

# THE LEGALITY OF INTELLECTUAL PROPERTY RIGHTS UNDER ISLAMIC LAW

## SUMMARY

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Intellectual property rights are not regulated by Islamic law and jurisprudence *per se*. The issue is whether the principles of Islamic law can be constructed in a way to provide support for such protection. This paper assesses the extent to which Islamic law and its sophisticated tools have an impact on the protection of intellectual property. First it presents Shari'a's main sources; the Qur'an, the Sunna, Ijma and Qiyas and explains how many principles derived therefrom can accommodate intellectual property protection. It also sets out hurdles that have the potential to circumscribe such protection. Then it moves on to consider the effect of secondary sources. The following section examines the dynamics of interpretation of Islamic law over history and explores the impact that Shari'a has on the enactment of legislation of modern governments. The concluding section briefly considers some tensions between the Western and the Islamic view on intellectual property and the role of economics within Islamic law and society. The arguments presented in this paper reveal that a Shari'a based system is flexible and adaptable and that this flexibility is to be used in order to face economic reality.