

## Abstract

This paper deals with community rights to intellectual property, in light of the individual-style ownership envisaged by the TRIPS Agreement. Community rights could either be the right held by traditional communities to their indigenous knowledge, or the right held by the community at large, to demand access to innovations that are protected by the intellectual property regime. This paper proposes to deal with the latter aspect of community rights. It will argue that the community at large has a stake in innovation, as it provides the foundation from which all innovation springs. The innovator should be given the requisite incentives to continue the good work, without which development cannot take place. However, no innovation can be justified if it does not serve the needs of society. Examining the developments in the pharmaceutical and agro-chemical industries, this paper will advocate that access should be facilitated through a system guaranteeing that vulnerable segments within the community are not disadvantaged due to the delays in the current system, which effectively denies them the opportunity to share in the benefits of innovation. The study will compare various jurisdictions in the Asian region to demonstrate how the lack of community rights negatively impacts on all these communities.