EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

ILEO
Innovation Law and Ethics Observatory

LUISS
Research Center Law and Investment on Future and Earth

Seminar organized jointly by the ECtHR and the ILEO at Luiss University, Rome

Human Rights and Intellectual Property: Unfolding a Complex Relationship



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4 December 2026 – h. 17:30 CET
European Court of Human Rights – Salle René Cassin, Strasbourg

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Abstract

For many human rights lawyers, intellectual property (IP) law has probably not always featured high on the list of areas in which human rights are expected to play a significant role. This is not to suggest that the relationship between IP and human rights is new: questions concerning, for example, access to health, scientific progress and the protection of authors' interests have long generated important human rights debates. Yet copyright, patents and trademarks tend to be associated primarily with innovation, creativity and commercial interests, while their implications for such rights as freedom of expression, privacy or fair trial have received less systematic attention. A closer look at the jurisprudence of the European courts suggests, however, that human rights now shape and permeate the interpretation as well as the enforcement of IP law to an extent that challenges any clear-cut separation between the two fields.

Over the past few decades, and particularly since the early 2000s, both the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU) have been called upon with growing frequency to resolve disputes lying at the intersection of IP and fundamental rights. What initially appeared to be an occasional overlap has gradually developed into a distinct body of jurisprudence. Human rights arguments are no longer confined to exceptional cases. They increasingly shape the interpretation, enforcement and even the very structure of IP law. Drawing on the findings of the recent monograph "Human Rights and Intellectual Property before the European Courts, A Case Commentary on the Court of Justice of the European Union and the European Court of Human Rights" (Edward Elgar Publishing, 2025), which analyses over 200 cases on the matter (many previously overlooked or untranslated), this seminar will discuss these important developments and their potential implications for the shaping of an ethical legal framework for innovation and creativity in Europe.

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Schedule

- Welcome and introduction:

Mattias Guyomar, President of the European Court of Human Rights

- Human Rights and Intellectual Property before the European Courts: Lessons from Several Decades of Case Law:

Christophe Geiger, Professor of Law, Director of ILEO, Luiss University, Rome (Italy) and

Elena Izyumenko, Assistant Professor of Law, Institute for Information Law, University of Amsterdam (The Netherlands)

- Comments:

Mateja Durovic, Judge at the European Court of Human Rights

- Closing:

Ivana Jelic, Vice-President of the European Court of Human Rights, President of the Section 1

The event is by invitation only. To express interest in receiving an invitation, please contact the Innovation Law and Ethics Observatory at the following e-mail address: ileo@luiss.it