

PANEL 8

**IS THERE A HUMAN RIGHT TO ESSENTIAL PHARMACEUTICALS?
THE GLOBAL COMMON, THE INTELLECTUAL COMMON, AND THE POSSIBILITY OF
PRIVATE INTELLECTUAL PROPERTY**

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Abstract: I argue that there is a human right to vital pharmaceuticals, not in the sense that anybody has a claim right to the provision of pharmaceuticals that are not yet available, but in the sense that access to pharmaceuticals must not be limited by means of overblown private intellectual property right. Contrary to what is customary, my argument in support of such a human right draws on foundational considerations about intellectual property. My analysis is driven by exploring parallels between a Global Common and an Intellectual Common, to both of which all of humanity would have symmetrical ownership rights.