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Institutional Coherence in Global IP Governance: The Case for a Formal WIPO-WTO Cooperation Framework

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ABSTRACT

The global governance of intellectual property (IP) has undergone significant institutional fragmentation since the conclusion of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in 1994. The coexistence of the World Intellectual Property Organization (WIPO) and the World Trade Organization (WTO) as dual pillars of international IP governance has generated overlapping mandates, divergent normative frameworks, and strategic forum shopping by state and non-state actors. This paper argues that the existing ad hoc cooperation mechanisms, particularly the 1995 WIPO-WTO Cooperation Agreement, are structurally insufficient to address the systemic challenges posed by institutional fragmentation. Drawing on regime complex theory, the law of international organizations, and an empirical analysis of TRIPS dispute settlement jurisprudence, this paper makes the case for a formal, treaty-based WIPO-WTO cooperation framework that institutionalizes coordination across norm-setting, technical assistance, and dispute settlement functions. Such a framework would enhance regulatory coherence, reduce forum shopping incentives, and strengthen the legitimacy of the global IP governance architecture in an era of accelerating technological change and geopolitical contestation.

Keywords: *intellectual property governance, WIPO, WTO, TRIPS, institutional fragmentation, regime complex, forum shopping, international cooperation.*

I. INTRODUCTION

The architecture of global intellectual property governance has undergone a profound transformation since the mid-1990s. The conclusion of the Uruguay Round and the entry into force of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) in 1995 fundamentally reconfigured the institutional landscape by embedding intellectual property protection within the multilateral trading system administered by the World Trade Organization (WTO). Prior to this watershed moment, the World Intellectual Property Organization (WIPO)

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had served as the principal intergovernmental body responsible for the administration of international IP treaties, including the Paris Convention for the Protection of Industrial Property and the Berne Convention for the Protection of Literary and Artistic Works. The emergence of the WTO as a parallel, and in some respects dominant, venue for IP norm-setting and enforcement has created a condition of enduring institutional duality that continues to shape the evolution of global IP governance.¹

This institutional duality, while potentially productive of regulatory competition and institutional learning, has increasingly manifested pathological symptoms that undermine the coherence and legitimacy of the global IP governance architecture. Overlapping mandates between WIPO and the WTO have generated confusion among member states, particularly developing countries with limited technical capacity to navigate the complexities of multiple international forums. Divergent interpretive approaches to shared treaty obligations have produced inconsistent jurisprudence, most notably in WTO dispute settlement proceedings involving TRIPS provisions that incorporate by reference WIPO-administered conventions. The strategic exploitation of institutional multiplicity, commonly termed forum shopping or regime shifting, has enabled powerful states and corporate interests to circumvent procedural and substantive constraints in one venue by relocating norm-making initiatives to alternative forums with more favourable rules of engagement.²

This paper advances a normative and institutional argument for the negotiation and conclusion of a formal, treaty-based cooperation framework between WIPO and the WTO. The existing cooperation arrangement, established by the 1995 Agreement Between the World Intellectual Property Organization and the World Trade Organization, is demonstrably inadequate to the task of managing the systemic interdependencies between the two organizations. The 1995 Agreement, which entered into force on 1 January 1996, was designed primarily to facilitate technical assistance to developing countries in implementing TRIPS obligations and to coordinate administrative functions such as the communication of emblems under Article 6ter of the Paris Convention. It was not conceived as a mechanism for systemic institutional coordination, and its provisions do not extend to normative harmonization, joint dispute settlement, or coherent policy development across the two regimes.³

¹GRAEME B. DINWOODIE & ROCHELLE C. DREYFUSS, *A NEOFEDERALIST VISION OF TRIPS: THE RESILIENCE OF THE INTERNATIONAL INTELLECTUAL PROPERTY REGIME* (2012).

²Laurence R. Helfer, *Regime Shifting: The TRIPS Agreement and New Dynamics of International Intellectual Property Lawmaking*, 29 YALE J. INT'L L. 1 (2004).

³Agreement Between the World Intellectual Property Organization and the World Trade Organization, Dec. 22, 1995, 35 I.L.M. 754 (1996).

The argument proceeds in four parts. Part II traces the historical evolution of institutional fragmentation in global IP governance, examining the strategic dynamics that led to the relocation of IP norm-making from WIPO to the GATT during the Uruguay Round and the subsequent proliferation of bilateral and plurilateral trade agreements with TRIPS-plus provisions. Part III analyzes the functional and normative consequences of institutional fragmentation, drawing on regime complex theory and empirical evidence from TRIPS dispute settlement jurisprudence. Part IV critically evaluates the limitations of the existing WIPO-WTO cooperation framework and identifies the structural deficits that impede effective coordination. Part V advances a detailed proposal for a formal cooperation treaty, specifying its institutional architecture, functional scope, and implementation mechanisms. The conclusion situates this proposal within broader debates about the reform of global economic governance and the imperative of policy coherence in an era of accelerating technological disruption.

II. THE FRAGMENTATION OF GLOBAL IP GOVERNANCE: HISTORICAL TRAJECTORY

A. From WIPO Hegemony to Institutional Duality

The institutional history of global IP governance may be periodized into three distinct phases: the pre-WIPO era of bilateral and limited multilateral arrangements (1883 to 1967); the WIPO-centric period of treaty administration and normative development (1967 to 1994); and the post-TRIPS era of institutional duality and regime complexity (1995 to the present). The Paris Convention of 1883 and the Berne Convention of 1886 established the foundational principles of national treatment and minimum standards of protection, but these instruments lacked effective enforcement mechanisms, and their revision conferences were frequently deadlocked by conflicting national interests. The establishment of WIPO in 1967, and its subsequent integration into the United Nations system in 1974, provided a permanent institutional framework for IP diplomacy, technical assistance, and treaty administration, but did not resolve the underlying structural constraints on normative development.⁴

By the early 1980s, dissatisfaction with the pace and direction of IP norm-making within WIPO had become pronounced among developed countries, particularly the United States. American pharmaceutical, software, and entertainment industries pressed for stronger international protection of their intellectual property assets, arguing that inadequate IP standards in developing countries constituted a form of unfair trade competition. The WIPO framework,

⁴CHRISTOPHER MAY & SUSAN K. SELL, *INTELLECTUAL PROPERTY RIGHTS: A CRITICAL HISTORY* (2006).

with its emphasis on consensus-based decision-making and its programmatic commitment to development-oriented technical assistance, was perceived by these constituencies as an inhospitable venue for the negotiation of more stringent protection standards. The strategic response was a calculated shift of forum, from WIPO to the General Agreement on Tariffs and Trade (GATT), that would ultimately transform the institutional architecture of global IP governance.⁵

B. The Uruguay Round and the Co-optation of WIPO

The inclusion of intellectual property on the agenda of the Uruguay Round negotiations, formally launched at Punta del Este in September 1986, represented a deliberate strategy of regime shifting by developed countries seeking to harness the enforcement capabilities of the GATT dispute settlement system for IP protection objectives. The Punta del Este Ministerial Declaration explicitly provided that negotiations on trade-related aspects of intellectual property rights would proceed without prejudice to complementary initiatives at WIPO, language that simultaneously acknowledged WIPO's continuing relevance while subordinating its normative authority to the emerging trade regime. The subsequent negotiation of TRIPS produced a comprehensive agreement that incorporated selected provisions from existing WIPO conventions, notably the Paris and Berne Conventions, while adding substantive obligations on enforcement, trade in counterfeit goods, and dispute settlement that significantly exceeded the standards contained in WIPO-administered treaties.⁶

The relationship between WIPO and the emerging WTO regime was formalized through a series of strategic accommodations that substantially diminished WIPO's institutional autonomy. Article 68 of the TRIPS Agreement established the Council for TRIPS with a mandate to monitor the operation of the Agreement and to promote cooperation with WIPO, while Article 6 of the Paris Convention was incorporated into TRIPS by reference, creating a complex web of interlocking obligations administered by distinct institutional frameworks. The single undertaking principle of the WTO meant that acceptance of TRIPS became a condition of membership in the multilateral trading system, effectively compelling all WTO members to adhere to IP standards that many had previously resisted at WIPO. The resulting institutional configuration has been aptly characterized as one of co-optation rather than genuine partnership: WIPO retained its treaty administration functions and technical assistance mandates, but the locus of normative authority in global IP governance had decisively shifted to the trade regime.

⁵SUSAN K. SELL, *PRIVATE POWER, PUBLIC LAW: THE GLOBALIZATION OF INTELLECTUAL PROPERTY RIGHTS* (2003).

⁶Daniel Gervais, *The TRIPS Agreement and the COVID-19 Pandemic*, 11 QUEEN MARY J. INTELL. PROP. 137 (2021).

C. Regime Proliferation and the TRIPS-Plus Phenomenon

The stagnation of multilateral trade negotiations following the launch of the Doha Development Round in 2001 generated renewed incentives for forum shopping, as developed countries sought alternative venues for the negotiation of IP standards exceeding those contained in TRIPS. The proliferation of bilateral and regional free trade agreements (FTAs) containing so-called TRIPS-plus provisions has been the primary mechanism through which this strategy has been operationalized. These agreements typically mandate patent term extensions, data exclusivity obligations, enhanced enforcement measures, and restrictions on the use of TRIPS flexibilities such as compulsory licensing and parallel importation. The number of such agreements increased from approximately 60 in 1995 to nearly 200 by 2006, creating a dense overlay of preferential obligations that substantially complicates the global IP governance landscape.⁷

The Anti-Counterfeiting Trade Agreement (ACTA), negotiated outside both the WTO and WIPO frameworks between 2007 and 2010, represented the apotheosis of this trend toward institutional fragmentation. ACTA was designed to establish a new plurilateral framework for IP enforcement that would operate independently of existing multilateral institutions, with its own governance structures and dispute settlement mechanisms. Although ACTA's entry into force was ultimately blocked by the European Parliament's rejection in 2012, its negotiation demonstrated the persistent willingness of powerful states to bypass established international organizations when those organizations prove resistant to their preferred policy outcomes. The subsequent negotiation of the Trans-Pacific Partnership (TPP) and its successor, the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), continued this pattern of regime proliferation, incorporating extensive IP chapters that in many respects exceed TRIPS standards while operating under institutional frameworks distinct from both the WTO and WIPO.

III. CONSEQUENCES OF INSTITUTIONAL FRAGMENTATION

A. Theoretical Framework: Regime Complex Theory

The analytical lens of regime complex theory, developed by Raustiala and Victor and subsequently elaborated by a growing literature in international relations and international law, provides a productive framework for understanding the systemic consequences of institutional fragmentation in global IP governance. A regime complex is defined as an array of partially overlapping and non-hierarchical institutions governing a particular issue area, among which

⁷Frederick M. Abbott, *The Doha Declaration on the TRIPS Agreement and Public Health and the Contradictory Trend in Bilateral and Regional Free Trade Agreements* (Quaker U.N. Off., Occasional Paper No. 14, 2004).

no single institution exercises clear normative primacy. The global IP governance architecture conforms closely to this definition: WIPO and the WTO administer distinct but interlocking treaty regimes; bilateral and plurilateral trade agreements overlay additional obligations; and specialized agencies such as the World Health Organization (WHO) and the Convention on Biological Diversity (CBD) Secretariat exercise overlapping competences on issues at the intersection of IP and other policy domains.⁸

Regime complex theory predicts that institutional multiplicity generates both opportunities and hazards. On the positive side, overlapping institutions can facilitate regulatory experimentation, provide venues for actors excluded from dominant forums, and create opportunities for issue linkage and package deals that might be unattainable within single-issue institutions. On the negative side, institutional fragmentation can produce inconsistent norms, generate confusion about applicable legal standards, and enable strategic behaviour by powerful actors who exploit venue-shopping opportunities to circumvent procedural safeguards and substantive constraints. The empirical record of global IP governance since 1995 suggests that the negative consequences have predominated, particularly from the perspective of developing countries and public interest constituencies.

B. Jurisprudential Incoherence in TRIPS Dispute Settlement

The WTO dispute settlement system, widely regarded as one of the most effective mechanisms of international legal adjudication, has nevertheless produced a body of TRIPS jurisprudence that exhibits significant interpretive tensions, particularly with respect to the relationship between TRIPS obligations and WIPO-administered conventions. The panel report in *Canada – Patent Protection of Pharmaceutical Products* (2000), the first substantive TRIPS dispute to proceed to adjudication, illustrated the challenges of interpreting TRIPS provisions that incorporate by reference the norms of WIPO treaties. Canada had invoked Articles 7 and 8 of TRIPS, setting forth the Agreement's objectives and principles, including the balance between IP protection and public health and socio-economic welfare, to justify regulatory review exceptions to patent rights. The panel acknowledged that these provisions should be borne in mind in interpreting the scope of the Article 30 exceptions but declined to treat them as operative constraints on the rights of patent holders, effectively subordinating the public interest provisions of TRIPS to the proprietary interests of rights holders.⁹

⁸Kal Raustiala & David G. Victor, *The Regime Complex for Plant Genetic Resources*, 58 INT'L ORG. 277 (2004).

⁹Panel Report, *Canada – Patent Protection of Pharmaceutical Products*, WT/DS114/R (Mar. 17, 2000).

The interpretive approach adopted by the *Canada-Pharmaceuticals* panel has been criticized for its failure to give meaningful effect to the balance of interests contemplated by the TRIPS Agreement's drafting history. More fundamentally, the panel's reasoning revealed a structural deficit in the WTO dispute settlement system: panels and the Appellate Body are composed primarily of trade law specialists with limited expertise in the substantive norms of intellectual property law as developed within WIPO-administered treaties and institutional practice. The result is a persistent trade bias in the interpretation of TRIPS obligations, one that privileges market access and enforcement considerations over the competing values of access to knowledge, public health, and technological development that are equally central to the object and purpose of the international IP system.¹⁰

The *Australia – Tobacco Plain Packaging* dispute, decided by a panel in 2018 and subsequently upheld by the WTO Appellate Body in 2020, represented a partial corrective to this trade-biased interpretive tendency. The panel held that Paragraph 5 of the Doha Declaration on the TRIPS Agreement and Public Health constitutes a subsequent agreement between WTO members for the purposes of Article 31(3)(a) of the Vienna Convention on the Law of Treaties, requiring that each provision of TRIPS be interpreted in light of the Agreement's objectives and principles as expressed in Articles 7 and 8. This ruling established a standard of interpretation that accords central relevance to public health considerations in the application of TRIPS obligations, and its potential extension to other policy domains could significantly reshape the jurisprudential landscape. However, the panel's approach remains controversial, and its broader application is uncertain given the current dysfunction of the WTO Appellate Body and the reliance on ad hoc arbitration arrangements for appellate review.¹¹

C. Coordination Failures in Technical Assistance

The provision of technical assistance to developing countries and least developed countries (LDCs) for the implementation of TRIPS obligations has been a focal point of WIPO-WTO interaction since 1996, yet empirical evaluations reveal persistent coordination failures that undermine the effectiveness of these programmes. The 1995 Cooperation Agreement assigned primary responsibility for technical assistance to WIPO, with the WTO Secretariat playing a supplementary role focused on trade policy dimensions. This functional division, while logical in principle, has produced fragmented and occasionally contradictory advice to recipient

¹⁰Dinwoodie & Dreyfuss, *supra* note 2.

¹¹Panel Report, *Australia – Certain Measures Concerning Trademarks, Geographical Indications and Other Plain Packaging Requirements Applicable to Tobacco Products and Packaging*, WT/DS435/R, WT/DS441/R, WT/DS458/R, WT/DS467/R (June 28, 2018), *upheld by Appellate Body Report*, WT/DS435/AB/R, WT/DS441/AB/R (June 9, 2020).

countries, particularly with respect to the utilization of TRIPS flexibilities for public health objectives and the implementation of enforcement obligations.

The adoption of the WIPO Development Agenda in 2007, following sustained advocacy by the Group of Friends of Development led by Brazil and Argentina, represented a significant attempt to recalibrate WIPO's technical assistance programmes toward development-oriented objectives. The Agenda's 45 recommendations, organized into six thematic clusters, called for greater attention to norm-setting flexibilities, public policy considerations, and access to knowledge in WIPO's capacity-building activities. However, implementation of the Development Agenda has been hindered by inadequate coordination with the WTO Secretariat, which continues to provide technical assistance through its own institutional channels without systematic reference to WIPO's development-oriented programming. The resulting duplication and incoherence impose significant costs on developing countries, which must navigate conflicting guidance from the two organizations while managing their own resource constraints.¹²

IV. LIMITATIONS OF THE 1995 COOPERATION AGREEMENT

A. Scope and Functional Deficits

The 1995 Agreement Between WIPO and the WTO was negotiated in a compressed timeframe during the transitional period between the conclusion of the Uruguay Round and the entry into force of the WTO Agreement on 1 January 1995. Its provisions reflect the exigencies of this temporal context: the Agreement was designed to address immediate practical concerns arising from the coexistence of two international organizations with partially overlapping memberships and mandates, rather than to establish a comprehensive framework for long-term institutional cooperation. The resulting instrument is characterized by functional narrowness, procedural informality, and the absence of institutional mechanisms for systematic coordination.

The Agreement establishes three principal areas of cooperation: the deposit and translation of national intellectual property legislation; the communication of emblems and the transmittal of objections under Article 6ter of the Paris Convention for the purposes of the TRIPS Agreement; and the provision of legal-technical assistance to developing countries. These provisions are confined to administrative and technical functions and do not extend to normative harmonization, joint policy development, or coordinated engagement with other international organizations. Article 4 of the Agreement, which addresses enhanced cooperation in legal-

¹²WIPO Development Agenda: 45 Recommendations Adopted by the WIPO General Assembly, WIPO Doc. A/43/14 (Sept. 2007).

technical assistance, is framed in hortatory rather than mandatory terms, requiring the two organizations merely to enhance cooperation so as to maximize its usefulness and ensure mutually supportive activities.

The institutional structure created by the Agreement is similarly minimalist. No joint committee, working group, or permanent secretariat mechanism is established to oversee implementation or to address emerging coordination challenges. The Agreement provides for regular contact and the exchange of non-confidential information between the two Secretariats, but does not specify the modalities, frequency, or substantive scope of such contacts. Observer participation at each other's meetings is encouraged, but no formal mechanisms for joint deliberation or decision-making are contemplated. The absence of dispute settlement provisions, review mechanisms, or amendment procedures further underscores the Agreement's character as a transitional administrative arrangement rather than a framework for sustained institutional partnership.

B. The Challenge of Normative Divergence

The most significant limitation of the 1995 Agreement is its failure to address the normative divergences that have emerged between the WIPO and WTO regimes as each institution has pursued distinct policy trajectories in the decades following its conclusion. At WIPO, the adoption of the Development Agenda and the subsequent establishment of the Committee on Development and Intellectual Property (CDIP) in 2008 signalled a normative reorientation toward development-sensitive approaches to IP policy, emphasizing the flexibilities available under TRIPS and the need for calibrated IP standards tailored to diverse national development contexts. The WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT), concluded in 1996, established digital rights management standards that in some respects exceeded TRIPS requirements but were negotiated through WIPO's consensus-based procedures with active developing country participation.

At the WTO, by contrast, the normative trajectory has been constrained by the stalled Doha Round negotiations and the progressive erosion of multilateral rule-making capacity. The TRIPS Council has been unable to agree on substantive amendments to the Agreement beyond the public health-focused decisions mandated by the Doha Declaration and its implementing instruments. The emergence of regional and plurilateral alternatives to multilateral trade negotiation has further diminished the WTO's centrality as a venue for IP norm-making, even as its dispute settlement system remains the most potent mechanism for enforcing IP obligations against recalcitrant members. The resulting normative asymmetry, between WIPO's active

treaty-making function and the WTO's diminished legislative but potent adjudicatory role, creates coordination challenges that the 1995 Agreement was not designed to address and cannot resolve through its existing provisions.

V. TOWARD A FORMAL WIPO-WTO COOPERATION FRAMEWORK

A. Institutional Architecture

The negotiation of a formal, treaty-based cooperation framework between WIPO and the WTO should be conceived not as an amendment to the 1995 Agreement but as the conclusion of a new international instrument with independent legal personality and comprehensive functional scope. The proposed framework should be structured around three pillars: a Joint Council with decision-making authority; a Permanent Secretariat with operational responsibilities; and specialized Working Groups with technical mandates corresponding to the principal domains of institutional interdependence. This architecture draws inspiration from successful models of inter-organizational cooperation in other areas of global governance, including the relationship between the International Labour Organization (ILO) and the Bretton Woods institutions on the social policy dimensions of economic adjustment, and the coordinated engagement of the WHO, WIPO, and WTO on access to medicines.

The Joint Council should be composed of representatives from both organizations, with membership structured to ensure equitable representation of developed and developing countries and to incorporate expertise from relevant stakeholder constituencies. The Council should meet at regular intervals, not less than twice annually, and should possess formal decision-making authority on matters within its competence, including the adoption of joint guidelines on technical assistance, the harmonization of interpretive approaches to shared treaty obligations, and the coordination of engagement with other international organizations. Decision-making should proceed on the basis of consensus where possible, with fallback procedures for qualified majority voting on procedural matters and advisory recommendations on substantive issues where consensus proves unattainable.

B. Functional Scope

The functional scope of the proposed cooperation framework should extend across four principal domains: normative harmonization, technical assistance coordination, dispute settlement cooperation, and joint engagement with other international regimes. In the domain of normative harmonization, the framework should establish mechanisms for systematic information exchange and joint analysis in connection with treaty negotiations and interpretive guidance, ensuring that developments within WIPO-administered conventions are appropriately

reflected in WTO discourse and vice versa. The Joint Council should be empowered to issue authoritative interpretive guidance on the relationship between TRIPS provisions and WIPO treaty norms, subject to the acceptance of member states in both organizations.

Technical assistance coordination should be institutionalized through a unified programming framework that eliminates duplication, ensures consistency with the WIPO Development Agenda and TRIPS Article 66.2 obligations, and prioritizes the capacity-building needs of LDCs and small island developing states. The Permanent Secretariat should maintain a centralized database of technical assistance activities, conduct regular needs assessments in consultation with recipient countries, and prepare consolidated reports for the Joint Council and the respective governing bodies of the two organizations. Special attention should be devoted to ensuring that technical assistance on TRIPS implementation is fully informed by the flexibilities recognized in the Doha Declaration and subsequent WTO decisions.

In the domain of dispute settlement cooperation, the framework should establish formal procedures for the exchange of technical expertise and institutional perspectives between WIPO and WTO adjudicatory bodies. WIPO should be granted *amicus curiae* status in TRIPS disputes raising questions of IP treaty interpretation, and mechanisms should be established for the appointment of IP specialists to WTO panels and appellate proceedings. The Joint Council should maintain a roster of qualified experts available for consultation by dispute settlement bodies in both regimes, ensuring that adjudicatory decisions reflect the full range of technical and policy expertise relevant to the matters at issue.

C. Implementation and Review Mechanisms

Effective implementation of the proposed cooperation framework requires robust monitoring, review, and compliance mechanisms. The framework should establish a system of biennial reviews conducted by the Joint Council, with reports submitted to the WIPO General Assembly and the WTO General Council for consideration and endorsement. These reviews should assess the effectiveness of coordination activities, identify emerging areas of institutional interdependence, and recommend adjustments to the framework's operational modalities. An independent evaluation function, staffed by external experts reporting to the Joint Council, should conduct periodic assessments of technical assistance outcomes and the coherence of normative developments across the two regimes.

The framework should also include provisions for the progressive expansion of cooperation in response to evolving governance challenges. Emerging technologies, including artificial intelligence, biotechnology, and quantum computing, are generating novel IP policy questions

that transcend the existing boundaries of WIPO and WTO competence. Climate-related technology transfer, access to genetic resources, and the governance of digital platforms represent additional domains where coordinated institutional engagement will be essential. The framework should include flexible amendment procedures and should mandate the Joint Council to establish specialized Working Groups on emerging issues as they arise, ensuring that the institutional architecture remains responsive to changing technological and geopolitical conditions.

VI. CONCLUSION

The institutional fragmentation of global IP governance is neither an accident of history nor a temporary transitional condition. It is the product of deliberate strategic choices by powerful actors seeking to exploit the competitive dynamics of institutional multiplicity, and it has become entrenched through the path-dependent evolution of distinct organizational cultures, procedural norms, and interpretive traditions at WIPO and the WTO. The consequences of this fragmentation, namely jurisprudential incoherence, coordination failures in technical assistance, and the systematic privileging of proprietary interests over public policy objectives, impose substantial costs on the international community and particularly on the developing countries that constitute the majority of membership in both organizations.

The case for a formal WIPO-WTO cooperation framework rests on both functional and normative foundations. Functionally, the increasing complexity and interdependence of the international IP regime demands institutional mechanisms capable of managing overlap, resolving conflict, and promoting coherence across multiple governance venues. Normatively, the legitimacy of global IP governance depends upon the perception of fairness and inclusivity by its constituent members, and the current configuration of institutional duality, with its associated opportunities for forum shopping and strategic manipulation, undermines the trust and reciprocity upon which effective international cooperation depends.

The proposal advanced in this paper is not intended to merge WIPO and the WTO into a single IP organization, nor to eliminate the productive diversity of institutional approaches to IP governance. The functional specialization of the two organizations, with WIPO's expertise in treaty administration and normative development and the WTO's enforcement capabilities and trade policy perspective, retains significant value. The objective is rather to institutionalize coordination in a manner that preserves institutional diversity while mitigating the pathologies of fragmentation. In an era of accelerating technological change, resurgent geopolitical

competition, and mounting demands for equitable access to knowledge and innovation, the imperative of institutional coherence in global IP governance has never been more urgent.

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