



INDIAN JOURNAL OF
LEGAL REVIEW

VOLUME 5 AND ISSUE 6 OF 2025

INSTITUTE OF LEGAL EDUCATION



INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 5 and Issue 6 of 2025 (Access Full Issue on – <https://ijlr.iledu.in/volume-5-and-issue-6-of-2025/>)

Publisher

Prasanna S,

Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

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THE STRATEGIC ROLE OF INTELLECTUAL PROPERTY RIGHTS IN SECURING COMPETITIVE ADVANTAGE

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BEST CITATION – SUJITH SURIYA V R & DR BHAVNA BATRA, THE STRATEGIC ROLE OF INTELLECTUAL PROPERTY RIGHTS IN SECURING COMPETITIVE ADVANTAGE, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (6) OF 2025, PG. 220-227, APIS – 3920 – 0001 & ISSN – 2583-2344.

Intellectual Property Rights (IPR) play a crucial role in enhancing corporate competitive advantage by safeguarding innovations and creations that distinguish a business from its competitors. By securing exclusive rights over patents, trademarks, copyrights, and trade secrets, companies can protect their intellectual assets, thereby reducing the risk of imitation and ensuring a unique position in the market. This legal protection not only encourages innovation but also creates a valuable portfolio of intangible assets that can be monetized, either through licensing, partnerships, or direct sales. Moreover, IPR facilitates brand recognition and consumer trust. Trademarks and copyrights provide legal protection for a company's brand identity, allowing businesses to establish strong market presence and loyalty. By ensuring that their distinctive creations are legally protected, companies can invest in their intellectual capital without the fear of infringement, making it a vital component in long-term business strategy. The strategic use of IPR can also foster international expansion, as companies can secure their intellectual property in global markets, thereby ensuring their competitive edge on a worldwide scale. In addition, IPR contributes to the company's ability to attract investors, as a strong intellectual property portfolio is often seen as a sign of innovation and future profitability. By aligning their IPR strategies with corporate goals, businesses can gain leverage in negotiations, securing favorable terms and strengthening their market position. Ultimately, the effective management of IPR not only protects business innovations but also creates opportunities for growth, differentiation, and sustained competitive advantage in the ever-evolving marketplace.

Keywords: Intellectual Property Rights, Competitive Advantage, Innovation, Trademarks, Patents, Corporate Strategy, Market Differentiation.

INTRODUCTION :

Intellectual Property Rights (IPR) have become indispensable assets in the modern business landscape, serving as critical tools for companies striving to achieve and maintain a competitive edge. As markets evolve and competition intensifies, the strategic management of intellectual property has transitioned from a legal necessity to a central component of corporate strategy. This comprehensive analysis explores the

multifaceted role of IPR in fostering corporate competitive advantage, examining its impact on innovation, brand differentiation, market positioning, revenue generation, and strategic collaborations.

In the realm of innovation, IPR serves as a catalyst by providing legal protection that encourages investment in research and development (R&D). Companies are more inclined to allocate resources toward innovation when they are assured that their inventions and

creative works will be safeguarded against unauthorized use. Patents, for instance, grant inventors exclusive rights to their creations for a specified period, allowing them to capitalize on their innovations without immediate competition. This exclusivity not only ensures a return on investment but also fosters a culture of continuous innovation, as firms strive to maintain their market position through the development of novel products and services.

A well-managed IP portfolio can serve as a valuable asset in forging strategic collaborations and partnerships. Companies with strong IP holdings are often more attractive to potential partners, investors, and collaborators, as IP signifies innovation capability and market potential. In mergers and acquisitions, the value of a company's IP assets can significantly influence deal negotiations and outcomes. Furthermore, joint ventures and strategic alliances often revolve around the sharing and co-development of IP, enabling companies to combine resources and expertise to achieve mutual goals, expand their market presence, and accelerate innovation. Furthermore, IPR provides legal recourse against infringement and unauthorized use, enabling businesses to protect their assets from competitors who may attempt to exploit their intellectual property. For instance, if a competitor copies a patented technology or uses a similar trademark, the IP owner can take legal action to enforce their rights and seek remedies such as damages or injunctions. This legal protection is essential for maintaining a competitive edge and ensuring that investments in intellectual property are safeguarded.

RESEARCH QUESTION :

- What roles do patents, trademarks, copyrights, and trade secrets play in corporate strategy?
- How do legal frameworks influence the protection and exploitation of intellectual property?

- In what ways can companies leverage IPR to create revenue and strategic partnerships?

RESEARCH OBJECTIVES :

1. To examine the strategic importance of Intellectual Property Rights in enhancing corporate competitive advantage across various industries.
2. To analyze how different forms of IPR patents, trademarks, copyrights, and trade secrets contribute to innovation, market positioning, and brand differentiation.
3. To explore the legal frameworks governing IPR and their influence on corporate IP strategy.
4. To identify best practices in IPR management that enable firms to monetize, protect, and leverage intellectual assets for long-term growth.

RESEARCH METHODOLOGY :

The research methodology adopted in this paper is qualitative and doctrinal, relying primarily on secondary sources to analyze the strategic role of Intellectual Property Rights (IPR) in securing corporate competitive advantage. The study employs an analytical and descriptive approach, examining legal texts, international treaties such as the TRIPS Agreement, and national legislations including the Indian Patents Act and the US Lanham Act. Scholarly literature, business reports, and case studies were reviewed to understand the practical application of patents, trademarks, copyrights, and trade secrets in corporate strategy. A combination of doctrinal legal analysis and conceptual content analysis was used to explore how IPR contributes to innovation, market positioning, and brand differentiation. Additionally, a comparative perspective was applied to highlight differences and similarities in IPR enforcement between jurisdictions. This methodology enables a comprehensive understanding of the

intersection between law and business strategy in the context of intellectual property.

Theoretical Framework on Competitive Advantages: Linking Intellectual Property Rights (IPR) to Competitive Advantage

In the contemporary business landscape, intellectual property rights (IPR) have emerged as pivotal instruments for organizations striving to attain and sustain competitive advantage. The theoretical underpinnings connecting IPR to competitive advantage are multifaceted, encompassing various strategic, economic, and legal dimensions. This discourse delves into the intricate relationship between IPR and competitive advantage, elucidating the mechanisms through which intellectual property contributes to a firm's superior market positioning.

At the core of this relationship lies the concept of resource-based theory, which posits that firms achieve competitive advantage by possessing and effectively managing valuable, rare, inimitable, and non-substitutable (VRIN) resources³⁰⁸. Intellectual property, encompassing patents, trademarks, copyrights, and trade secrets, epitomizes such resources. These intangible assets, when legally protected, provide firms with exclusive rights, enabling them to capitalize on innovations, brand equity, and proprietary knowledge without immediate threat from competitors.

Patents, for instance, grant inventors exclusive rights to their inventions, preventing others from making, using, or selling the patented innovation for a specified period. This exclusivity not only incentivizes innovation by ensuring a return on investment but also establishes a temporary monopoly, allowing firms to set premium prices, recover research and development costs, and reinvest in further innovation³⁰⁹. Consequently, patents serve as

strategic tools that can fortify a firm's market position and deter potential entrants.

Trademarks, on the other hand, protect brand identifiers such as logos, names, and slogans. A strong trademark distinguishes a firm's products or services, fostering brand recognition and customer loyalty. This differentiation is crucial in saturated markets where consumers are inundated with choices. By safeguarding brand identity, trademarks enable firms to build and maintain a unique market presence, thereby contributing to sustained competitive advantage.

Copyrights protect original works of authorship, including literary, musical, and artistic creations. In industries reliant on creative output, such as publishing, entertainment, and software development, copyrights ensure that creators can control and monetize their works. This control not only rewards creativity but also encourages continuous production of original content, reinforcing a firm's competitive edge in creative markets.

Trade secrets encompass confidential business information that provides a competitive edge, such as formulas, practices, processes, or designs. Unlike other forms of IPR, trade secrets are protected without registration, as long as secrecy is maintained. The protection of trade secrets is vital in industries where proprietary knowledge and processes are central to operational efficiency and product uniqueness. By safeguarding such information, firms can prevent competitors from replicating their success, thereby preserving their competitive advantage.

The strategic management of IPR involves not only the acquisition and protection of intellectual assets but also their effective utilization. Licensing agreements, for example, allow firms to monetize their IPR by permitting others to use their intellectual assets in exchange for royalties or fees. This strategy can open new revenue streams, expand market reach, and foster collaborative innovation. Additionally, cross-licensing agreements can

³⁰⁸ Jay B. Barney, Firm Resources and Sustained Competitive Advantage, 17 *J. Mgmt.* 99, 102 (1991)

³⁰⁹ David J. Teece, Profiting from Innovation in the Digital Economy: Enabling Technologies, Standards, and Licensing Models in the Wireless World, 47 *Res. Pol'y* 1367, 1371–72 (2018).

facilitate access to complementary technologies, enhancing a firm's product offerings and market competitiveness.

Furthermore, IPR can serve as a barrier to entry, deterring potential competitors from entering the market. The existence of robust IPR protection signals to potential entrants that the incumbent firm possesses unique assets that are legally protected, making market entry more challenging and less attractive³¹⁰. This deterrent effect reinforces the incumbent's market position and contributes to long-term competitive advantage.

In the context of globalization, the international harmonization of IPR laws, through agreements such as the Trade-Related Aspects of Intellectual Property Rights (TRIPS), has significant implications for competitive advantage. Firms operating in multiple jurisdictions must navigate varying IPR regimes to protect their intellectual assets effectively³¹¹. A comprehensive understanding of international IPR frameworks enables firms to strategize their intellectual property management, ensuring consistent protection and leveraging of their assets across borders. Moreover, the integration of IPR into corporate strategy necessitates a cross-functional approach, involving coordination among legal, marketing, research and development, and executive teams. This integration ensures that intellectual property considerations are embedded in product development, branding, and overall business planning. By aligning IPR management with corporate objectives, firms can maximize the value derived from their intellectual assets.

The dynamic nature of technology and innovation underscores the importance of continuous IPR management. As industries evolve, firms must adapt their IPR strategies to address emerging challenges and opportunities. This adaptability includes monitoring the competitive landscape for

potential infringements, updating protection measures in response to technological advancements, and reassessing the value and relevance of existing intellectual assets.

The legal framework of Intellectual Property Rights (IPR) plays a critical role in shaping the competitive advantage of corporations in today's global marketplace. IPR laws, by granting exclusive rights over intangible assets, provide the legal tools that businesses use to protect their innovations, creativity, and branding, which are pivotal to gaining and sustaining a competitive edge. The legal foundation for IPR protection varies from country to country but is governed by a series of international treaties, conventions, and national laws. These legal structures provide businesses with the assurance that their intellectual creations will be protected from unauthorized use or infringement by competitors. A thorough understanding of the legal framework surrounding IPR is essential for companies looking to leverage intellectual property for strategic advantage, growth, and development. This analysis will explore the key components of the legal framework of IPR, focusing on its role in the corporate competitive model.

INTERNATIONAL LEGAL FRAMEWORK OF IPR

The international landscape of intellectual property protection is primarily governed by various treaties and agreements aimed at standardizing and harmonizing the legal systems of different countries. The most significant of these is the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), which was negotiated under the World Trade Organization (WTO) in 1994. TRIPS sets the minimum standards for intellectual property protection that all WTO members are required to follow. These standards ensure that intellectual property owners are granted exclusive rights in areas such as patents, copyrights, trademarks, and trade secrets, helping to foster an environment conducive to innovation.

³¹⁰ Michael E. Porter, *Competitive Strategy: Techniques for Analyzing Industries and Competitors* 7–8 (1980).

³¹¹ Carlos M. Correa, *Trade-Related Aspects of Intellectual Property Rights: A Commentary on the TRIPS Agreement* 5–6 (2d ed. 2020)

TRIPS was instrumental in creating a common set of rules for the protection of IPR across member states, and it obligates countries to enforce and adjudicate IPR claims effectively. The agreement also has provisions that allow for exceptions and flexibilities to accommodate public interests, such as public health concerns, making it a dynamic legal framework that can adapt to varying circumstances. TRIPS is complemented by the World Intellectual Property Organization (WIPO), an agency of the United Nations that works to promote the protection of intellectual property globally³¹². WIPO facilitates treaties and international conventions like the Paris Convention for the Protection of Industrial Property and the Berne Convention for the Protection of Literary and Artistic Works.

NATIONAL LEGAL FRAMEWORK OF IPR

While international treaties provide the overarching guidelines for the protection of intellectual property, the national legal frameworks in each country provide the detailed mechanisms for implementing and enforcing IPR laws. The national laws ensure that businesses can secure, defend, and leverage their intellectual property rights within their specific jurisdictions. Each country's legal system is unique, and while they all adhere to the basic principles of intellectual property protection under international law, there are variations in how intellectual property is defined, managed, and enforced.

For instance, in the United States, the primary laws governing IPR include the Patent Act, the Copyright Act, and the Lanham Act (which governs trademarks). The Patent Act grants inventors exclusive rights to their inventions for a period of 20 years from the filing date, provided that the inventions meet certain criteria such as novelty, non-obviousness, and utility. The Copyright Act provides creators of original works, such as literature, music, and films, with exclusive rights to use, reproduce,

and distribute their works for a period of life plus 70 years. The Lanham Act offers protection to businesses through trademarks, preventing competitors from using similar marks that may confuse consumers.

In India, the legal framework governing IPR includes the Patents Act of 1970, the Copyright Act of 1957, the Trade Marks Act of 1999, and the Designs Act of 2000. The Indian legal system operates under similar principles to those in the United States, but with some key differences, such as the duration of patent protection and the process of trademark registration. Additionally, the Indian government has incorporated provisions that align with TRIPS, ensuring that India's IP laws are consistent with international standards. The Protection of Plant Varieties and Farmers' Rights Act of 2001, and the Geographical Indications of Goods (Registration and Protection) Act of 1999 are also part of the legal landscape aimed at safeguarding the rights of creators in specific sectors like agriculture and regional crafts.

PATENTS AND COMPETITIVE ADVANTAGE:

Patents are one of the most valuable forms of intellectual property, granting exclusive rights to inventors for a specified period. These exclusive rights allow businesses to prevent others from making, using, or selling the patented invention without consent, providing a significant competitive advantage. The legal framework surrounding patents is designed to incentivize innovation by offering a temporary monopoly to inventors, thus allowing them to recoup their investments in research and development.

In the United States, the Patent Act outlines the criteria for patentability, which include novelty, non-obviousness, and utility. The grant of a patent is not automatic; an inventor must file a patent application with the United States Patent and Trademark Office (USPTO), which evaluates the invention's eligibility based on these criteria. Once granted, the patent holder has exclusive rights to the invention for 20 years from the filing

³¹² *What Is WIPO?*, World Intellectual Prop. Org., <https://www.wipo.int/about-wipo/en/> (last visited Apr. 20, 2025).

date, after which the patent expires, and the invention enters the public domain³¹³.

Similarly, in India, the Patents Act of 1970 governs patent protection. The Act is aligned with the requirements of TRIPS, ensuring that the criteria for patentability are consistent with international standards. Indian patent law also provides for compulsory licensing under certain conditions, ensuring that public interests are safeguarded in cases where patents hinder access to essential goods, such as medicines.

Patents contribute to corporate competitive advantage by enabling firms to differentiate their products and services from competitors. Through patents, companies can create barriers to entry for new competitors and maintain a dominant position in the market. Additionally, the ability to license patents to third parties or engage in patent cross-licensing agreements can generate revenue and open new market opportunities.

COPYRIGHTS AND CORPORATE BRANDING :

Copyright law is another vital component of the IPR framework, protecting the rights of creators over their original works of authorship, including literary, musical, artistic, and software works. The copyright holder has the exclusive right to reproduce, distribute, perform, and display the work, which creates significant value for companies involved in content creation, publishing, software development, and entertainment.

For businesses, copyrights play a crucial role in protecting their creative assets, including logos, marketing materials, software code, and other forms of intellectual property. In a highly competitive environment, maintaining the exclusivity of creative works ensures that companies can control the commercial use of their creations, prevent unauthorized reproduction, and maintain their brand identity.

In the United States, the Copyright Act provides the legal foundation for copyright protection, granting exclusive rights to creators for a duration of the creator's life plus 70 years. In India, the Copyright Act of 1957 similarly protects creative works, granting exclusive rights to authors for a similar period³¹⁴. Both countries have provisions for fair use and fair dealing, allowing limited use of copyrighted works without permission for purposes such as research, criticism, and news reporting.

Copyrights can also be licensed or sold, providing businesses with additional revenue streams. For instance, a company may license the use of its software or artistic works to other companies or individuals in exchange for royalties. This licensing of copyrighted works can create a strategic advantage by expanding a company's reach and revenue base while maintaining control over the intellectual property.

Trademarks and Market Positioning

Trademarks are among the most important forms of intellectual property for businesses, as they serve as identifiers of source and quality. Trademarks can be logos, names, symbols, or any distinguishing marks that represent a brand and set it apart from others in the marketplace. Through trademark registration, companies can protect their brand identity and prevent competitors from using similar marks that might confuse consumers.

Trademark law is governed by national statutes, with international protection available through the Madrid Protocol, which allows businesses to register their trademarks in multiple countries through a single application. In the United States, the Lanham Act provides the legal framework for trademark protection, and in India, the Trade Marks Act of 1999 governs trademark registration and enforcement.

For corporations, trademarks offer a unique competitive advantage by allowing them to

³¹³ U.S. Patent & Trademark Off., Manual of Patent Examining Procedure § 2100 (9th ed. rev. 07.2022), <https://www.uspto.gov/web/offices/pac/mpep/>.

³¹⁴ 17 U.S.C. § 302(a) (2023) (providing that copyright protection for works created on or after Jan. 1, 1978 lasts for the life of the author plus 70 years)

build brand recognition and consumer loyalty. Strong trademarks can create significant goodwill, which translates into market value and customer preference. The legal framework surrounding trademarks ensures that businesses can defend their marks against infringement, providing them with the ability to take legal action against unauthorized use that could damage their brand's reputation.

Trade Secrets and Confidential Business Information

Trade secrets represent an important category of intellectual property, particularly for companies that rely on confidential business information to maintain their competitive advantage. Trade secrets can include formulas, processes, methods, customer lists, pricing strategies, and other proprietary knowledge that is crucial to a company's success. Unlike patents or copyrights, trade secrets are not registered, and their protection is based on maintaining confidentiality rather than legal exclusivity.

In many jurisdictions, including the United States and India, the legal framework surrounding trade secrets is enshrined in laws such as the Uniform Trade Secrets Act (UTSA) in the U.S. and the Indian Trade Secrets laws³¹⁵. These laws protect businesses from the unauthorized disclosure or use of their trade secrets by employees, competitors, or others who gain access to confidential information.

Trade secrets provide a significant competitive advantage by enabling companies to maintain exclusivity over their proprietary knowledge. The protection of trade secrets ensures that competitors cannot replicate a company's successful processes, products, or strategies, giving the company a market advantage.

The legal framework of Intellectual Property Rights is essential for corporations seeking to secure and enhance their competitive

advantage in the marketplace. Patents, copyrights, trademarks, and trade secrets all play significant roles in safeguarding innovations, branding, and proprietary information. By leveraging IPR, companies can protect their assets from infringement, create barriers to entry for competitors, and generate revenue through licensing and strategic collaborations. The alignment of national laws with international treaties like TRIPS ensures a consistent and robust protection system across borders, empowering businesses to thrive in the global economy. As technology, markets, and industries evolve, so too will the role of IPR in fostering corporate competitiveness, making a strong legal foundation indispensable for success³¹⁶.

CONCLUSION

In today's dynamic and innovation-driven economy, Intellectual Property Rights (IPR) have become pivotal assets for businesses aiming to sustain and sharpen their competitive edge. This paper has examined the multifaceted role of IPR in securing corporate advantage through the strategic protection and utilization of patents, trademarks, copyrights, and trade secrets. By aligning IPR management with corporate strategy, firms can safeguard their innovations, strengthen brand equity, deter market entrants, and unlock new revenue streams through licensing and strategic partnerships.

The legal frameworks both international and national serve as the backbone of this protection, ensuring that creators and innovators are rewarded for their contributions while also promoting a climate conducive to continual innovation and economic growth. Patents offer exclusivity, trademarks enhance brand recognition, copyrights protect creative content, and trade secrets preserve competitive differentiation. Together, these rights form a

³¹⁵ Indian Trade Secrets Protection Act, 2016, §§ 3-5 (providing legal protection against the misappropriation of trade secrets in India).

³¹⁶ World Intellectual Property Organization (WIPO), *Intellectual Property and Business: The Strategic Role of IP*, https://www.wipo.int/edocs/pubdocs/en/intproperty/909/wipo_pub_909.pdf (last visited Apr. 20, 2025).

robust shield against market erosion and are essential for navigating global competition.

As industries continue to evolve with technological advancements and globalization, the strategic importance of IPR will only intensify. Companies that actively invest in and adapt their intellectual property strategies will be better positioned to innovate, differentiate, and grow in a competitive global marketplace.

Recommendations

1. **Integrate IPR into Corporate Strategy:** Businesses should treat IPR not merely as a legal safeguard but as a strategic resource. IP management must be incorporated across departments, especially in R&D, marketing, and business development.
2. **Conduct Regular IP Audits:** Organizations should perform periodic audits to identify, evaluate, and optimize the use of their IP assets. This helps uncover untapped potential and ensures that the IP portfolio aligns with evolving business goals.
3. **Enhance IP Literacy and Training:** Companies should invest in internal education programs to improve awareness of IPR among employees, particularly those involved in innovation and branding. This ensures proactive identification and protection of valuable assets.
4. **Leverage Licensing and Collaborations:** Firms should explore licensing agreements, joint ventures, and cross-licensing opportunities to monetize IP and enter new markets while managing risk and reducing development costs.
5. **Monitor and Enforce IP Rights Diligently:** Vigilant monitoring of the market and swift legal action against infringements are critical to maintaining competitive advantage. Businesses should employ

tools and legal mechanisms to detect and respond to IP violations promptly.

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