



THE NATIONAL UNIVERSITY OF ADVANCED LEGAL STUDIES, KOCHI

5th INTERNATIONAL CONFERENCE on HEALTH, HUMAN RIGHTS AND INTELLECTUAL PROPERTY RIGHTS

24th to 26th February 2021

ORGANISED BY

Centre for Intellectual Property Rights
Centre for Health Law & Policy
Centre for Human Rights

Theme 2021:

**Pandemics: Health, Human Rights &
Intellectual Property Perspectives**

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Dates of the Event: 24th to 26th February 2021

Following its successful editions from 2015 onwards, the *Centre for Health Law and Policy* (CHLP), the *Centre for Human Rights* (CHR) and the *Centre for Intellectual Property Rights* (CIPR) under the aegis of the National University of Advanced Legal Studies is holding its annual international event in 2021 with the central theme as the impact of pandemics on the domains of health, human rights and intellectual property as well as the numerous concerns raised in these interrelated fields. The Centres had previously collaborated in conducting four international programmes. The first edition was based on *Access to Medicine and Novel Medical Technologies* while the second was focused on *Traditional Knowledge*. The third event was on *Access to Information and Communication Technologies* and the fourth on *Biomedical Technologies*.

INTRODUCTION

The COVID-19 pandemic has once again placed public health in the spotlight. Governments across the globe are implementing mechanisms to curb the spread of the virus. Battling a novel virus has also put immense pressure on scientists and researchers to find a vaccine as well as raised concerns on resource-allocation as well as disease management. International institutions are stressing on interdisciplinary synergies and collaborations in these difficult times to solve these numerous issues of global concern and relevance. The pandemic has put into perspective the lack of access to effective healthcare that many people across the globe have to face. The right to life and healthcare being one of the most fundamental of human rights naturally intertwines the two fields in this discussion. In the process of developing a vaccine, it becomes imperative that Intellectual Property Laws must be applied in order to expedite the access and availability of prospective vaccines and must not be an obstacle towards the same. Thus, with multiple institutions engaged in tackling the pandemic, the analysis of three spheres of law has become an integral part of the process - Health, Human Rights and Intellectual Property Rights.

This event is an effort to provide a platform for discussions and deliberations that are to bring new insights and understanding towards the various dimensions involved in the matter of pandemics, their impact on public health, the responses and duties of States, people and other stakeholders, an evaluation of the healthcare sector frameworks, mechanisms of clinical trials and their limitations, the scope of intellectual property rights in such context as well as to throw light on the changes that are to be brought, in light of our shared experiences.

We welcome everyone to be a part of this discourse and contribute to the success of the event.

ABOUT THE CENTRES

Centre for Human Rights

The Centre for Human Rights was established to stimulate discussions on the concept of human rights and how the law can be used in the service of human rights. Since independence, India has made significant efforts to strengthen the constitutional, legal and institutional framework to protect and promote human rights. This work has been supported by an active and sensitive judiciary, which has safeguarded and strengthened existing civil and political rights as well as meaningfully expanded the notion of rights to including basic economic and social entitlements. However, human rights violations continue to be reported demonstrating the shortfalls in the existing system. This scenario illustrates the need for continuous efforts to develop a culture of human rights accompanied by legal initiatives upholding human rights. The Centre therefore works to bridge the knowledge in legal, social and cultural realms that impede the achievement of higher human rights compliance.

Centre for Health Law & Policy

The Centre for Health Law and Policy is an interdisciplinary Centre established in 2014 at National University of Advanced Legal Studies as its ninth Centre for study and research. Health law mainly focuses on the authority of the government at various jurisdictional levels to improve the health of the general population within societal limits and norms. It also analyzes legal issues in public health practice and also the public health effects of legal practice. The Centre aims to encourage, promote and support innovative and important scholarship including teaching, research, consultancy and advocacy in areas of health care law by undertaking various projects.

Centre for Intellectual Property Rights

The Centre for Intellectual Property Rights has, since its inception, been at the forefront of promoting research and education in the field of IPR. The Centre fosters R&D activities that blend with its central mission of intellectual pursuit as well as link related interdisciplinary involvement to develop an intellectual law-database which would benefit the nation at large. The two primary goals of the Centre are to enhance research and expertise pro-actively in novel and emerging fields of intellectual property law, as well as become a source of information and expertise on the subject. Through its flagship journal, NUALS Intellectual Property Law Review as well as various other activities, it seeks to enrich scholarship in the domain of intellectual property rights.

TIMELINE AND MODE

The conference will be held from 24th to 26th February 2021. The same is proposed to be held through online platform so as to enable participation by a larger audience.

THEMATIC BREAKUP

Health

The role of legal and ethical considerations for pandemic preparedness is one of paramount importance when dealing with the theme of health in the context of a pandemic. Responses to a pandemic raise a great number of social equity, health planning, regulatory and ethical dilemmas. As such, the following sub-themes have been identified as crucial to the discussion under the main theme -

1. The Role of State in protection of Public health
2. The duties of the citizenry during situations of public health crises
3. Legal preparedness of India - Tackling a public health crisis
4. Occupational Health and Safety Laws during a Pandemic
5. The Legality of Compulsory Vaccinations
6. Distributional Justice - Priority setting for Access to Vaccines and Antiviral Medications
7. Global landscape: lessons and experiences

Human Rights

Responses to a pandemic that are shaped by and respect human rights result in better outcomes in tackling a pandemic and ensuring the preservation of human dignity in the process. It prepares the ground for emerging from the crisis with more equitable and sustainable societies, development and peace.

Following are sub-themes that may be explored for the purposes of the conference -

1. Increased importance of health rights during public health emergencies
2. Balancing of competing human rights: Role of State
3. Addressing the Vulnerability of Migrant Workers during a Pandemic
4. Xenophobic Repercussions of a Pandemic
5. Marginalization and Gender-based Violence during the Pandemic
6. Addressing the Plight of Refugees and Asylum Seekers during a Pandemic
7. Global landscape: lessons and experiences

Intellectual Property Rights

The rising pace of intellectual and technological advancements has taken center-stage during the pandemic. In this increasingly innovation driven world, intellectual property laws plays an integral role with respect to the impact on pandemic preparedness and responsiveness. Maintaining the incentivizing framework of the IP system while satisfying the demand for knowledge and information as well as facilitation of equitable access to fruits of inventions is yet to be addressed in a comprehensive manner. Therefore, the following sub-themes have been provided to initiate the discussion –

1. Rationale for Intellectual Property Rights: Scope of exceptions and limitations
2. Role of State and duties in the domain of distribution and utilization of resources: scope of intervention to private property interests
3. Drug Repurposing and Other mechanisms
4. Licensing Agreements during a Pandemic
5. Incentivization and Open Access - Distribution of Knowledge and Innovation during a Pandemic
6. Increased synergies of collaboration: future possibilities and implications
7. Global landscape: lessons and experiences

INTERDISCIPLINARY THEMES (PANEL DISCUSSION)

1. The Impact of Pandemics in the spheres of Public Health Policies, Human Rights and Intellectual Property Law - Analysing in light of the COVID-19 Pandemic
2. The Way Forward - Addressing the needs of the Global Community through Public Health Policies, Measures centred on Human Rights and Intellectual Property Law