

Identifying Information

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Paper Information

Title:	Is There "Patent" in Sharia?: Implications for Innovation in the Muslim World
Abstract:	Major sources of Sharia do not address and regulate patent protection per se—but does Sharia implicitly recognize “patent,” and if so, what degree of intangible property is permissible to allow for patent protection within fiqh (Islamic jurisprudence) guidelines? This Article augments debates among legal scholars and Muslim jurists on the permissibility of intellectual property within Sharia with a focus on the conceptual, doctrinal, and theological notions of “patent.” It argues that “patent” is an extension of property under Sharia, and examines patentable subject matter doctrine through secondary sources of Sharia. It assesses the patentable subject matter boundary between divine and human ingenuity and the issue of ownership for applications of abstract ideas, higher life forms, and natural laws and principles. It concludes with policy recommendations for economic development and innovation for Muslim countries that are investing in the growth of knowledge-based, technology-centric economies.