situation between the two.

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