



AN OVERVIEW OF THE TRIPS AGREEMENT AND ITS IMPACT ON GLOBAL COPYRIGHT STANDARDS

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Article history:	Abstract:
Received: 14 th April 2025 Accepted: 14 th May 2025	Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement is a landmark document in international trade law, which placed consistent minimum standards of intellectual property protection on World Trade Organization (WTO) member countries. The current article examines the impact of the TRIPS Agreement on global copyright standards, determining its contribution to harmonizing copyright laws, its bolstering of enforcement mechanisms, and its influence on national legislation. By means of an examination of the success and failures of TRIPS within various jurisdictions, the article aims to provide an insight into how the agreement affects the dynamic between copyright protection and trade, especially in an era of growing digitalization.

Keywords: TRIPS Agreement, copyright law, international standards, intellectual property, WTO, trade law, enforcement mechanisms, digitalization

INTRODUCTION

The establishment of the World Trade Organization (WTO) brought with it a fundamental shift in the governance of international trade, with the TRIPS Agreement front and center. Developed in 1995, TRIPS was designed to harmonize intellectual property rights protection, including copyright, among members. With information and communication technologies rapidly developing and the internet spreading across the globe, copyright became increasingly more complex and controversial.¹ This article provides a synopsis of the TRIPS Agreement, describing its copyright provisions, and analyzes the effects of TRIPS on world copyright standards. It also investigates problems facing nations in domesticating their national copyright law with TRIPS requirements, particularly in the developing world and the digital era.

MAIN PART

The interaction between intellectual property rights and trade has changed significantly in the last decades, with the TRIPS Agreement leading the way on this evolution. TRIPS Agreement was signed during the Uruguay Round of negotiations and entered into force in 1995. The WTO led TRIPS to place greater harmonization on the intellectual property rights of member countries with particular emphasis on copyrights, patents, and trademarks. Here, copyright protects a wide range of creative works including literature, music, film, and

computer programs, thus forming a significant area of protection during rapid technological innovation and globalization. The genesis of TRIPS was also in response to increasing concerns regarding intellectual property piracy, cultural homogenization, and the need for greater economic development with a robust copyright environment. Digital technologies have merely added to such concerns so that enforcement and protection of copyright rights are now compounded in a transnational context. Being a valuable instrument in the quest for intensified copyright protection, the TRIPS Agreement sets mandatory standards for member countries to maintain, thus affecting national law and building global norms of copyright law. It is difficult to find international intellectual property (IP) protection.² Trademarks, copyrights, and other intellectual property rights are not guaranteed to transfer from the United States to other nations, like Japan, for example, under international trade regulations. Many organisations may feel that they must give up on entering overseas markets if they are unable to comprehend the intellectual property protection laws of those nations. Several nations have established programs and agreements to support international trade and apply for international intellectual property protection, even when they lack legal protections. These agreements facilitate the procedure and establish a framework that allows services, like those provided by Emerson Thomson

¹ Correa, C. M., & Yusuf, A. A. (Eds.). (2016). Intellectual property and international trade: The TRIPS agreement: The TRIPS agreement. Kluwer Law International BV.

² Taubman, A., Wager, H., & Watal, J. (Eds.). (2020). A handbook on the WTO TRIPS agreement. Cambridge University Press.



Bennett, to apply for international intellectual property rights on behalf of global business owners. The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) is one of the largest and most significant. The World Trade Organisation (WTO) created this international agreement in 1994, and it is also referred to as the TRIPS Agreement. It establishes minimal requirements for IP enforcement and regulation across its member nations.

TRIPS Agreement is composed of a number of principal provisions that are aimed at providing minimum standards of protection for copyrights. Some of them include Article 9, which emphasizes the importance of the Berne Convention, which outlines minimum principles of copyright protection, among them the authors' exclusive rights and the duration of copyright. The TRIPS Agreement further introduces enforcement provisions in the fight against violations of intellectual property rights by making member nations establish effective judicial proceedings for handling copyright infringement.³ One of the central characteristics of the TRIPS Agreement is its calling on member countries to revamp their domestic copyright laws in line with its minimum provisions. The utilization of this flexibility allows nations to adapt the structure of their laws to local conditions while still being internationally compliant. But harmonization of copyright law is a serious issue, particularly for the developing countries that may struggle to balance protection for intellectual property rights with access objectives to knowledge and cultural goods.

The TRIPS Agreement has compelled countries to revise their copyright law in an overall process. For instance, most nations have lengthened the duration of copyright protection in an effort to fulfill TRIPS obligations, typically with the effect of providing longer monopoly rights for copyright holders. Though the measure has been welcomed by rights holders and the creative industries, it has been the subject of controversy regarding the potential negative impact on public access to culture goods and educational content. The foundation of fair use, under which there are allowable limits to copyright, is likewise undermined by strict copyright systems promoted under TRIPS. Poor countries face particular challenges to the enforcement of TRIPS obligations. Poor countries typically lack the infrastructure and resources necessary for effective enforcement of copyright law, potentially reinforcing existing inequalities in access to creativity and knowledge. Faced with such challenges, national policy

makers must navigate the complexities of domestic copyright reform while considering international obligations, economic development goals, and social justice.

One of the significant contributions of the TRIPS Agreement is the emphasis on enforcement measures in copyright protection. The Articles 41-49 provisions delineate the appropriate enforcement procedures to be followed by member states, including civil and criminal remedies against copyright infringement. Emphasis on enforcement is particularly necessary in a digital context where ease of copying and dissemination of works over the internet presents challenges for traditional copyright regimes.⁴

Policy of enforcement, however, also raises significant issues regarding due process and rights of the individual. Excessive enforcement can have the potential to impose out-of-proportion sanctions on accidental breaches, threatening fair use and freedom of speech. Balancing between safeguarding public interest and protecting copyright rights is a contentious issue in the debate on TRIPS. The impact of digitalization on copyright law is a topic that has gained significant attention since the coming into operation of the TRIPS Agreement. The swift development of the internet and digital technology has transformed creative work creation, dissemination, and consumption in a way that brings new challenges for the protection of copyrights. Although TRIPS establishes a strong regime for traditional modes of copyright, its relevance in a digital world remains a sophisticated and challenging problem.

The shift towards digital platforms has fueled anxieties regarding unauthorized copying and distribution of works, evoking calls for policy reform that is in harmony with the realities of a more networked globe. Technologies such as blockchain and digital rights management systems have demonstrated potential as methods of copyright protection in e-space. Nevertheless, the TRIPS Agreement does not adequately protect these innovations, highlighting a void that needs to be addressed by legislatures for improving copyright protection under the digital age. A series of case studies exemplifies the multiple impacts of the TRIPS Agreement across different countries. For example, countries like India have seen significant overhauls of their copyright legislation following TRIPS, balancing the interests of rights holders with their commitment to public health and access to knowledge. India's copyright strategy, particularly in the field of

³ Ghana, R. L. (1996). Prospects for developing countries under the TRIPS Agreement. *Vand. J. Transnat'l L.*, 29, 735.

⁴ Bhardwaj, S. Impact of TRIPS Agreement on International Regime of Copyright.



medicines and educational content, illustrates the ongoing balance between intellectual property rights and reasonable accessibility.

Others have imposed tougher protection of copyrights to attract foreign investment and defend domestic industries. This shift can generate a clash between international commitments and domestic interests, particularly where enforcement of copyright rights produces a contradiction with efforts at preserving cultural diversity and access to knowledge. The effect of the TRIPS Agreement transcends legal frameworks to include cultural and economic concerns as well. In the case of most developing countries, the move towards stronger copyright protection raises issues of fundamental questions regarding cultural identity, heritage, and the safeguarding of indigenous creative works. The internationalization of culture through the standards of copyrights can undermine the very diversity of creative works produced globally.

Economically, the TRIPS Agreement can be a two-edged sword. It can spur economic development by promoting creativity and innovation through strengthened copyright protection on the one hand. It can, however, raise the price of licensing and access, making it difficult for local industries and consumers to get into these markets, especially in developing countries where resources are scarce. Policymakers have the dilemma of weighing these interests against each other to ensure a vibrant creative economy that does not offend local cultures. In the days to come, the TRIPS Agreement will most likely evolve further to meet the changing arena of technology, commerce, and intellectual property. Recent discussions at the WTO as well as among member nations indicate a growing realization of the need to modernize copyright systems to align them with the digital era. Later iterations of the TRIPS Agreement would be in a position to address problems such as artificial intelligence, online platforms, and the role of social media in copyright distribution.

Besides, there has to be continuous debate among member states, business stakeholders, and civil society to grapple with the nuances of copyright in a rapidly changing world. Collective effort towards the development of solutions that provide a balance of protection and accessibility will be essential for ensuring the capacity to cope with future challenges. Ultimately, the TRIPS Agreement has exercised a significant influence on copyright norms worldwide, establishing the legal regime for intellectual property protection across the globe. Despite having encouraged a harmonized environment for copyright laws in member countries, digitalization, enforcement, and national needs continue to render it difficult to operationalize.

The ongoing negotiation of copyright rights reveals a precarious balance between creators' interest and the public good. As technology and international trade advance, so too will the debate over copyright protection—and the TRIPS Agreement will have to adapt in response to tackle its shortcomings with solutions that meet the diverse realities of nations and cultures of the 21st century. Meeting these new challenges will be critical to forging a sustainable and equitable model of copyright protection that is sensitive to both artistic creativity and the wider societal context.

CONCLUSION

In conclusion, the TRIPS Agreement is a force that instigates world copyright standards, establishing a system that is aimed at greater protection and enforcement of creative material across the world. As much as it has made considerable strides towards consolidation of the copyright legislation, issues still persist in the enforcement of these standards, especially in developing nations. With technology continuously redefining the copyright arena, the success of the TRIPS Agreement would lie in the extent to which it manages to keep up with such innovations and maintain a balance between protecting intellectual property and making access to knowledge available. Future reforms could be mandated to address future problems such as digital piracy, fair use, and author rights in a global economy, underlining the ongoing relevance of TRIPS to international copyright law.

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