U.S. Chamber of Commerce
Global Innovation
Policy Center

International IP Index

2026 Fourteenth Edition

U.S. Chamber of Commerce

The U.S. Chamber of Commerce's Global Innovation Policy Center is working around the world to champion intellectual property rights as vital to creating jobs, saving lives, advancing global economic growth, and generating breakthrough solutions to global challenges.

The U.S. Chamber of Commerce is the world's largest business federation representing the interests of more than 3 million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations.

pugatchconsilium

This report was conducted by Pugatch Consilium, (www.pugatch-consilium.com) a boutique consultancy that provides evidence-based research, analysis, and intelligence on the fastest growing sectors of the knowledge economy. Authors of this report are Meir Pugatch and David Torstensson.

Professor Meir Pugatch, Managing Director and Founder

Prof. Pugatch is the Managing Director of Pugatch Consilium – a boutique consultancy that provides evidence-based research, analysis and intelligence on the fastest growing sectors of the knowledge economy. He is an IPKM Professor of Valorisation, Entrepreneurship and Management at the University of Maastricht in the Netherlands; as well as a Professor at the School of Public Health, University of Haifa in Israel, in which he acts as the Chair of the Health Management Division since 2019. Prof. Pugatch specializes in innovation strategies, organizational entrepreneurship, intellectual property management, pharmacoeconomics, pricing and reimbursement, and the management of public health systems. He is the author and editor of an extensive number of publications and serves as a referee and editorial board member of numerous peer review journals.

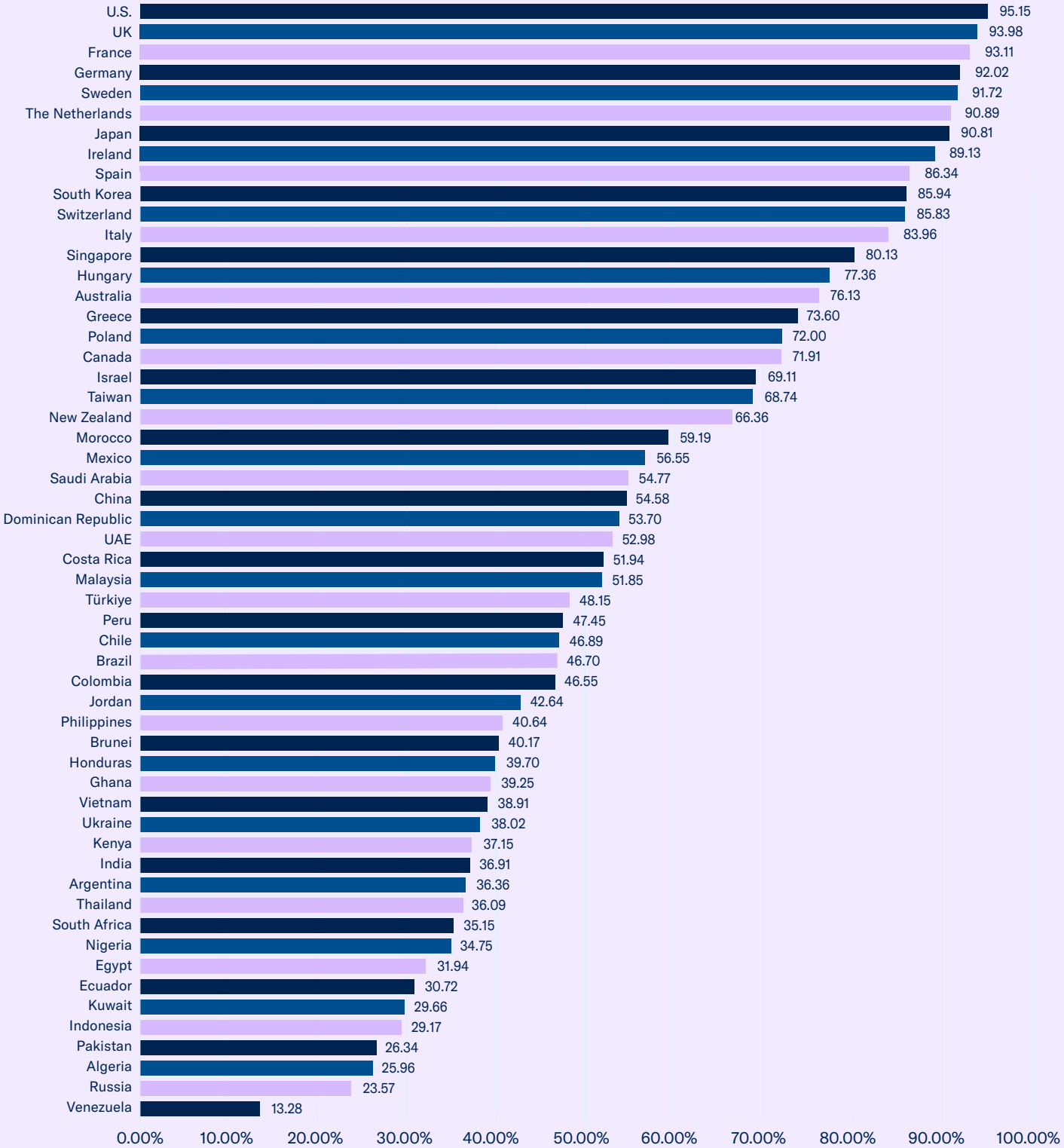
David Torstensson, Partner

Dr. Torstensson specializes in innovation, tax and intellectual property policy, with a particular focus on the health care, information and communication technology and content industries. He has wide experience in policy and economic analysis, as well as data sampling and creation of strategic operational and advocacy plans. He is the author of a number of academic and commissioned reports and publications and is the co-author of all 14 editions of the U.S. Chamber International IP Index.

Contents

Tables and Figures

U.S. Chamber International IP Index 2026, Overall Scores, % Available Score



Foreword

Intellectual property (IP) is the engine that powers breakthroughs across every sector of the global economy. When creators and innovators can rely on stable, predictable rules, they invest boldly, develop life-changing technologies, and build high-value industries that raise living standards and expand economic opportunities. Effective IP systems also underpin trusted trade relationships, giving businesses the confidence to reach new markets and partner across borders.

However, the 2026 International IP Index reveals a troubling trend: many of the world's most advanced economies are weakening their IP frameworks. This shift risks normalizing lower global standards at a time when technological competition is accelerating. Indeed, the declines seen in high-income economies signal an erosion of long-standing leadership. Such a shift would undermine the very innovation ecosystems that fuel next-generation technologies.

At the same time, several rising economies are stepping up. The score increases realized across emerging markets in this year's Index demonstrate that targeted reforms can deliver meaningful progress, even amid broader global stagnation. Their actions underscore a fundamental truth: economies that protect IP today are positioning themselves to lead tomorrow.

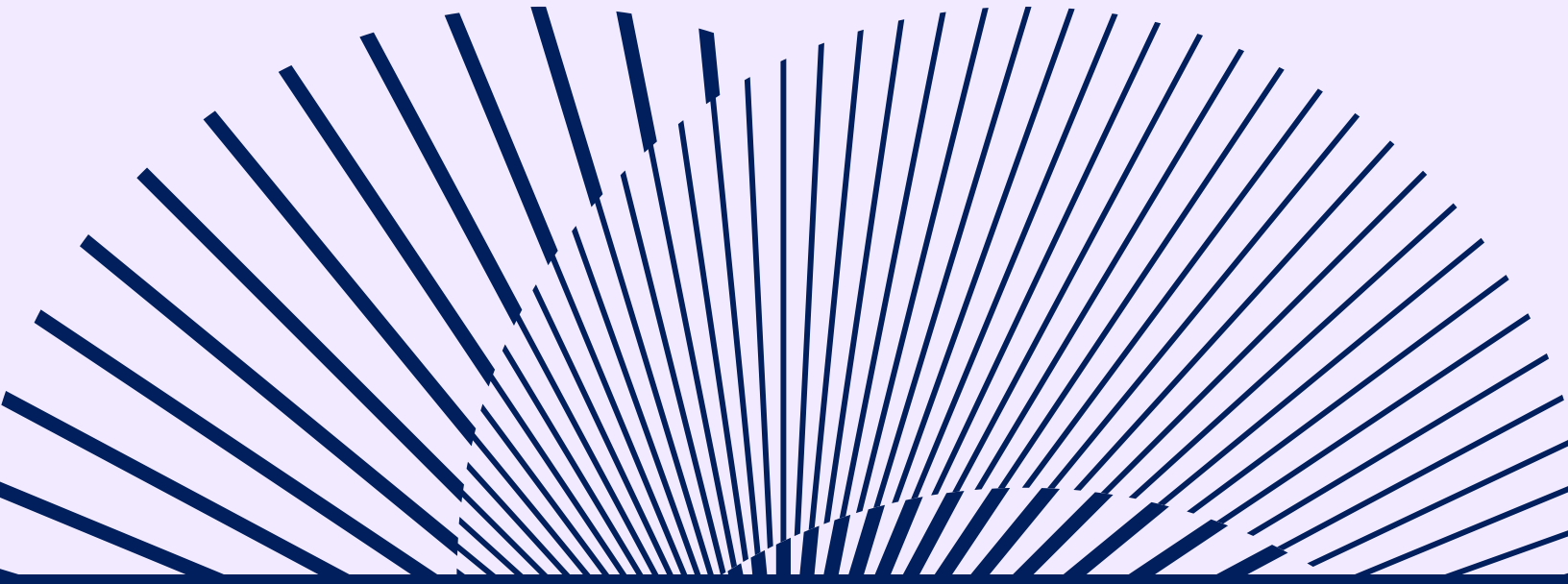
Trade continues to underscore these dynamics. IP-enabled trade — which powers a $1.4 trillion services surplus in the United States — underpins national competitiveness and global economic integration. But these benefits hinge on the faithful implementation of trade commitments. Policymakers must act decisively to close enforcement gaps and ensure that every trade agreement is fully implemented and upheld.

The stakes could not be higher. As geopolitical competition intensifies and technological progress accelerates, economies that fail to modernize their IP environments risk falling behind — quickly and with lasting consequences. The 2026 International IP Index offers a clear warning and a path forward: strengthen IP protection, enforce existing commitments, and ensure that every creator, inventor, and entrepreneur can bring their ideas to the world.

Executive Summary

The 14th edition of the U.S. Chamber's International IP Index (IP Index) provides a comprehensive assessment of the world's intellectual property (IP) frameworks. This year's Index evaluates the IP systems of 55 global economies using 53 unique criteria, offering a roadmap for economies seeking to strengthen their innovation and creativity ecosystems through more effective IP standards. The Index highlights how robust IP policies foster ingenuity, stimulate economic growth, and unlock opportunities for creators, innovators, and businesses worldwide.

The IP Index serves as a guide for policymakers, industry leaders, and stakeholders, showcasing the policies that have successfully enabled governments to unlock the benefits of IP-driven innovation and creativity. The IP Index also highlights what policy changes are needed to ensure a brighter future. By analyzing global trends and providing actionable insights, the IP Index underscores the critical role of IP in driving economic and social progress.



Geographic Coverage

Algeria
Argentina
Australia
Brazil
Brunei
Canada
Chile
China
Colombia
Costa Rica
Dominican Republic
Ecuador
Egypt
France
Germany
Ghana
Greece
Honduras
Hungary
India
Indonesia
Ireland
Israel
Italy
Japan
Jordan
Kenya
Kuwait
Malaysia
Mexico
Morocco
The Netherlands
New Zealand
Nigeria
Pakistan
Peru
Philippines
Poland
Russia
Saudi Arabia
Singapore
South Africa
South Korea
Spain
Sweden
Switzerland
Taiwan
Thailand
Türkiye
United Arab Emirates
Ukraine
United Kingdom
United States
Venezuela
Vietnam

Key Findings

The 2026 International IP Index reveals a growing erosion of IP leadership among some of the world's most influential economies, creating renewed urgency for policymakers to reaffirm IP protection's central role in driving innovation, competitiveness, and economic growth.

- Score declines were largely concentrated in high-income economies traditionally seen as global IP standard-setters, with scores in eight EU Member States declining.
- However, 20 economies improved their overall score, with the United Arab Emirates (+4.72%), Ecuador (2.81%), Malaysia (+1.42%), and Brunei (+1.42%) achieving the largest increases in overall score. This demonstrates that targeted reforms can still strengthen IP frameworks, even amid broader global stagnation.
- With 27 economies registering little or no improvement in 2026, the Index highlights a critical moment, as the failure of leading economies to course-correct risks normalizing weaker IP standards globally.

While trade agreements have been instrumental in strengthening IP protections and fostering economic growth worldwide, the effective implementation of countries' IP commitments is fundamental to unlocking the benefits of stronger IP.

- Trade continues to underpin American economic growth, with U.S. services exports surplus contributing $1.1 trillion to the U.S. economy. IP-intensive industries alone account for 31% of the total value of U.S. services exports.
- Despite committing to strengthening IP protection through the Phase One Agreement, rights holders in China continue to face challenges securing patent term restoration and effective patent enforcement, addressing the inconsistent acceptance of supplemental data in patent filings, and doing business in China on fair, non-discriminatory, and equal terms.
- The review of the U.S.-Mexico-Canada Agreement (USMCA) creates a pivotal opportunity to address the outstanding implementation of Mexico's IP commitments related to patent enforcement, patent term extension, regulatory data protection (RDP), and copyright protection. Likewise, Canada must fully implement the patent term adjustment mechanism required by USMCA.

The weakening of life sciences-related IP incentives threatens to undermine competitiveness and investment in some of the world's leading economies.

- The EU's General Pharmaceutical Legislation weakened the framework for IP protection and enforcement, discouraging investment at a time when Europe seeks to position itself as a global hub for life sciences.
- In China, the availability of patent term restoration (PTR) would depend on a first global launch in China, severely limiting the practical availability of PTR for foreign innovative companies.
- In the U.S., the imposition of Most-Favored Nations drug pricing and proposals to expand march-in rights created headwinds for the policy framework that sustains American life sciences innovation.

Copyright policy and enforcement continued to evolve across Index economies, with notable improvements in online enforcement offset by growing uncertainty related to digital piracy and remuneration rights.

- Several economies — including Brazil, Greece, Nigeria, Peru, and Poland — have implemented new laws or administrative measures to strengthen online anti-piracy enforcement.
- At the same time, the rapid expansion of broad AI-related policies created new ambiguities for both rights holders and AI developers.
- Despite modest overall improvements in category scores, many economies continue to struggle with high levels of online piracy and the lack of effective remedies to disable infringing content.

Across emerging markets, initiatives designed to help small and medium-sized enterprises (SMEs) leverage IP assets have grown, signaling increased government recognition of IP's critical role in SME development.

- The scores improved for seven economies due to new IP-focused SME initiatives, marking the second-largest improvement among all Index indicators.
- These economies across Africa, Asia, and the Middle East introduced new programs focused on technical assistance, financial support, and assistance in commercializing IP assets.

Category-by Category Results

Patents, Related Rights, and Limitations

Twenty-three economies achieved a score of 70% or more of the available score, and 32 economies in total achieved a score of 50% or more. The average score for the category is up 0.15% from last year to 59.97%, which remains the fifth highest-scoring category on the Index.

- In the EU, the General Pharmaceutical Legislation expanded the Bolar exemption to include both pre-commercial and commercial activities, an unprecedented change that will undermine effective patent enforcement.
- In Mexico, the national IP office and federal health authority are now required to regularly publish lists of in-force biopharmaceutical patents and market authorization applications by manufacturers of generic and biosimilar biopharmaceuticals. However, the mechanism does not constitute an early notification system that would comply with Mexico's USMCA commitments.
- In Vietnam, the National Assembly is considering amendments to the Law on Intellectual Property that could allow for patentability of computer-implemented inventions.

Copyrights and Limitations

Many economies struggled to provide adequate copyright protection, with only 15 economies achieving a score of 70% or more. Thirty-two economies failed to achieve a score of 50% or more. However, the average score in this category continues to improve, rising from 50.61% in the 2024 report to 51.84% in the 2026 edition.

- In Brazil, the Supreme Court issued a ruling outlining the responsibilities of digital platforms, including the obligation to remove copyright-infringing content upon notice from the rights holder.
- In Nigeria, the government introduced new legal remedies to disable access to an online piracy website.
- In Peru, the national IP authority continued to enforce online piracy by disabling websites offering pirated transmissions of soccer matches.
- In Greece, a new law strengthened enforcement measures and fines for the distribution or access of copyright-infringing content online.

Trademarks Rights and Limitations

Most economies sampled in the Index offer basic forms of trademark protection. Only nine of the 55 sampled economies failed to score over 50% in this category. Overall, this category of the Index is among the highest performing, with an average score of 63.52%.

- In Thailand, the government announced a new strategic partnership with e-commerce platforms to eliminate the online sale of illicit medical products. The government also conducted multiple raids targeting both trademark-infringing physical and online goods.

- In the Philippines, the national IP office created a new register of well-known marks to provide rights holders with greater certainty about the legal status and protection of their marks.

Design Rights and Limitations

Most economies included in the Index have some form of statutory law defining design rights and the term of protection for registered design rights. Twenty economies achieved a score of 75% or more. The average score in this category this year was 64.18%, the same as last year.

- In Indonesia, proposed amendments to the Design Law would increase the term of protection for registered designs to 15 years.

- Saudi Arabia concluded negotiations to join the Riyadh Design Law Treaty. While the Treaty is not currently included in the Index, the agreement provides important protection for design rights among the 24 contracting parties.

Trade Secrets and the Protection of Confidential Information

Many Index economies lack specific trade secret legislation. Overall, only 16 of the 55 economies included in the Index achieved a score of 75% or more in this category. Twenty-two economies achieved a score of 33.33% or less. The average score in this category remained one of the weakest in the Index at 48.67%, down 0.61% from last year.

- In the EU, the final General Pharmaceutical Legislation shortened the term of regulatory data protection and created conditions to restore lost RDP, thereby weakening the framework for life sciences innovation.

- In Kenya, the government committed to introducing a five-year RDP term as part of its commitments under a new trade agreement with the UAE.

- In South Korea, a new data exclusivity regime took effect, aiming to provide rights holders with greater legal certainty. However, the baseline period of protection for new drugs remained at six years.

Commercialization of IP Assets

Many of the economies benchmarked in the Index are introducing laws and policies that make it more difficult to access their respective markets and commercialize IP assets. Twenty economies achieved a score of 45% or less, with six economies failing to achieve a score of 25%. The average score in this category remained at 58.88%, unchanged from last year.

- In the U.S., a new National Institute of Health policy on patent licensing now requires licensees to submit plans on how successfully developed and commercialized medicinal products will be accessed by patients.
- In China, seven government agencies issued an opinion that further cements the government's role in the standard essential patent licensing process.
- In the UK, the government launched a consultation on SEP licensing, which could introduce uncertainty into SEP licensing markets and devalue the IP of innovative companies.

Enforcement

Many Index economies struggled to effectively enforce IP infringement. Only 26 Index economies achieved a score of 50% or more, and only 11 achieved a score of 75% or more. The average score in this category remains around 50%.

- In Argentina, law enforcement continued to block access to pirated live sports broadcasts, building on its successful enforcement actions against copyright-infringing content in recent years.
- In the Dominican Republic, the government continued to increase action against trademark-infringing products, with over 20 million units of counterfeit and illicit goods seized in the first half of 2025.
- In Saudi Arabia, the Saudi IP Authority and Zakat, Tax, and Customs Authority signed an agreement to deepen cooperation on IP border enforcement.

Systemic Efficiency

Forty-two economies achieved a score of 50% or more, and 26 economies achieved a score of 70% or more. The average score is 64.45%, the highest among all Index categories.

- In Africa, the Algerian government launched new initiatives to support SMEs in commercializing IP assets.
- In Asia, the IP offices in Brunei and Malaysia introduced new technical assistance programs to guide SMEs in developing, registering, and commercializing IP assets.
- Across the Middle East, governments in Jordan, Kuwait, Pakistan, and the UAE also initiated new programs that provide IP training and help SMEs recognize, secure, and leverage IP assets for commercial use.

Incentives for Cutting-Edge Innovation

Most Index economies do not have any special market-exclusivity incentives in place for orphan medicinal product development. Thirty-eight economies failed to achieve any score on the three indicators included in this category. The average score in this category is the lowest of all categories in the Index, at 27.39%.

- In the EU, the General Pharmaceutical Legislation reduced market exclusivity for orphan medicines by one year.

Membership and Ratification of International Treaties

This category remains one of the stronger overall categories in the Index, with many economies achieving high scores. Twenty-two economies have a score of 75% or higher, with 14 achieving over 96%.

- Ecuador became a full contracting party to the Convention on Cybercrime and fully ratified the EU-Ecuador FTA.
- The UK and India concluded a Comprehensive Economic and Trade Agreement, which includes a dedicated IP chapter.
- The UAE-Australia Comprehensive Economic Partnership Agreement, which includes a dedicated IP chapter, came into effect.

Conclusion

The 2026 IP Index underscores the importance of robust IP systems in fostering innovation, driving economic growth, and enhancing global competitiveness. As economies navigate the challenges and opportunities of the modern era, the Index continues to serve as a vital tool to guide policymakers and stakeholders toward a more innovative and prosperous future.

Regional Rankings

Region	Average overall % Index Score
North America	83.53%
Europe and Central Asia	75.98%
Asia	54.85%
Latin America	42.71%
Africa and Middle East	42.70%

Europe and Central Asia	Overall Score	Regional Ranking
UK	93.98%	1
France	93.11%	2
Germany	92.02%	3
Sweden	91.72%	4
Netherlands	90.89%	5
Ireland	89.13%	6
Spain	86.34%	7
Switzerland	85.83%	8
Italy	83.96%	9
Hungary	77.36%	10
Greece	73.60%	11
Poland	72.00%	12
Türkiye	48.15%	13
Ukraine	38.02%	14
Russia	23.57%	15

North America	Overall Score	Regional Ranking
United States	95.17%	1
Canada	71.91%	2

Asia	Overall Score	Regional Ranking
Japan	90.81%	1
South Korea	85.94%	2
Singapore	80.13%	3
Australia	76.13%	4
New Zealand	68.74%	5
Taiwan	66.36%	6
China	54.58%	7
Malaysia	51.85%	8
Phillippines	40.64%	9
Brunei	40.17%	10
Vietnam	38.91%	11
India	36.91%	12
Thailand	36.09%	13
Indonesia	29.17%	14
Pakistan	26.34%	15

Latin America	Overall Score	Regional Ranking
Mexico	56.55%	1
Dominican Republic	53.70%	2
Costa Rica	51.94%	3
Peru	47.45%	4
Chile	46.89%	5
Brazil	46.70%	6
Colombia	46.55%	7
Honduras	39.70%	8
Argentina	36.36%	9
Ecuador	30.72%	10
Venezuela	13.28%	11

Africa and Middle East	Overall Score	Regional Ranking
Israel	69.11%	1
Morocco	59.19%	2
Saudi Arabia	54.77%	3
UAE	52.98%	4
Jordan	42.64%	5
Ghana	39.25%	6
Kenya	36.68%	7
South Africa	35.15%	8
Nigeria	34.75%	9
Egypt	31.94%	10
Kuwait	29.66%	11
Algeria	25.96%	12

Overview of the Fourteenth Edition

Now in its fourteenth edition, the U.S. Chamber of Commerce's International IP Index continues to provide an important industry perspective on the IP standards that influence both long- and short-term business and investment decisions. The Index is a unique and continuously evolving instrument. Not only does it assess the state of the international IP environment, but it also provides a clear roadmap for any economy that wishes to be competitive in the 21st-century knowledge-based global economy.

Large or small, developing or developed, economies around the world can use insights into their own national IP environments, as well as those of their neighbors and international competitors, to improve their performance and compete more effectively at the highest levels for global investment, talent, and growth.

Economies included

The Index today covers 55 economies. Together, these 55 economies represent both a geographical cross-section of the world and most global economic output, together contributing to over 90% of global GDP.

As Table 1 shows, the Index includes economies from all major regions of the world and is truly a global measure.[1]

Table 1: Fourteenth edition Index economies by World Bank region

Asia	Latin America and the Caribbean	Africa and Middle East	Europe and Central Asia	North America
Australia	Argentina	Algeria	France	Canada
Brunei	Brazil	Egypt	Germany	U.S.
China	Chile	Ghana	Greece	
India	Costa Rica	Israel	Hungary	
Indonesia	Colombia	Jordan	Ireland	
Japan	Dominican Republic	Kenya	Italy	
Malaysia	Ecuador	Kuwait	The Netherlands	
New Zealand	Honduras	Morocco	Poland	
Pakistan	Mexico	Nigeria	Russia	
Philippines	Peru	Saudi Arabia	Spain	
Singapore	Venezuela	South Africa	Sweden	
South Korea		UAE	Switzerland	
Taiwan			Türkiye	
Thailand			UK	
Vietnam			Ukraine	

Source: World Bank (2025)

In addition to geographic diversity, the Index includes economies across a broad spectrum of income groups, as defined by the World Bank. Table 2 below provides an overview of all 55 economies sampled by income group, as defined by the World Bank.

Table 2: Fourteenth edition Index economies by World Bank income group

Lower-Middle-Income Economies	Upper-Middle-Income Economies	High-Income Economies	High-Income OECD Members
Egypt	Algeria	Brunei	Australia
Ghana	Argentina	Kuwait	Canada
Honduras	Brazil	Russia	Chile
India	China	Saudi Arabia	Costa Rica
Jordan	Colombia	Singapore	France
Kenya	Dominican Republic	Taiwan	Germany
Morocco	Ecuador	UAE	Greece
Nigeria	Indonesia		Hungary
Pakistan	Malaysia		Ireland
Philippines	Mexico		Israel
Vietnam	Peru		Italy
Ukraine	South Africa		Japan
Vietnam	Thailand		Netherlands
	Türkiye		New Zealand
	Ukraine		Poland
	Venezuela (2020)		South Korea
			Spain
			Sweden
			Switzerland
			UK
			United States

Source: World Bank (2025). The World Bank has, since 2020, removed Venezuela pending the release of national accounts statistics. Consequently, the Index uses Venezuela's latest income classification from 2020.

The Global IP Environment in 2025: Major Developments, Overall Index Scores, and Category-by-Category Results

International Developments

IP rights and international trade

Trade was a dominant policy issue across the global economy in 2025. Over the past year, numerous key trading relationships have been reshaped. While much of this activity was driven by a new presidential administration in the United States — particularly through tariffs and trade negotiations — trade has been at the forefront of international policy discussions for several years, as a significant number of major agreements and regional blocs came into effect over the past half-decade.

These include the United States-Mexico-Canada Agreement, (USMCA, in effect since 2020); the African Continental Free Trade Area, (AfCFTA, in effect since 2021); the Regional Comprehensive Economic Partnership, (RCEP in effect since 2022); the EU-Mercosur Partnership Agreement (EMPA); the expansion of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) to include the UK (in effect since 2024); and a host of bilateral Free Trade Agreements (FTAs) concluded by a diverse set of Index economies such as India, Indonesia, New Zealand, the UAE, and the UK.

As noted last year in conjunction with the thirtieth anniversary of the establishment of the World Trade Organization (WTO) and the Trade-Related Aspects of Intellectual Property Rights Agreement (TRIPS), trade agreements have been fundamental in setting international standards for the protection and enforcement of IP rights. When it entered into force in 1994, the North American Free Trade Agreement (NAFTA) was the first of its kind to include specific obligations to protect IP rights. NAFTA set the standard in most major areas of IP protection. Many multilateral, plurilateral, and bilateral trade agreements that have since followed — including the WTO TRIPS Agreement — have built on NAFTA's standards and helped raise the international floor for IP protection.

In particular, trade agreements concluded by the United States have been instrumental in strengthening and expanding IP rights worldwide. Since the early 1990s, the U.S. has been a leading advocate for stronger IP standards, with effectiveness measured by the scope, duration, ease of access, and reliability of the right. While there are some important exceptions to this trend, strong IP rights and enforcement have been essential to virtually all the post-TRIPS FTAs concluded by the U.S. The benefits have been felt around the world, with inventors and creators from the Andes to North Africa, the Middle East, and Asia seeing the positive impact of a stronger IP environment on economic activity, trade, development, and job creation.

Unfortunately, not all trading partners and contracting parties have fulfilled their critical commitments under these FTAs. In fact, several important IP components in agreements concluded decades ago continue to languish and are not meaningfully implemented or applied. Table 3 lists some of the major FTAs concluded by the U.S. over the last two decades in which the other contracting parties have not fully implemented critical IP provisions. However, this is not an exhaustive list.

Table 3: U.S. major FTAs and key IP provisions not meaningfully implemented

Agreement	Key IP related provisions not meaningfully implemented
Australia–United States Free Trade Agreement (AUSFTA)	• **Lack of effective linkage and pharmaceutical patent enforcement:** Article 17.10(4) requires all contracting parties to 'link' sanitary registration and market approval of follow-on biopharmaceuticals with the exclusivity status of the reference product. Australia's linkage mechanism has several notable deficiencies: the absence of an automatic stay; the certification requirements for both generic producers and innovative patent holders; the absence of a mechanism to notify patent holders of potentially infringing follow-on products; and the historical application of market-sized damages.
U.S.-Korea Free Trade Agreement (KORUS)	• **Restrictive pharmaceutical pricing and reimbursement (P&R) policies:** Article 5.2 of KORUS states that contracting parties shall ensure that P&R policies are either based on "competitive market-derived prices" or "appropriately recognize the value" of the assessed product. The Korean life sciences policy environment has historically focused on strong price and reimbursement controls, with limited scope for recognizing levels of innovation; recent government reform initiatives might potentially improve the situation. • **Uncertainty regarding effective patent linkage and pharmaceutical patent enforcement:** Article 18.9(5) requires all contracting parties to 'link' sanitary registration and market approval of follow-on biopharmaceuticals with the exclusivity status of the reference product. Since 2015, Korea has incorporated a mechanism for such patent linkage into its domestic laws and sanitary registration process. However, rights holders continue to raise concerns about the mechanics of this system and its inability to consistently provide full protection for their IP rights.
Economic and Trade Agreement Between the Government of the United States and the Government of the People's Republic of China (The "Phase I Agreement")	• **Continued regulatory, procedural barriers and inflexible terms to licensing and technology transfer:** Despite positive changes to relevant laws (e.g. the Foreign Investment Law and the Technology Import and Export Regulations and Regulations) licensors and rights holders have continued to face substantive challenges to doing business in China on fair, non-discriminatory and equal terms. This includes: a growing trend of rights holders facing global anti-suit injunctions and restrictions on their ability to assert infringement claims in legal jurisdictions outside China; a new Anti-Monopoly Law which expands the government's basis for action against anti-competitive behavior; and a selection of new rules and procedures targeting IP rights holders, especially in the field of standard and essential patents (SEPs).

Agreement	Key IP related provisions not meaningfully implemented
Economic and Trade Agreement Between the Government of the United States and the Government of the People's Republic of China (The "Phase I Agreement")	• **Lack of effective linkage and pharmaceutical patent enforcement:** Article 1.11 of the Phase I Agreement requires China to adopt a form of pharmaceutical patent linkage. Article 76 of the 2020 Patent Law amendments, and subsequent implementing regulations, and judicial guidance provides the definition of the system. However, rights holders continue to raise concerns about this system's inability to consistently provide for the full protection of their IP rights. • **Lack of effective patent term restoration for pharmaceutical patents:** 2020 amendments to the Patent Law introduced a period of term restoration of up to five years for biopharmaceutical products. In late 2023, the Implementing Regulations were finally released along with updated Patent Examination Guidelines that explained how these amendments would work in practice. These Regulations and Guidelines make term restoration contingent on the first global launch of an individual medicine or therapy taking place in China. Given that most innovative medicines are first launched outside of China, this requirement all but negates the practical availability of term restoration to most innovators. • **Inconsistent acceptance of supplemental data in patent filings.** Although Article 1.10 of the Phase I Agreement requires China to permit pharmaceutical patent applicants to rely on supplemental data to support patentability, China continues to impose a unique standard requiring that the technical effect demonstrated by supplemental data must be "obtainable" from the original specification. As a result, China's patent office and Chinese courts are refusing to consider supplemental data under the normal relevancy standard that Article 1.10 refers to.
USMCA – Canada	• **Ineffective patent term adjustment (PTA) and patent term extension (PTE):** Under the USMCA, Canada agreed to introduce a PTA mechanism. The purpose of this mechanism is to compensate patent applicants for any undue delay in prosecuting the patent application. The Canadian PTA mechanism in effect today provides a de minimis form of compensatory term adjustment, making it difficult, if not impossible, for most applicants to obtain any such restoration. More broadly, any PTA granted runs concurrently with a separate and distinct form of patent term restoration, namely, supplementary protection for biopharmaceutical patents. Additionally, the latter is limited to medicines submitted for regulatory approval within one year from the approval in a set of countries, including the U.S., Switzerland, the EU, Australia, etc.

Agreement	Key IP related provisions not meaningfully implemented
USMCA – Mexico	• **Lack of effective linkage and pharmaceutical patent enforcement:** USMCA Article 20.50 clearly requires that the contracting parties provide a mechanism to 'link' sanitary registration and market approval of follow-on biopharmaceuticals with the exclusivity status of the reference product. In 2025, IMPI and Mexico's health authority, COFEPRIS, announced that they had formalized and agreed on a technical working arrangement requiring both to regularly publish lists of in-force biopharmaceutical patents and market authorization applications by manufacturers of generic and biosimilar biopharmaceuticals. This does not constitute an early notification or adjudication system, nor does it comply with the USMCA. • **Lack of an appropriate Regulatory Data Protection (RDP) system and PTE for pharmaceutical:** Mexico's RDP system is based on guidelines and often requires litigation for the RDP term to be granted, thus failing to comply with the USMCA requirements. Similarly, while Mexico is currently considering implementing PTE to compensate for delays in regulatory approvals, the law has yet to be approved, and there is still a need for clarification on the procedural and substantive aspects of the system. • **Lack of implementation of USMCA copyright commitments:** USMCA Articles 114 and 232 require Mexico to strengthen standards of copyright protection, including with regard to digital rights management and technological protection measures, cable and satellite piracy, and the introduction of a notice-and-stay-down regime. Amendments made to the Federal Law on Copyright incorporated many of the most important copyright provisions but left significant gaps and have not been followed up by any implementing regulations.

As Table 3 shows, many important IP provisions agreed in the above FTAs have yet to be fully implemented and/or introduced. This lack of implementation is not just a failure by these contracting parties to honor a signed agreement, but also undermines their national IP environment and, in turn, their economic development.

IP rights and incentives are the fundamental building blocks of innovation and advanced economic development. Across both emerging and developed economies, the creation of new intangible assets and IP drives innovation, creativity, technological progress, and ultimately economic growth in the modern global economy.

In this context, an economy's national IP environment — and its capacity to enable technological transformation, innovation, and high-value economic growth — constitutes a strategic asset. Failure to maintain, strengthen, and evolve this asset through IP reform erodes an economy's long-term economic competitiveness and ability to maximize its national potential for growth and income creation. By contrast, economies that continuously improve and modernize their IP frameworks are better positioned to sustain international competitiveness and capture innovation-led, high-tech growth.

The United States has been the undisputed global IP leader since 2012, when the inaugural International IP Index was launched. The country has consistently ranked first overall and achieved the highest score among all included economies. While significant challenges remain, the American IP environment continues to be the strongest in the world, demonstrating the profound impact a strong national IP environment can have on strengthening economic development, international competitiveness, and international trade.

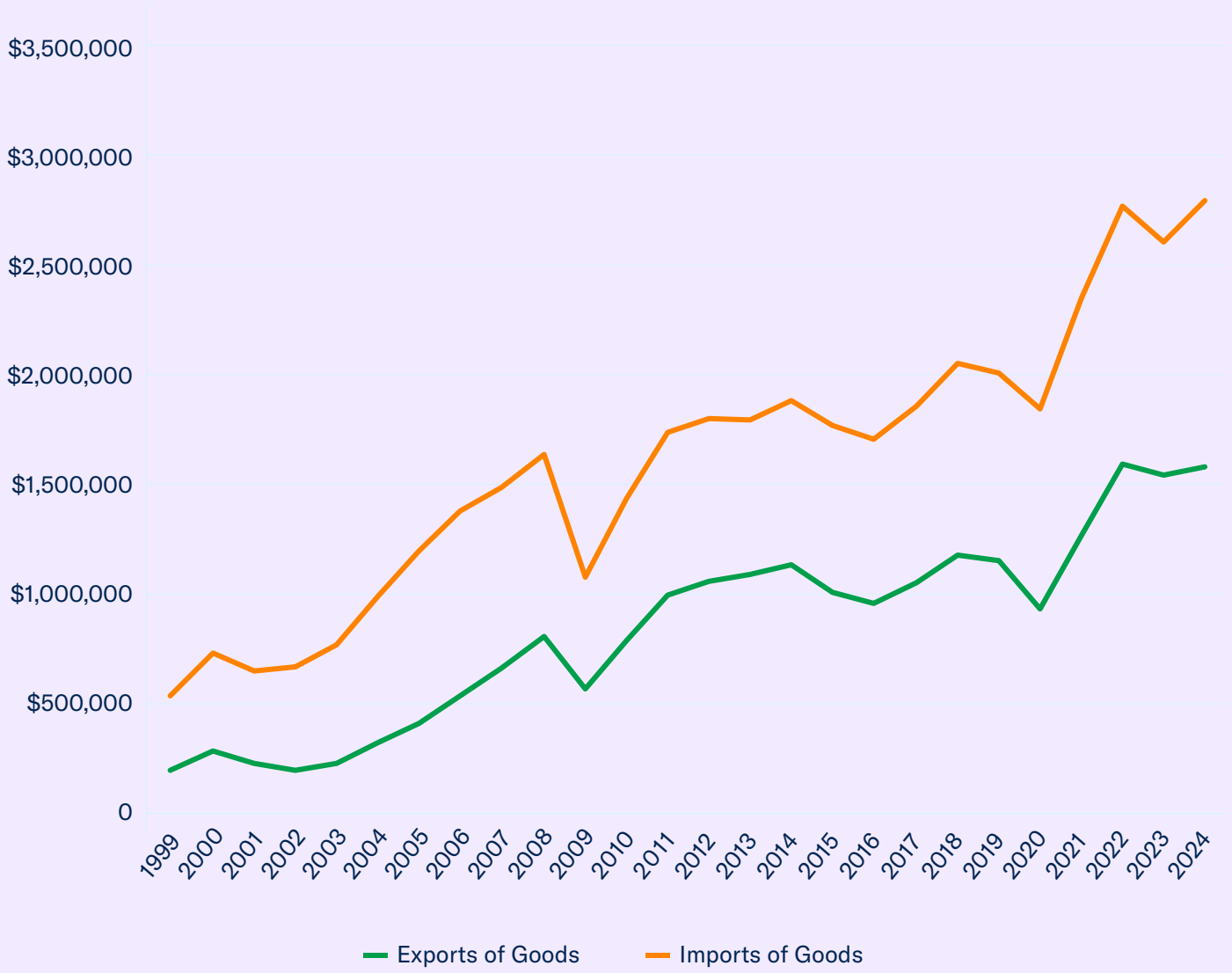
A strategic asset: The centrality of the United States' IP environment and IP-intensive industries to the national economy, international trade and exports

In 2024, U.S. Gross Domestic Product (GDP) was just under USD30 trillion.[2] This is almost double the size of China — the world's second largest economy — and more than the cumulative total of all other G7 economies. Significantly, the U.S. economy today is not only the world's largest, but also, in size and scale, the most important source of global innovation and creativity. Indeed, many, if not most, of the revolutionary technologies developed globally over the past half-century were developed in the U.S.

Today, the importance of IP-intensive industries to national output has never been higher. Since 2012, the USPTO has measured the economic contribution of IP-intensive industries to the U.S. economy. The latest report from 2022, *Intellectual Property and the U.S. Economy: Third Edition*, found that IP-intensive industries made up an estimated 41% of national economic output.[3] With respect to national employment, IP-intensive industries supported an estimated 63 million jobs, directly and indirectly, or 44% of all national employment.

In addition to their contribution to national economic output, IP-intensive industries enhance the U.S. competitiveness in international trade, specifically in power exports in the trade of services. This should not be overlooked, given the pronounced focus on the international trade in goods. As Figure 1 shows, the United States has, for years, run a deficit in international trade in goods.

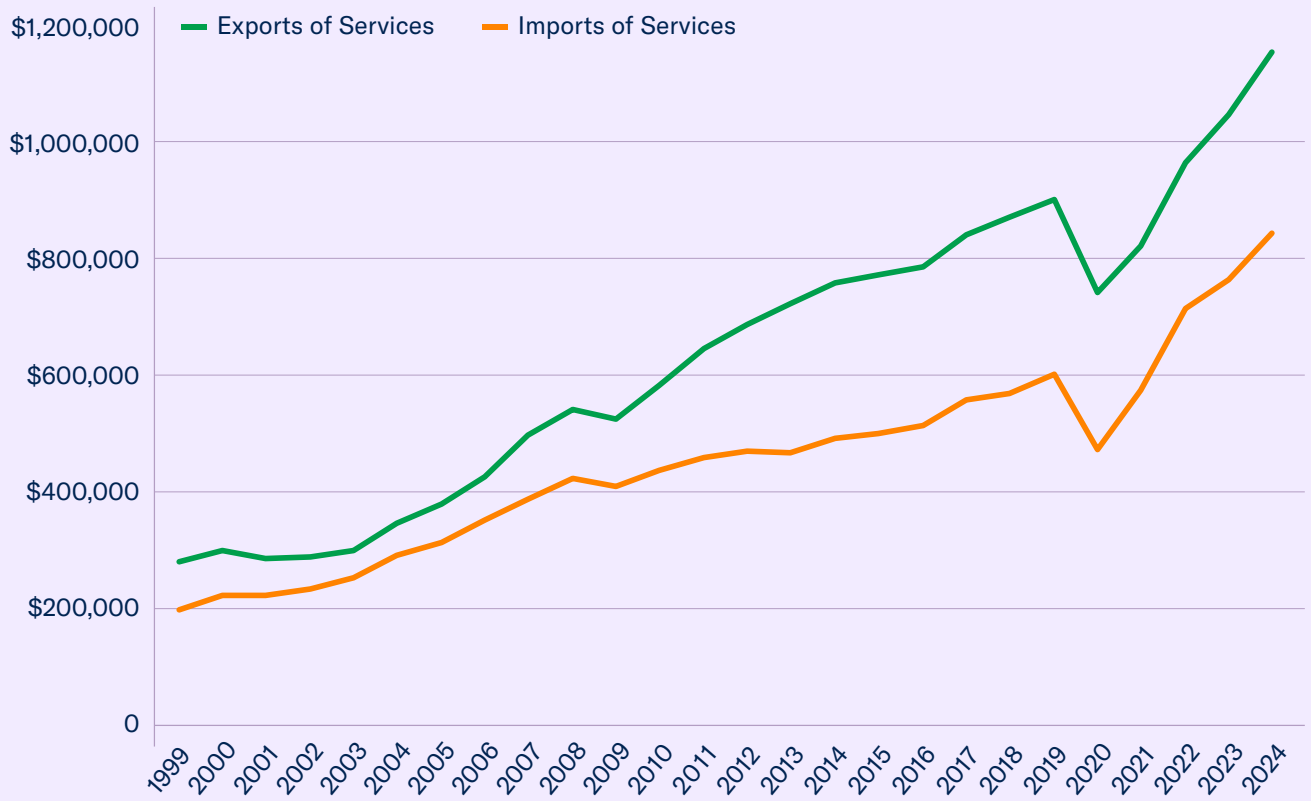
Figure 1: U.S. international trade in goods, USD millions, 1999-2024[4]



As Figure 1 shows, this deficit has widened over the last 25 years. In 2024, the total value of imported goods into the United States was almost USD3.3 trillion. This compares to the value of U.S. goods exports, which during the same period, were valued at just over USD2 trillion.

Meanwhile, in contrast to the trade in goods, the United States does not have a deficit in the trade of services. In fact, as Figure 2 shows, over the past 25 years, the U.S. has never run an annual deficit in this sector. Instead, the value and size of this trading surplus have only grown.

Figure 2: U.S. international trade in services, USD millions, 1999-2024[5]



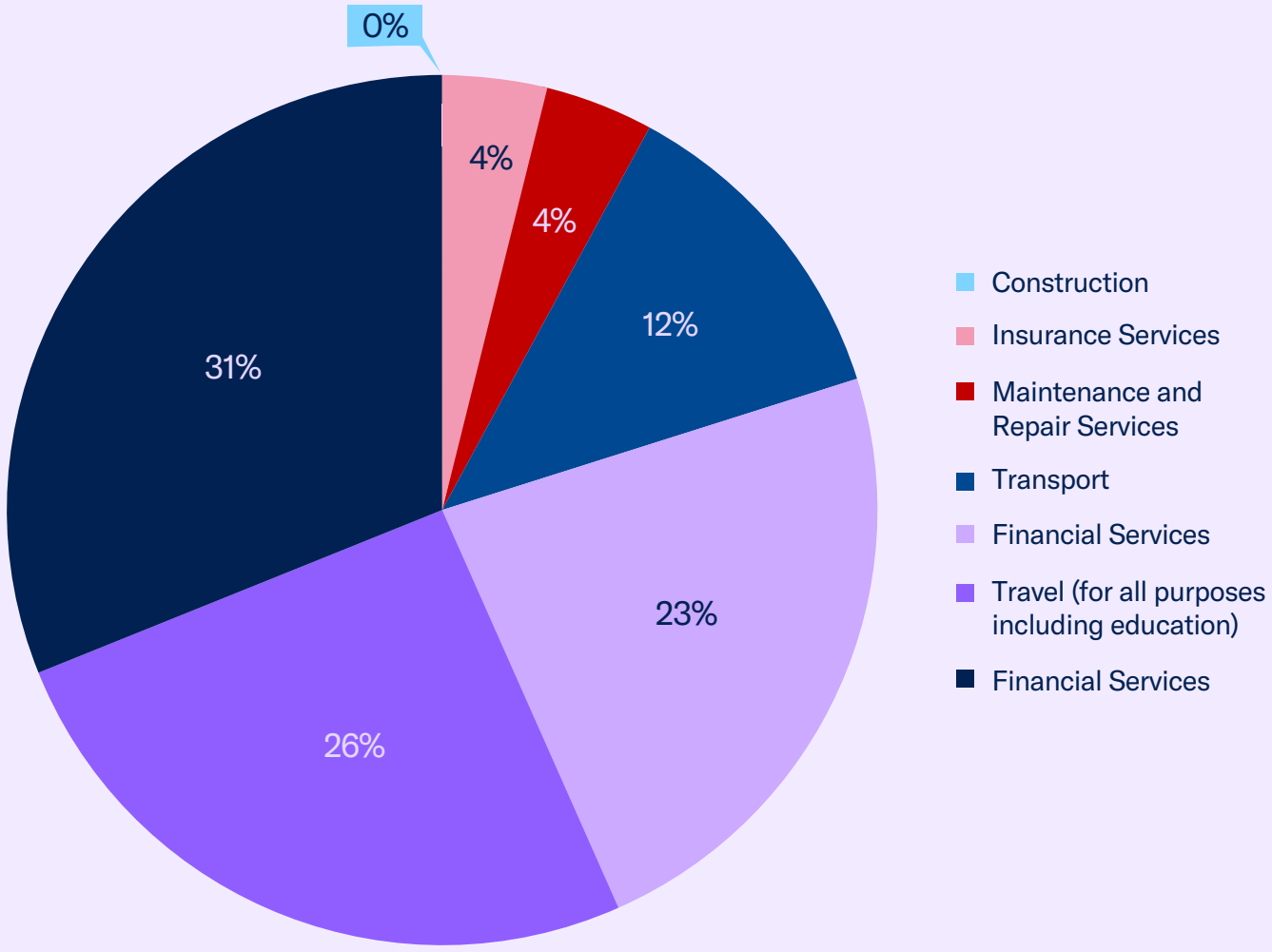
In 2024, the total value of U.S. exports of services was USD1.1 trillion, compared with the estimated annual value of imports of USD880 billion. This is a significant trade surplus of 25%. Notably, IP-intensive industries make up a large and growing share of these services. In fact, examining annual trade statistics closely reveals that U.S. IP-intensive industries constitute one of the largest groups of services by total value in U.S. services exports.

The most comprehensive data on U.S. trade in goods and services comes from the Bureau of Economic Analysis (BEA), which is part of the U.S. Department of Commerce. The BEA uses over 100 categories and subcategories of services to allocate estimated trade by type of service. The main category of services that seeks to capture the value of IP-based services is "Charges for the use of intellectual property." This includes subcategories of services such as "Franchises and trademarks licensing fees" and "Licenses for the use of outcomes of research and development."

However, in addition to this category, there are other categories and subcategories of services in which IP-intensive industries figure prominently. This includes, for example: "Research and development services" (categorized under the parent category "Other business services"); "Computer software, including end-user licenses and customization" (categorized under the parent category "Telecommunications, computer, and information services"); and "Audiovisual Services" which includes the subsidiary categories "Rights to use audiovisual products," "Movies and television programming," and "Books and sound recordings," (all categorized under the overarching parent category "Personal, cultural, and recreational services").

Combining these different types of services into a broader category of 'IP-intensive services' reveals how valuable these services are to U.S. exports and, thus, the importance of enforcing trade commitments in this space. Figure 3 shows the percentage value of this aggregated group of IP-intensive services relative to the other major service categories in 2024, as a percentage of all U.S. services exports.

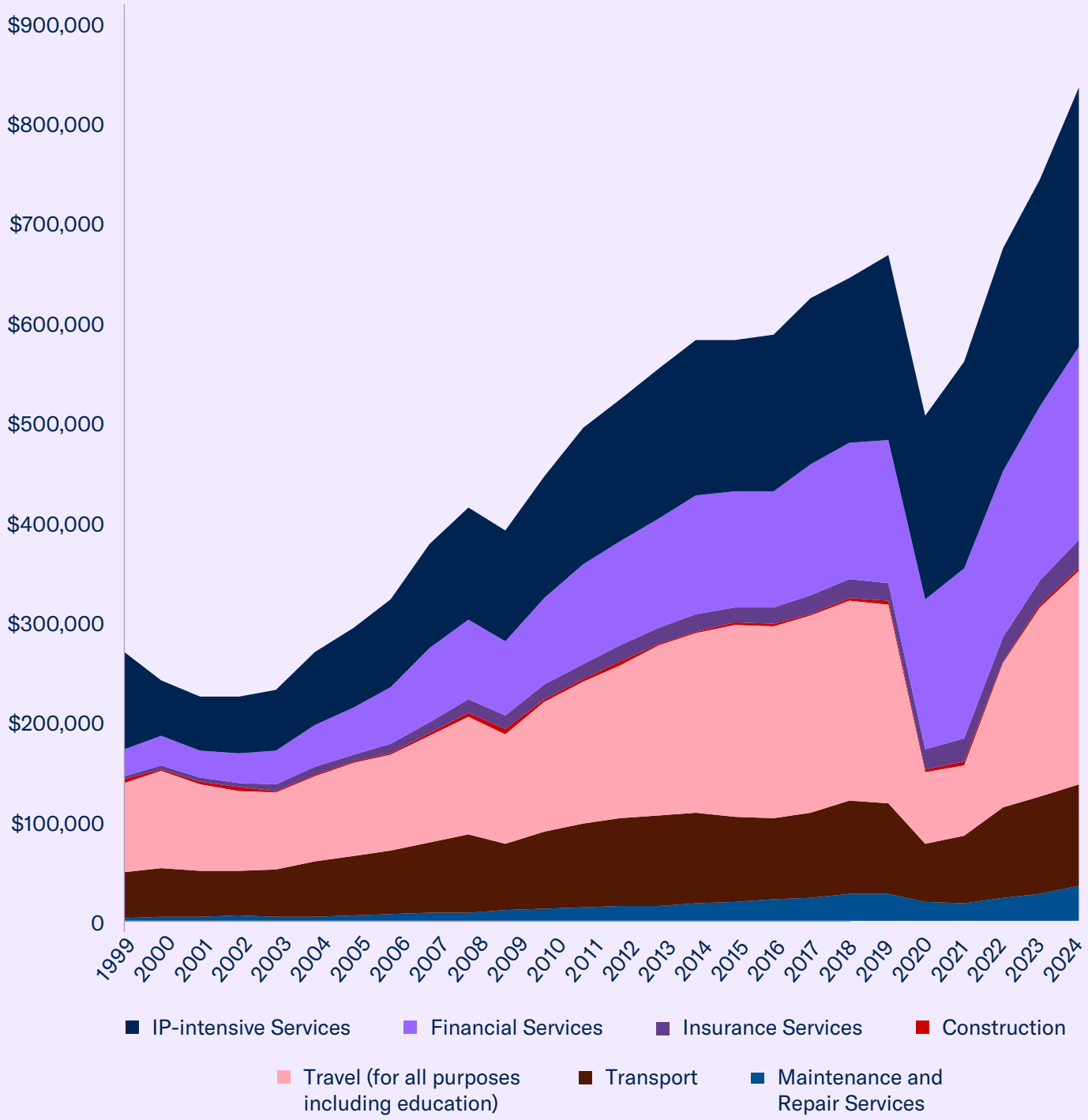
Figure 3: U.S. international trade in services, exports, IP-intensive services vis-à-vis other service categories, % total service exports, 2024[6]



As Figure 3 illustrates, the aggregate value of IP-intensive services is substantial, accounting for 31% of the total value of U.S. services exports in 2024. Furthermore, like all other service categories, IP-intensive services have also increased tremendously over the past 25 years.

Figure 4 shows the growth in value of all services exported from the United States and their respective share of total services exported since 1999.

Figure 4: U.S. international trade in services, exports, by service category, USD millions, 1999-2024[7]



Together, this data paints a clear picture: IP-intensive industries are not only critical to the U.S. economy, but their exports are substantial and account for a significant share of the U.S. surplus in international services trade.

For other Index economies, the lesson is clear: investing in your national IP environment is akin to investing in your future. A strong innovation-based economy cannot exist without a strong IP rights system and enforcement of commitments therein.

Learning the wrong lessons? The finalized WHO Pandemic Agreement

In early 2021, at the height of the COVID-19 pandemic, a group of world leaders published a joint article calling for a new World Health Organization (WHO) agreement on pandemic prevention, preparedness, and response. Since then, WHO Members have negotiated a "Pandemic Agreement." In 2024, the 77th World Health Assembly adopted amendments to the 2005 International Health Regulations, and in May 2025, the WHO announced the final agreement. At the time of research, a newly established Intergovernmental Working Group (IGWG) was in negotiations to draft an annex to the Agreement — a proposed "Pathogen Access and Benefit Sharing (PABS) system.

As noted in last year's Index, negotiators placed strong emphasis throughout this process on involuntary technology sharing and actively shaping the terms for licensing and commercialization of a developed technology. The final agreement retains elements of this approach. For example, although the Agreement's preamble acknowledges the role of IP rights in biopharmaceutical and medical R&D, a subsequent statement on pricing, patient access, and the use of TRIPS flexibilities undercuts this recognition:

> *Recognizing that intellectual property protection is important for the development of new medicines and recognizing the concerns about its effects on prices, and recalling that the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), does not and should not, prevent Member States from taking measures to protect public health, and which provides flexibility to protect public health, as recognized in the Doha Declaration on the TRIPS Agreement and Public Health [emphasis added]*[8]

This conflates two separate and distinct policy issues: i) IP rights as an incentive for biopharmaceutical innovation and R&D; and ii) public health and the impact of prices on access to medicines and medical products. Access to medicines is a complex subject that does not lend itself to generalization. Access involves many factors, such as health system infrastructure, health financing, logistics, transportation networks, proper storage and distribution, and technical drug regulatory capacity. Within this context, the protection of IP plays a relatively small role.

For example, the vast majority of medicines considered essential (as compiled on essential drugs lists by the World Health Organization and numerous individual economies) are off-patent and not subject to any form of exclusivity. Yet patients in many economies — not just the least-developed economies, but also higher-income or middle-income economies — struggle to access these products. Given these are generic, follow-on medicines, IP rights are not an influencing or limiting factor. Price is not a determining factor either, as generic and follow-on products are usually offered at much lower cost than reference products.

As recognized in the Agreement, international experience and the basic economics of the biopharmaceutical industry demonstrate how critical IP rights are to enabling the massive investment in R&D required to develop new medical technologies and products. Patents and other forms of exclusivity for biopharmaceuticals, such as regulatory data protection (RDP) and special incentives for the protection and production of orphan drugs, enable research-based companies to make otherwise unsustainable R&D investments to discover new drugs, medical devices, and therapies.

The simple truth is that without IP rights, there would be far fewer lifesaving and life-enabling products available, regardless of cost. Biopharmaceutical innovation is an extremely high-risk investment. On average, only one to two of every 10,000 compounds synthesized, examined, and screened in basic research will successfully pass through all stages of R&D and become a marketable drug. IP rights provide limited-term market exclusivity, giving firms sufficient time to recoup R&D investments. Generic competition from additional market entrants follows later, precisely because these follow-on manufacturers bear none of the costs of early-stage investment, R&D, and product commercialization carried by the innovator.

Moreover, as repeatedly stated in the Index, compulsory licensing and the abrogation of property rights are not cost-containment tools: cost is not a relevant justification for compulsory licensing or equivalent declarations under the TRIPS Agreement. TRIPS Article 31, the amendments introduced in the 2001 Doha Ministerial Declaration, and subsequent General Council decisions allowing the export of medicines produced under a compulsory license (outlined in Paragraph 6), form the legal grounds for compulsory licensing of medicines. The chairman's statement accompanying the General Council decision (concerning Paragraph 6 of the Doha Declaration) underscores that these provisions are not intended for industrial or commercial purposes and, if used, are expected to be used solely to protect public health. In addition, Article 31 and the Doha Declaration suggest that compulsory licensing represents a "measure of last resort" to be used only after all other options for negotiating pricing and supply have been exhausted.

Other parts of the Pandemic Agreement have also retained this emphasis on the sharing and transfer of developed technologies and/or on actively setting the terms for the licensing and commercialization of such technologies.

For example, Article 11 requires contracting parties to "promote" and actively "encourage" private rights holders to share and transfer their technologies, know-how, and IP with other contracting parties, either on a cost-free basis or at a reduced price. As mentioned in the Index, when this was first raised during the drafting stage, it was far from clear what such encouragement and promotion would entail, or whether rights holders who refused to participate would be subject to sanctions or penalties.

Similarly, Article 9 Research and Development, Subsection 5 states that:

> *Each Party shall develop and implement national and/or regional policies, adapted to its domestic circumstances, regarding the inclusion of provisions in publicly funded research and development grants, contracts, and other similar funding arrangements, particularly with private entities and public-private partnerships, for the development of pandemic-related health products, that promote timely and equitable access to such products, particularly for developing countries, during public health emergencies of international concern, including pandemic emergencies, and regarding the publication of such provisions. Such provisions may include: (i) licensing and/or sublicensing, particularly to manufacturers of developing countries and for the benefit of developing countries, preferably on a non-exclusive basis; (ii) affordable pricing policies; (iii) provisions enabling access to technology to facilitate research and development and geographically diversified local production (iv) publication of relevant information on clinical trial protocols and relevant research results; and (v) adherence to product allocation frameworks adopted by the World Health Organization.*

From a policy perspective, restricting how publicly funded research (and the IP developed from it) can be commercialized by setting the terms for future pricing and licensing is likely to suppress innovation and slow the creation of new medical products. The Agreement does not account for the fact that, within the life sciences R&D ecosystem, most publicly funded research does not produce, and often does not aim to produce, a finalized, commercially available product. Instead, the private sector can invest resources and translate basic scientific research into new biopharmaceutical products, while bearing the financial risk of commercialization. Whereas critical, basic research — no matter how pathbreaking — is rarely, by itself, enough to lead to a finished medicine or treatment.

Unfortunately, the WHO Pandemic Agreement does not account for one of the real lessons of the COVID-19 pandemic, which is the centrality of IP rights to the life sciences innovation ecosystem.

The research-based biopharmaceutical industry, together with its partners in academia and the public sector, achieved an incredible feat by developing a variety of responses to the virus, including safe and effective vaccines, within 12 months. The scientific and technological capacity that allowed industry, public research organizations, and academic researchers to achieve this technological miracle was not built overnight. Instead, it was based on decades of scientific study, R&D investment, and innovation predicated to a large degree on a system of strong, clear, and reliable IP rights.

Fundamentally, patients' ability to access treatments effectively within a given health system is a complex issue. As mentioned, true patient access involves many factors, such as health system infrastructure, health financing, logistics, transportation networks, proper storage and distribution, and technical drug regulatory capacity.

During the pandemic, many of these barriers hindered access to innovative medicines and technologies, including regulatory delays, trade barriers and export restrictions, and last-mile delivery issues. For example, in Africa, several economies were unable to effectively distribute and use donated vaccines prior to expiration.[9] Unfortunately, many economies around the world still lack many of these basic health system features. Critically, these challenges have nothing to do with the protection of IP, the availability of IP rights, or the cost of medicines or medical products.

As international policymakers and domestic legislators around the world should know, the architecture for building global capacity for both innovation and the local production of biopharmaceutical products already exist. The ground floor of that architecture is the WTO TRIPS Agreement, while many other critical elements are covered in this Index. As the Index has documented over the last 14 years, too many economies have resisted the IP standards embodied in the TRIPS Agreement, viewing them as costs rather than investments.

Consequently, the TRIPS Agreement has never been fully or faithfully implemented by many WTO Members. Yet, for economies that wish to be on the front lines devising solutions to the next global health crisis, that very same IP architecture provides all the tools necessary for full and effective participation in the innovation ecosystem: enabling allocation of scarce financial resources to risky innovative R&D; facilitating IP licensing for access to critical know-how; and, fostering multi-directional technology transfer through contractual partnerships. To effectively prepare for the next pandemic, the WHO would be well served to focus on the enabling role that IP rights play in responding to global health crises.

National developments

Overall results and category-by-category scores

Up or down? How have economies fared in this edition of the Index? Below, Table 4 shows the overall results for the fourteenth edition of the Index and how it compares to last year's edition.

Table 4: Change in overall score, 14th edition vs. 13th edition

Economy	Thirteenth Edition Overall Numeric Score	Twelfth Edition Overall Numeric Score	Change in Overall Score, % Movement, +/–
United States	95.15%	95.17%	-0.02%
UK	93.98%	93.98%	0.00%
France	93.11%	93.51%	-0.40%
Germany	92.02%	92.42%	-0.40%
Sweden	91.72%	92.09%	-0.37%
Netherlands	90.89%	91.26%	-0.37%
Japan	90.81%	90.81%	0.00%
Ireland	89.13%	89.51%	-0.38%
Spain	86.34%	86.74%	-0.40%
South Korea	85.94%	85.94%	0.00%
Switzerland	85.83%	85.83%	0.00%
Italy	83.96%	84.34%	-0.38%
Singapore	80.13%	80.11%	0.02%
Hungary	77.36%	77.74%	-0.38%
Australia	76.13%	76.13%	0.00%
Greece	73.60%	72.57%	1.03%

Economy	Thirteenth Edition Overall Numeric Score	Twelfth Edition Overall Numeric Score	Change in Overall Score, % Movement, +/–
Poland	72.00%	71.91%	0.09%
Canada	71.91%	71.91%	0.00%
Israel	69.11%	69.09%	0.02%
Taiwan	68.74%	68.74%	0.00%
New Zealand	66.36%	65.43%	0.93%
Morocco	59.19%	59.21%	-0.02%
Mexico	56.55%	56.58%	-0.04%
Saudi Arabia	54.77%	53.70%	1.07%
China	54.58%	54.58%	0.00%
Dominican Republic	53.70%	53.17%	0.53%
UAE	52.98%	48.26%	4.72%
Costa Rica	51.94%	51.94%	0.00%
Malaysia	51.85%	50.43%	1.42%
Türkiye	48.15%	48.15%	0.00%
Peru	47.45%	47.00%	0.45%
Chile	46.89%	46.91%	-0.02%
Brazil	46.70%	46.23%	0.47%
Colombia	46.55%	46.55%	0.00%
Jordan	42.64%	42.17%	0.47%
Philippines	40.64%	40.17%	0.47%
Brunei	40.17%	38.75%	1.42%
Honduras	39.70%	39.72%	-0.02%
Ghana	39.25%	39.48%	-0.23%

Economy	Thirteenth Edition Overall Numeric Score	Twelfth Edition Overall Numeric Score	Change in Overall Score, % Movement, +/–
Vietnam	38.91%	38.91%	0.00%
Ukraine	38.02%	38.04%	-0.02%
Kenya	37.15%	36.68%	0.47%
India	36.91%	36.45%	0.46%
Argentina	36.36%	35.36%	1.00%
Thailand	36.09%	36.11%	-0.02%
South Africa	35.15%	35.15%	0.00%
Nigeria	34.75%	34.28%	0.47%
Egypt	31.94%	31.96%	-0.02%
Ecuador	30.72%	27.91%	2.81%
Kuwait	29.66%	29.19%	0.47%
Indonesia	29.17%	28.68%	0.49%
Pakistan	26.34%	25.87%	0.47%
Algeria	25.96%	25.49%	0.47%
Russia	23.57%	23.58%	-0.02%
Venezuela	13.28%	13.30%	-0.02%

In this year's Index, over half the sampled economies — 28 out of 55 — saw a positive or negative score change of more than 0.25%. What drove this movement? In short, both policy and methodology.

On the one hand, major IP policy developments this year led to substantial score changes for many economies. Most notable are the changes to biopharmaceutical IP rights in the EU. In 2023, the European Commission published a package of proposed legislative changes to almost all facets of the biopharmaceutical market authorization process and related incentives. Multiple proposals have been put forward by the Commission, Parliament, and Council.

Although the proposed reforms are intended to create a 21st-century life sciences landscape that fosters innovation, enhances access to innovative therapies for patients, and elevates Europe's competitiveness, many of the proposed changes would fundamentally weaken the EU's legal framework governing biopharmaceutical IP rights. At the time of research, European institutions finalized a package and were working on a legislative text expected to take effect shortly after the Index publication. Under this finalized deal, IP rights related to regulatory data protection (RDP), orphan drugs, and patent protection — through an expansion of existing Bolar exemptions — would all be negatively affected. As a result, the scores on indicators 25 and 45 have been reduced for all EU Member States included in this year's Index.

Methodologically, the Index changed the manner in which indicator 53. Post-TRIPS FTAs is scored. Historically, this indicator has been scored based on whether an economy is a signatory to, and has ratified or acceded to, a modern post-TRIPS FTA that includes substantive IP provisions in line with international best practices, as identified in the Index.

As such, this indicator has not accounted for the allocation of partial scores in cases where a post-TRIPS FTA includes only a limited number of substantive IP provisions, consistent with international best practices and identified in the Index. To take better account of the increasing number of post-TRIPS FTAs that include some substantive IP provisions identified in the Index, from this edition of the Index onward, it will be possible to achieve a partial score ranging from 0, 0.25, 0.5, 0.75, and 1. Like all other indicators in this category, score allocation will still be evenly divided between the signature and ratification or accession to an international treaty. As a result of the change in the scoring methodology, the score on this indicator has increased for several Index economies.

Finally, several Index economies also strengthened their national IP environments and received higher Index scores. Notably, the UAE's overall score improved by 4.72%. This is now two years in a row that the UAE has been one of the top-performing Index economies in score improvement. As detailed in the Economy Overview below, these improvements are based on sustained and positive IP reforms that have now spanned several editions of the Index.

But as the following sub-sections and the individual Economy Overviews in Section 5 detail, a lack of score movement in an individual Index economy does not mean that the national IP environment stood still in 2025. Like in past editions, this year too, there were a striking number of Index economies that put forward policy proposals — both positive and negative — that, if implemented, would amount to substantial overall score changes in coming editions of the Index.

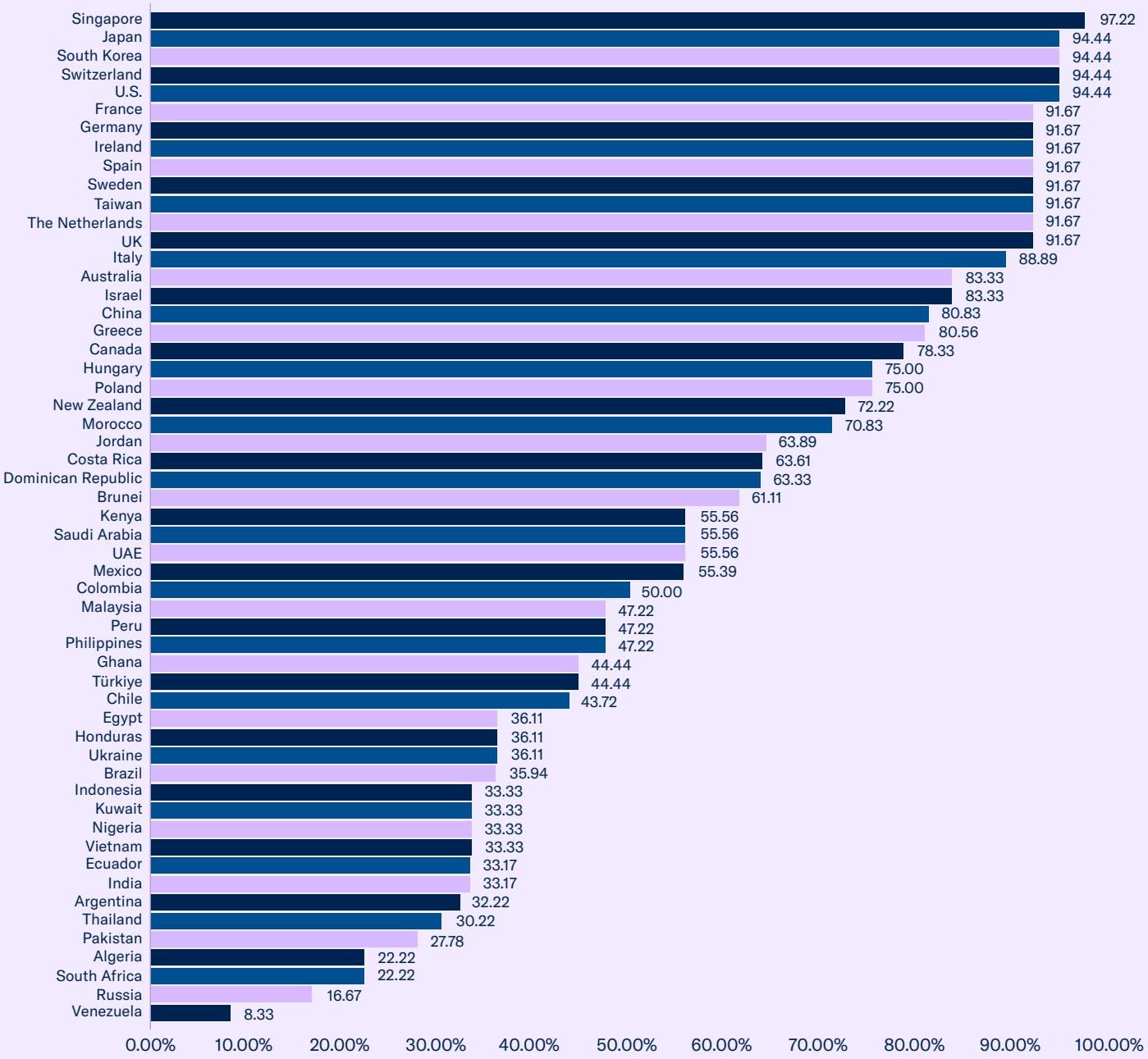
Category 1:

Patent Rights and Limitations

Below, Figure 5 summarizes the total scores for Category 1. This category measures the strength of an economy's environment for Patent Rights and Limitations.

The category consists of nine indicators with a maximum possible score of 9.00.

Figure 5: Category 1: Patent Rights and Limitations, % available score



As in past editions, the overall results for Category 1 remain among the strongest of all categories in the Index. Twenty-three economies achieve a score of 70% or more of the available score, and 32 economies in total achieve a score of 50% or more. The average score for the category is up 0.15% from last year to 59.97%, which remains the fifth highest-scoring category on the Index. As in years past, Singapore ranks first, ahead of Japan, South Korea, Switzerland, and the United States.

As noted in previous editions and in its Economy Overview, there remains uncertainty about the patenting environment in the United States. Since the Supreme Court's decisions in *Bilski*, *Myriad, Mayo*, and *Alice*, there has been uncertainty about which inventions are patent-eligible in the United States. In 2025, efforts to address this continued in both Congress and at the USPTO. Similarly, discussions continued in both the executive and legislative branches about how to reform post-grant opposition and patent nullity proceedings, which were originally introduced under the 2011 America Invents Act (AIA). In Congress, several bills were also under consideration to limit the number of patents a rights holder may assert in an infringement action. Not only do these bills discriminate and selectively target the life sciences sector with these restrictions, but they also embrace a fundamentally anti-IP and anti-innovation logic whereby the restriction of IP rights will lead to lower prices and greater access to a given product, in this case, biopharmaceutical treatments. At the time of research, the proposed laws had not been passed by Congress or signed into law.

In the EU in December 2025, the European Parliament and Council reached an agreement on proposed legislative changes to almost all facets of the biopharmaceutical market authorization process and related IP incentives, including patent rights.

The reforms aim to create a 21st-century life sciences landscape in Europe that fosters innovation, enhances access to innovative therapies for patients, and elevates Europe's competitiveness. However, many of these changes will fundamentally weaken the EU's legal framework regarding biopharmaceutical intellectual property rights, specifically concerning the rights covered in this category of the Index.

For example, the legislation expands the existing Bolar exemption to include conducting health technology assessments, obtaining pricing and reimbursement approvals, and submitting procurement tender applications. The Bolar exemption allows follow-on applicants to begin the testing and regulatory approval processes for their products without acquiring consent from a rights holder, in this case, the market authorization holder of a reference product. This type of exception originates in the United States, specifically in the 1984 Drug Price Competition and Patent Term Restoration Act (Hatch-Waxman Act). The rationale for these exclusivity exemptions is to ensure there is no undue delay in the market supply of follow-on products once the reference product's exclusivity expires.

These exemptions are not intended to shorten or undermine rights holders' legitimately granted exclusivity periods. The expansion of the existing EU Bolar exemption will weaken existing IP exclusivity periods — including, for example, duly granted patent protection — by allowing the premature launch of IP-rights-infringing generics or biosimilars. This will undermine patent enforcement in the EU.

Separately, in December 2025, the European Union formally adopted and published a new cross-European compulsory licensing regime. While this agreement constitutes an improvement over preceding drafts — for instance, it excludes trade secrets and know-how — it remains unclear why the EU needs a cross-European compulsory licensing regime. The proposals fundamentally suggest that the COVID-19 pandemic highlighted the necessity for a more transparent and efficient pan-EU compulsory licensing mechanism.

However, as indicated by this Index and as rights holders have long maintained, the evidence and experiences from the pandemic actually support the opposite conclusion. Together with the proposed rollback of IP protections in the pharmaceutical reform package discussed above, this new compulsory licensing regime will further undermine biopharmaceutical IP rights in the EU.

As part of commitments made under the USMCA, Canada agreed to introduce a patent term adjustment (PTA) mechanism. The purpose of this mechanism is to compensate patent applicants for any undue delay in prosecuting the patent application. Unfortunately — and as noted in last year's Index — the Canadian PTA mechanism currently in effect provides a de minimis form of compensatory term adjustment, making it difficult, if not impossible, for most applicants to obtain any such restoration. More broadly, any PTA granted runs concurrently with a separate and distinct form of patent term restoration, namely, supplementary protection for biopharmaceutical patents. Yet these are two completely different types of restoration seeking to compensate rights holders for different forms of regulatory delay.

PTA is due to what the USMCA terms "unreasonable" delays in patent prosecution. In Canada, Certificates of Supplementary Protection (CSP) for biopharmaceutical patents are intended to restore time lost during the sanitary registration and marketing authorization processes for new medicines and biopharmaceutical technologies. As such, one form of restoration is unrelated to the other.

The way Canadian authorities interpret and implement their commitments under the USMCA is reminiscent of how the government handled the introduction of the CSP mechanism under the Comprehensive Economic and Trade Agreement (CETA) with the EU. The relevant amendments to the Patent Act and implementing regulations set a maximum CSP restoration period of two years, on paper. However, the effective availability of this restoration term was severely limited by several technical carve-outs and restrictions.

There is little point in introducing IP incentives, such as PTA and CSP, if they are to be undermined by onerous conditions and carve-outs. Instead of strengthening Canada's national IP environment and stimulating more R&D and related economic activity, such actions simply hollow out both the IP environment and any incentives for future innovation.

In 2025, the Mexican national IP office, IMPI, and health regulator, COFEPRIS, announced that they had formalized and agreed on a technical working arrangement to introduce an updated patent linkage system in line with the 2020 revised Industrial Property Law. The agreement,published in the Federal Gazette in March 2025 and now in effect, requires IMPI and COFEPRISto regularly publish lists of in-force biopharmaceutical patents and market authorization applications by manufacturers of generic and biosimilar biopharmaceuticals.

If there are any in-force IP rights violated by any of the follow-on applications published by COFEPRIS, Articles 9 and 10 of the agreement provide patent holders with a maximum period of 10 days to object in writing. While it is a positive step that IMPI and COFEPRIS have finally sought to comply with Mexico's outstanding USMCA commitments, this mechanism does not constitute an early notification or adjudication system, nor does it comply with the requirements of USMCA Article 20.50.

As noted in the Index back in 2023 when both IMPI and COFEPRIS began publishing these dedicated lists, these efforts — together with the publication of the 2025 agreement and process — do not constitute a 'linkage mechanism' whereby a drug regulatory authority conditions the approval of a follow-on biopharmaceutical product on there being no relevant period of market exclusivity in place for the underlying reference product.

There were also several shortcomings in the 2025 agreement: it is unclear whether the mechanism applies to all types of patents; there is no direct notification to rights holders; and the 10-day time limit for rights holders to act is exceedingly short.

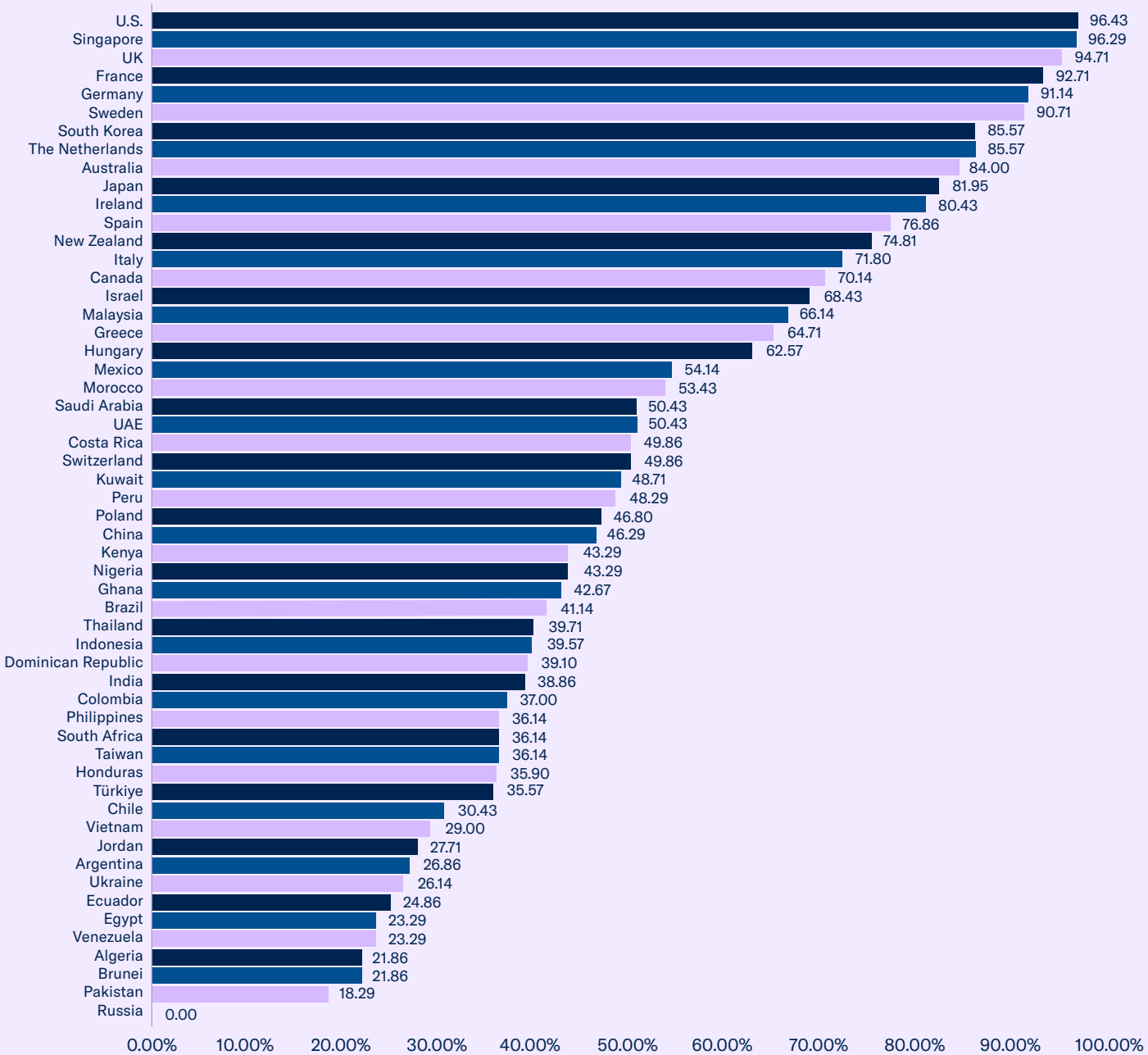
In Vietnam, the National Assembly was, at the time of research, considering many amendments to the Law on Intellectual Property. Some of these proposed changes could improve Vietnam's national IP environment, for instance, by enhancing the patentability of certain forms of computer-implemented inventions (CIIs). But, unfortunately, most of these changes do not fundamentally address Vietnam's key weaknesses. Even with the proposed changes, patentability standards would remain outside international norms (especially with restrictions on biopharmaceuticals and CIIs), and rights holders would still face basic challenges with respect to technology transfer, licensing the use of patent-protected IP assets, and the commercialization of such assets.

Category 2:
Copyrights and Limitations

Figure 6 summarizes the total scores for Category 2. This category measures the strength of an economy's environment for Copyrights and Limitations.

The category comprises seven indicators, with a maximum possible score of 7.00.

Figure 6: Category 2: Copyrights and Limitations, % available score



Historically, Index economies have not performed well on Category 2: Copyrights and Limitations. Overall, only 15 economies achieve a score of 70% or more in this category; notably fewer than in Category 1: Patent Rights and Limitations. Almost three-fifths of the sampled economies (32) fail to achieve a score of 50%, and 12 economies score 30% or less. While most Index economies continue to score poorly in this category, the average score is slowly improving. Over the last two years, the average has moved from 50.61% in the 12th edition of the Index to 51.84% this year. While the starting point is low, this is nevertheless an improvement.

Over the past decade, there has been a sharp increase in the number of economies using judicial or administrative mechanisms that enable rights holders to enforce their rights in the digital realm. Today, EU Member States, the UK, India, Singapore, and a host of other economies have introduced measures that allow rights holders to seek and gain effective relief against copyright infringement online. Many of these economies are also introducing so-called 'dynamic' injunctions. Such an injunction addresses mirror sites and disables infringing content that re-enters the public domain by moving to a different online access point.

In 2025, the Brazilian Supreme Court issued a ruling outlining digital platforms' responsibilities regarding third-party content under Article 19 of the Marco Civil da Internet (Law No. 12,965), including the removal of copyright-infringing content upon notice from the rights holder. Before this judgment, Brazil lacked a formalized, comprehensive mechanism with clear lines of responsibility for online infringement. Historically, there has been some cooperation between online platforms and rights holders, but it has been largely piecemeal and ad hoc rather than systematic.

Under the 2014 Marco Civil da Internet law, Section 3 and Articles 18–20 provide a broad safe harbor provision for digital platforms relating to third-party infringement. Such platforms are only required to act and make infringing content unavailable once a court order has been issued unambiguously, finding that the content is infringing.

Given the Supreme Court's decision and reinterpretation of the constitutionality of Law 12,965, platforms may be held legally responsible for illegal content when they fail to act after receiving a notification regarding clearly unlawful material, even in the absence of a prior court order. This reinterpretation does not alter the liability regime applicable to internet access providers (ISPs as connection providers), which remain protected under Article 18 of the Marco Civil da Internet.

Copyright enforcement through injunctive-style relief is now practically available to rights holders in Nigeria. In July 2025, the Nigerian Copyright Commission (NCC) announced that it had disabled the online piracy website MovieBox.ng. As noted in the Index at the time when it was passed into law, Section 61 of the 2023 Copyright Act granted the NCC new powers and the authority to order the disabling of access to infringing content online through an injunctive-style administrative relief mechanism.

In Peru, the National Institute for the Defense of Free Competition and the Protection of Intellectual Property (INDECOPI) continued to clamp down on online piracy. In February, the agency ordered the disabling of websites offering pirated transmissions of Peru First Division (*Liga 1*) soccer matches.

This was followed by the closing of 427 websites offering illegal creative works, including film, television, music, and live copyrighted content, in August. Over the course of the Index, Peru's score on Category 2: Copyrights, Related Rights, and Limitations has increased by more than two-thirds, rising from 28.43% in the seventh edition to 49.86% in this year's edition.

In the EU, both Poland and Greece strengthened their copyright laws.

Like many other EU Member States, Poland has, for the past four years, been transposing and implementing EU Directive 2019/790 on Copyright and Related Rights in the Digital Single Market (CDSM Directive). In late 2024, a set of amendments transposing the Directive into Polish statute was enacted, and the law is now in force. The changes broadly align with the scope of the underlying Directive, particularly with respect to responsibilities and requirements under Article 17. While preserving existing exceptions and limitations under Polish and European copyright law and jurisprudence, the amendments strengthen protections for creators online by clearly defining secondary liability for communicating protected works to the public. The new law also establishes a safe harbor framework for content-sharing platforms, clarifying the conditions under which they can avoid direct liability.

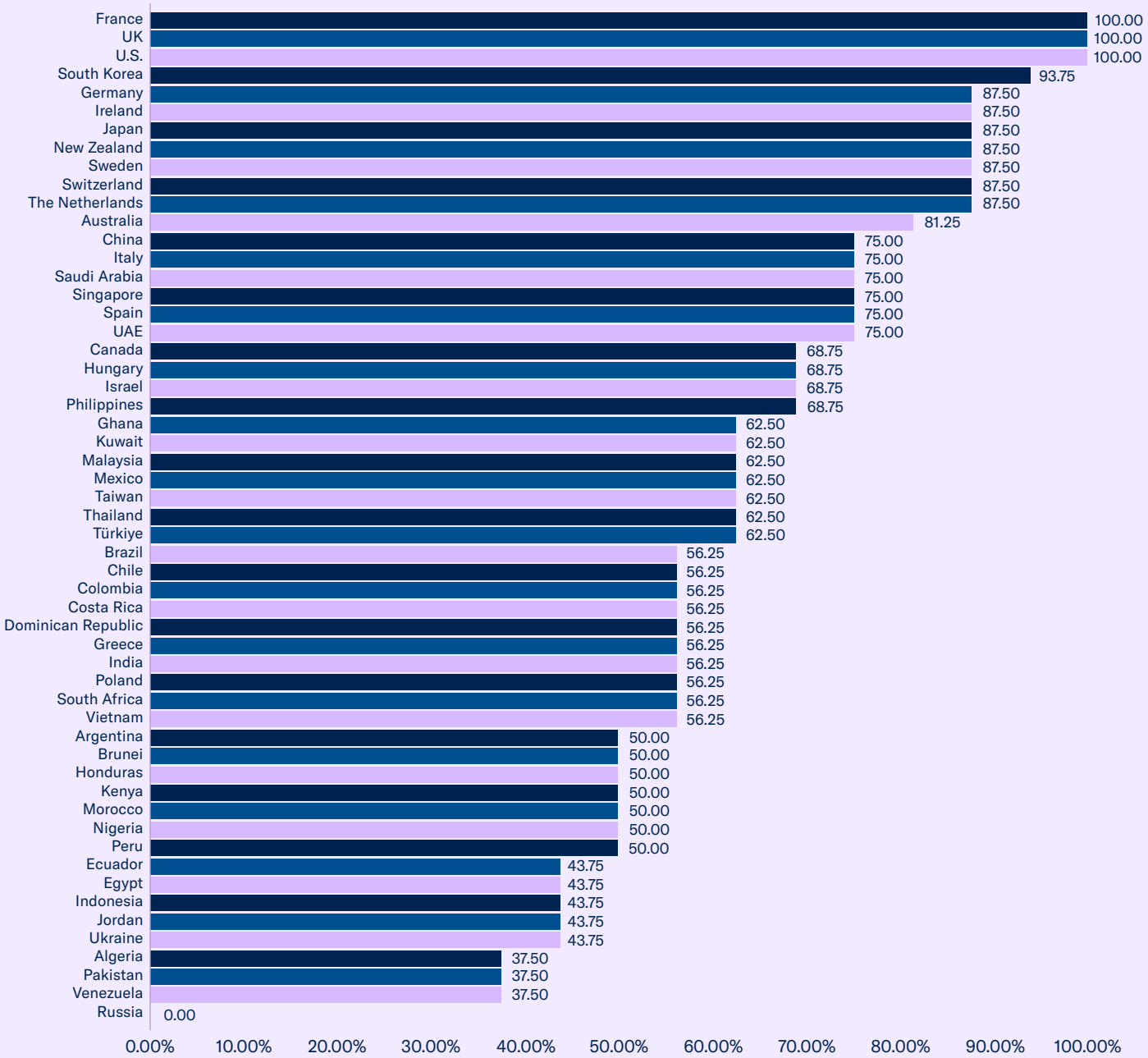
Similarly, in 2025, there were important legislative changes to Greek copyright law. Under Law 5179/2025, relevant Greek enforcement authorities now have greater powers to both monitor and enforce copyright online. The most important amendments include expanded enforcement provisions; new and higher administrative fines for the distribution or accessing of copyright-infringing content online; an expedited and expanded enforcement track for dynamic injunctions; and stronger enforcement measures against illicit infringement, enabling software, and physical equipment. The Greek Government's actions are positive and build on previous reform initiatives discussed in the eighth and ninth editions of the Index.

Category 3:
Trademark Rights and Limitations

Figure 7 summarizes the total scores for Category 3. This category measures the strength of an economy's environment for Trademark Rights and Limitations.

The category comprises four indicators, with a maximum possible score of 4.00.

Figure 7: Category 3: Trademark Rights and Limitations, % available score



Most economies sampled in the Index offer basic forms of trademark protection. Only nine of the 55 sampled economies fail to score 50% or more in this category. Overall, this category of the Index is among the highest performing, with an average score of 63.52%.

Just as with copyright infringement, an increasing share of trademark-infringing activity is occurring online through e-commerce platforms and shopping. While many Index economies do not have the appropriate resources, technology, or effective mechanisms in place to combat the increased sale of counterfeit goods online, there are some examples of jurisdictions where relevant legislation, case law, or enforcement practices have established an obligation on the part of online merchants to take down IP-infringing material upon notification. For example, several Index economies in Southeast Asia have sought to introduce new measures to better combat the sale of counterfeit goods online over the last few years.

As noted in the Index, the availability of physical counterfeit goods is high in Thailand, and as e-commerce grows, an increasing proportion of this trade is moving online. The Thai Government has recognized this problem and introduced a variety of measures to stem the flow and availability of such goods over the last half-decade. Specifically, the Government has sought to: broker greater private sector engagement from online platforms in anti-counterfeiting; increase public sector-led enforcement through the creation of a dedicated unit for online violations within the national IP office DIP; and make use of the 2016 Computer Crime Act to order the disabling of access to several websites on the basis of infringement of trademark rights.

These efforts continued in 2025. In May, the Thai FDA announced a new strategic partnership with Thailand's largest e-commerce platforms, Lazada and Shopee, to eliminate the sale of illicit medical products online. The partnership includes greater coordination and integration of enforcement activities through proactive surveillance and inspections. The FDA, together with law enforcement, conducted a significant raid in March that seized nearly half a million counterfeit items, including medical devices, consumer health products, and cosmetics. Separately, the DIP, in collaboration with law enforcement, conducted several raids throughout the year targeting trademark infringement and the online and brick-and-mortar sellers of counterfeit goods. These are positive efforts, and the Index applauds Thailand's continued activity against hard goods piracy.

As noted in previous editions of the Index, the fight against counterfeiting and trademark infringement has intensified in the Philippines in recent years. Last year, the Internet Transactions Act (ITA) came into effect and is now operational. The ITA sets out the legal rights and responsibilities of all parties engaging in e-commerce, from individual sellers to e-marketplaces and platforms. Over time, it should enable rights holders to better protect their IP online.

More broadly, over the last few years, the Intellectual Property Office of the Philippines (IPOPHL) has expanded its enforcement powers and is actively partnering with rights holders to more effectively combat physical counterfeiting and online infringement. These positive efforts continued in 2025.

In May, IPOPHL announced the creation of a new 'Register of Well-Known Marks.' This Register seeks to provide rights holders with greater certainty about the legal status and protection of their marks. Well-known marks have traditionally been protected through both statutory law and case law. Section 123 of the IP Code protects well-known marks against the use of identical or similar marks for the same or similar goods or services.

More rights holders also joined the IPOPHL's efforts to combat online counterfeiting through the E-Commerce Memorandum of Understanding. Established in 2021, this MOU seeks to improve cooperation among rights holders, online platforms, and service providers in anti-counterfeiting and the enforcement of IP rights online. At the time of research, over 100 companies and industry associations had signed up.

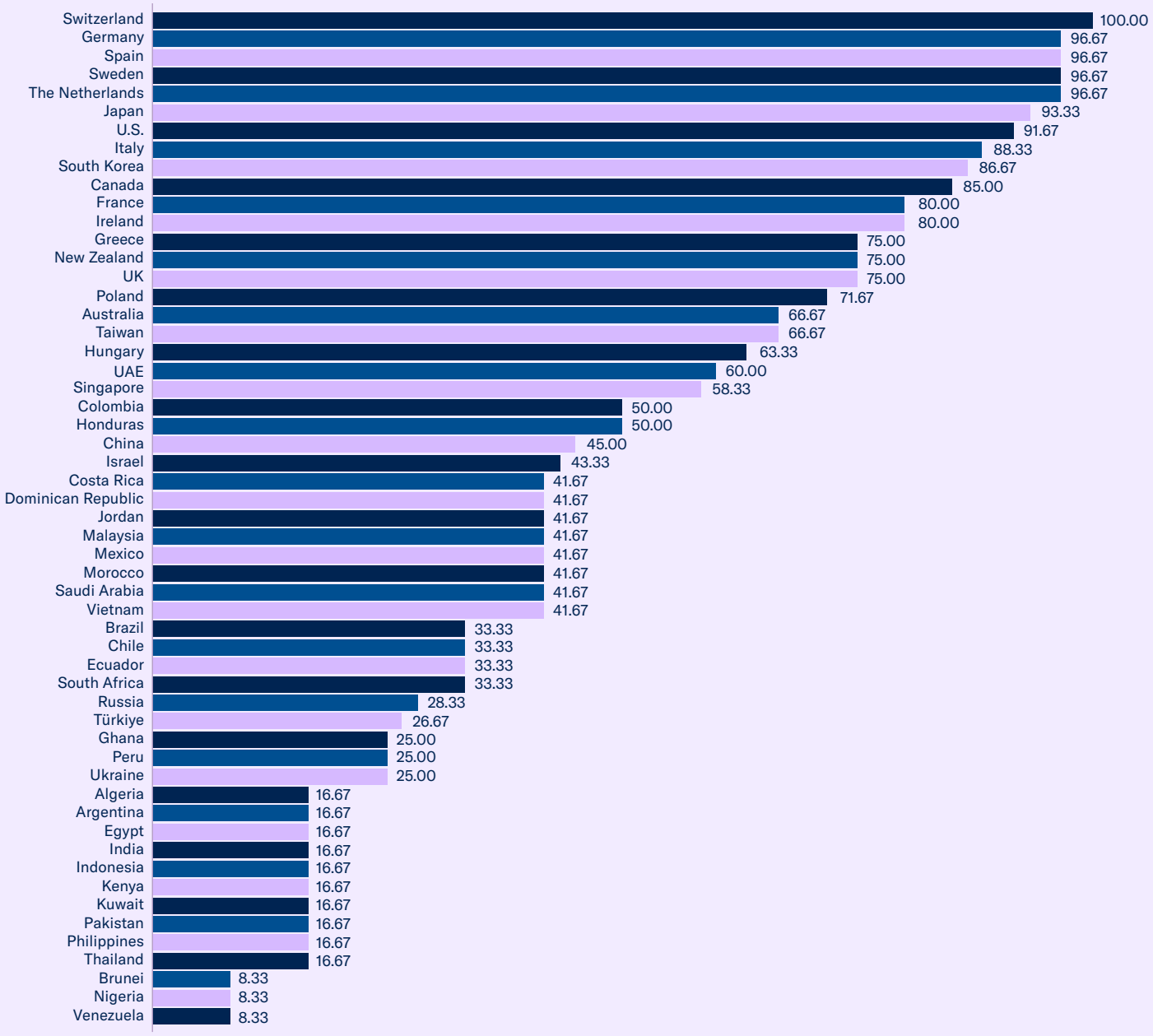
Finally, IPOPHL and other government agencies continued law enforcement operations against the sale of counterfeit goods. The Index will continue to monitor these developments in 2026.

Category 4:
Design Rights and Limitations

Figure 8 summarizes the total scores for Category 4. This category measures the strength of the design rights environment. The category consists of two indicators with a maximum possible score of 2.00.

These indicators measure the maximum term of protection offered (including renewable periods) for design rights, and the extent to which economies have in place and apply laws and procedures that provide the necessary exclusive rights.

Figure 8: Category 4: Design Rights and Limitations, % available score



Most economies included in the Index have some form of statutory law defining design rights and the term of protection for registered design rights. Twenty economies achieve a score of 75% or more. The average score oi this category this year was 64.18%, unchanged from last year. Over the last few years, many Index economies have reformed relevant laws and regulations pertaining to design rights and, in many cases, extended the term of protection for registered designs. Often, this has been part of the accession process to the Hague Agreement Concerning the International Registration of Industrial Designs, a treaty included in and benchmarked by the Index.

As noted last year, there have been significant changes to the protection of design rights in Saudi Arabia. In 2024, Royal Decree M/45 increased the term of protection for design rights from 10 years to 15 years. While this is below the 25-year term benchmark used by the Index, it is still a positive development. In late 2024, Saudi Arabia hosted the final concluding negotiations of the WIPO-administered Riyadh Design Law Treaty. The Treaty aims to further harmonize the registration of design rights internationally, making it easier for creators worldwide to create and protect their design-based IP assets. At the time of research, the treaty had 24 contracting parties. The Index is currently reviewing the treaty to determine whether it will be included and benchmarked in future editions.

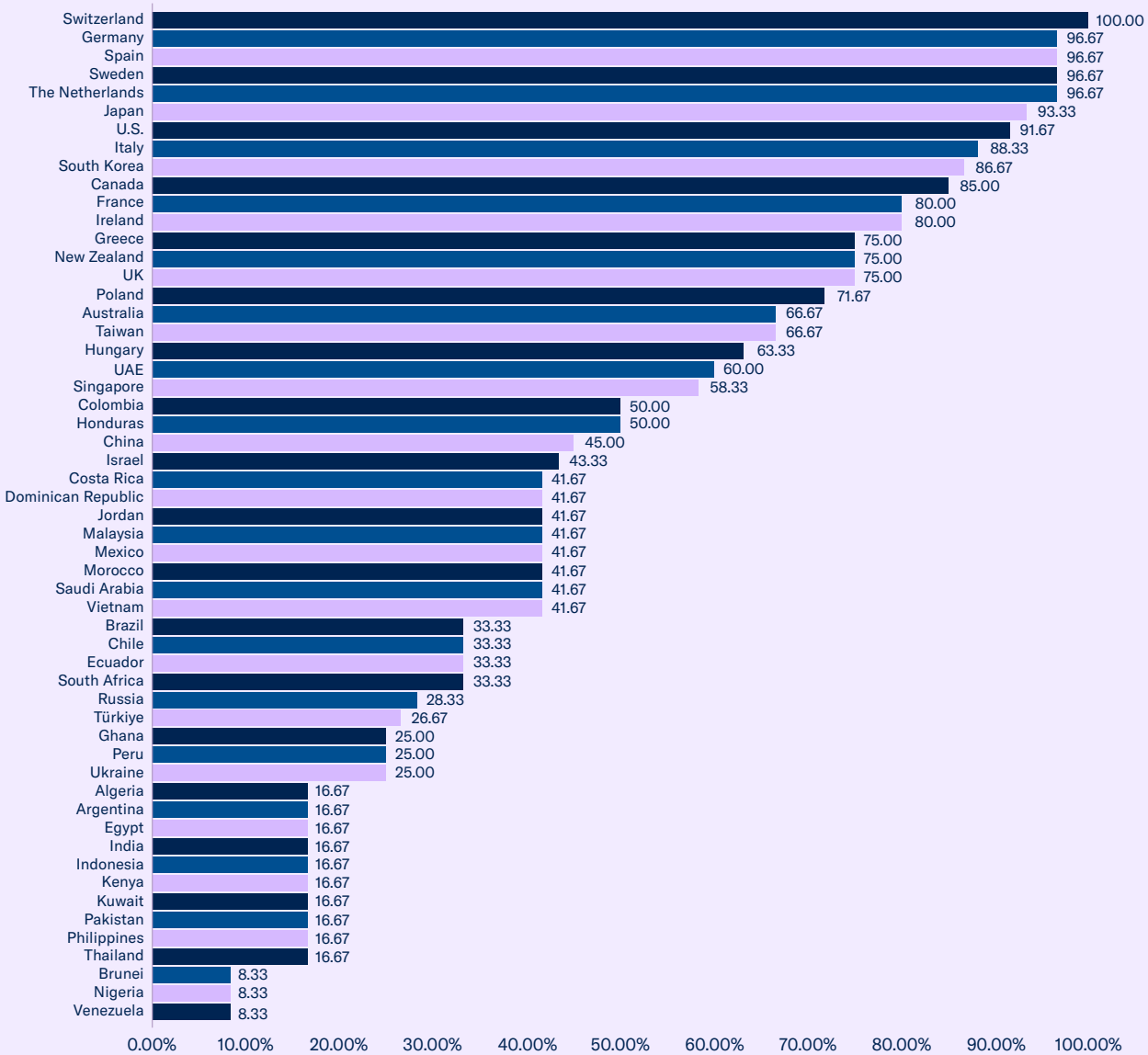
In 2025, the Directorate General of Intellectual Property (DGIP) and the Indonesian Government proposed amendments to the Design Law, including an increase in the total term of protection to up to 15 years. Article 5 of the current Industrial Design Law provides a ten-year term of protection for registered designs. At the time of research, the Indonesian parliament (the People's Consultative Assembly of the Republic of Indonesia) was still examining the bill.

Category 5:

Trade Secrets and the Protection of Confidential Information

Figure 9 summarizes the total scores for Category 5. This category measures the strength of the IP environment for trade secrets and confidential information. For trade secrets, the category includes two indicators measuring the availability of civil and criminal sanctions, respectively, in relation to the misappropriation, improper acquisition, use, or disclosure of trade secrets or confidential business information, and the application of this legislation and effective access to these remedies. In addition to the protection of trade secrets, this category also measures the existence of a regulatory data protection (RDP) term of protection for biopharmaceuticals. In total, the category consists of three indicators with a maximum possible score of 3.00.

Figure 9: Category 5: Trade Secrets and the Protection of Confidential Information, % available score



As noted in past editions of the Index, many Index economies do not have specific trade secret legislation but instead rely on laws governing employment contracts and the disclosure of confidential information. Overall, only 16 of the 55 economies included in the Index achieved a score of 75% or more in this category. Twenty-two economies achieved a score of 33.33% or less. The average score in this category remained one of the weakest on the Index at 48.67%, down 0.61% from last year.

Consequently, in many economies, there are sizeable gaps in protection. Relevant laws and regulations do not adequately define trade secrets, and courts have limited experience ruling on cases that involve the misappropriation, improper acquisition, use, or disclosure of trade secrets or confidential business information. This gap is especially pronounced regarding criminal sanctions. Many Index economies — including developed Organisation for Economic Co-operation and Development (OECD) members — do not have statutory criminal sanctions in place for the theft and misappropriation of trade secrets. Likewise, many economies included in the Index do not provide RDP for biopharmaceutical test data submitted during market authorization. Of those that do, many limit or actively attempt to restrict the practical availability of this protection through various terms, conditions, and/or carve-outs.

As noted in previous editions, in 2023, the European Commission published proposed legislative changes to the EU's RDP regime. In December 2025, the Council and the European Parliament agreed on the final General Pharmaceutical Legislation. Article 10 of Directive 2004/27/EC (amending 2001/83/EC) has historically provided new pharmaceutical products with eight years of data exclusivity, two years of marketing exclusivity (in which generic and follow-on applicants are allowed to submit bio-equivalence studies), and one additional year of protection for significant new indications of existing products.

On this basis, all EU Member States have achieved the maximum available score of 1.00 on this indicator up until this edition of the Index. The General Pharmaceutical Legislation has weakened this term of protection. The final legislation provides eight years of data protection and one year of market protection, for a baseline of eight + one years. This reduces market protection from two years to one year, weakening the EU's RDP framework.

The agreement also conditions the restoration of lost RDP terms on criteria such as conducting clinical trials in multiple EU Member States or seeking EU marketing authorization within 90 days of the first global submission. The deal includes an 11-year cap on the combined RDP. As a result, the score on this indicator has been reduced for all EU Member States included in the Index. The Index will continue to monitor these developments in 2026.

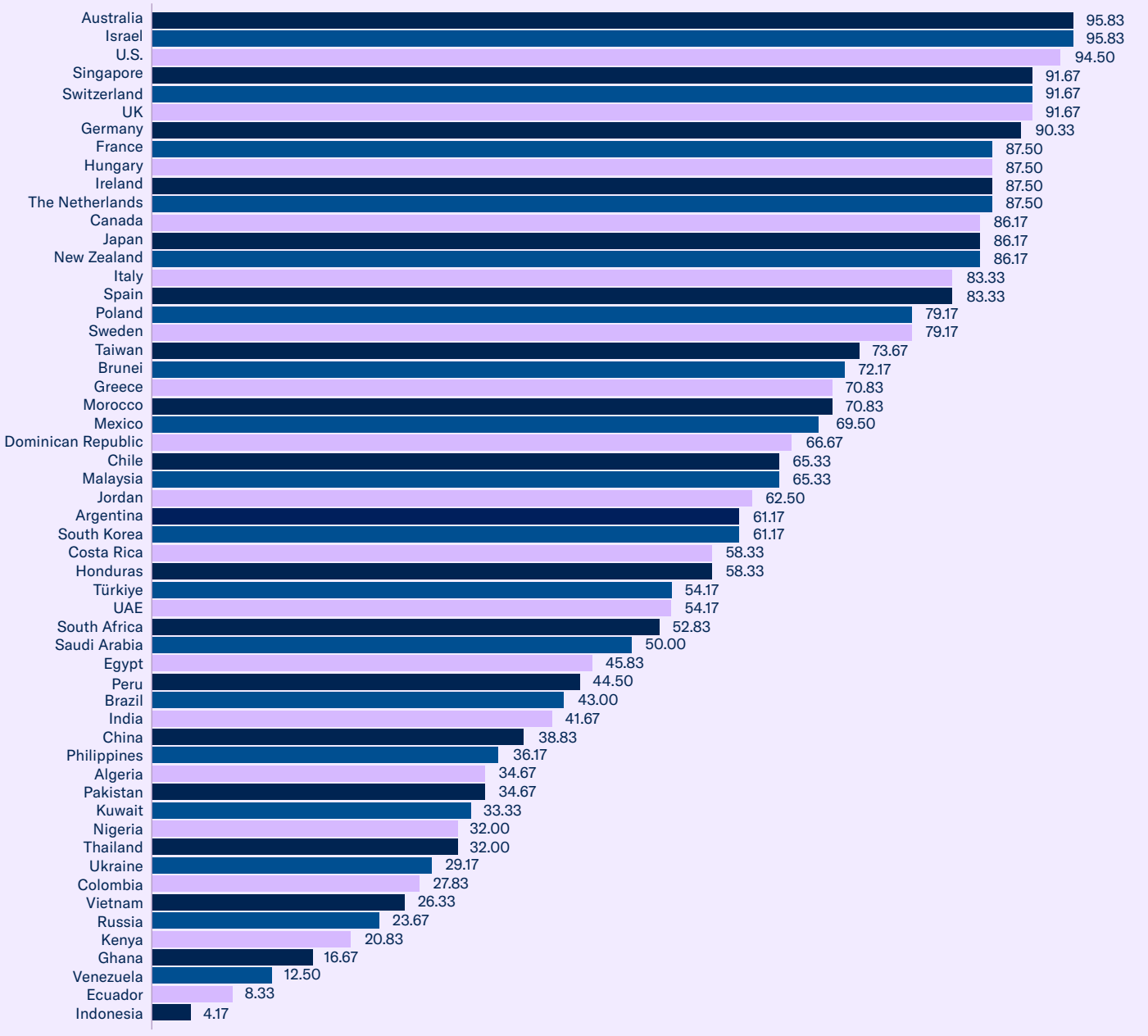
Like many Index economies, Kenya has historically not provided a defined term of RDP. As noted in last year's Index, Kenya concluded a Comprehensive Economic Partnership Agreement (CEPA) with the UAE in 2024. At the time of last year's Index publication, the finalized Kenya-UAE CEPA had not been made publicly available and could not be assessed. The Agreement has since been published and can now be benchmarked in this year's Index. Notably, the UAE-Kenya CEPA includes a defined term of regulatory data protection for biopharmaceuticals. Under Section G, Article 13.33, the agreement contains a clearly defined RDP term of five years for submitted clinical test data as part of sanitary registration for a new medicinal product. The introduction of a five-year term of regulatory data protection, as defined in the CEPA, would be a significant and positive development in Kenya, and would result in a score increase on indicator 25.

Category 6:

Commercialization of IP Assets

Figure 10 summarizes the total scores for Category 6. This category comprises six indicators, with a maximum possible score of 6.00. These indicators measure the presence of barriers and incentives in place for the commercialization and licensing of IP assets. This ranges from barriers to technology transfer to registration and disclosure requirements for licensing agreements to direct government intervention in setting licensing terms to the existence of tax incentives for the creation and commercialization of IP assets.

Figure 10: Category 6: Commercialization of IP Assets, % available score



As previously noted, many of the economies benchmarked in the Index are introducing laws and policies that make it more difficult to access their markets and commercialize IP assets. Twenty economies achieve a score of 45% or less, with six economies failing to achieve a score of 25%. The average score in this category remained at 58.88%, unchanged from last year.

From a policy perspective, more economies around the world are shaping national economic and industrial policy around technology acquisition and the localization of manufacturing, research and development, and innovation. In a growing number of cases, access to a given market is conditioned on a quid pro quo, with requirements that the foreign party receiving market access return technology, manufacturing know-how, and/or capital investment. These market access barriers can be cross-sectoral or sector-specific. Examples of economies that have embraced such policies include Algeria, China, Indonesia, Ecuador, Venezuela, Ghana, and Kenya, all of which score poorly in this category.

In the United States, there remains uncertainty about the technology transfer environment. In the early and mid-1980s, Congress passed several groundbreaking pieces of legislation that established the basis for our modern technology transfer and commercialization framework. Chief among these was the University and Small Business Patent Procedures Act (the Bayh-Dole Act) of 1980. Bayh-Dole has, over the last forty years, provided federal laboratories, small businesses, universities, and other entities that use federal funds with the incentives needed to work with the private sector to translate early-stage research into usable products in the marketplace for the benefit of the wider public.

The importance of the Bayh Dole framework to U.S. innovation cannot be overstated. In 2002, the *Economist* magazine called the law the "most inspired piece of legislation to be enacted in America in the last half-century."

The legislation resulted in a 400% increase in patenting activity by U.S. universities and between USD 333 billion to USD 1 trillion added to GDP. (measured in 2012 U.S. dollars).

At the micro level, the Bayh-Dole framework has led to the invention and commercialization of thousands of products and technologies across all industries, including the ICT and semiconductor sectors, manufacturing, and venture capital (including investments in biotechnology).

However, in 2025, several negative developments related to technology transfer in the United States occurred. First, the NIH's proposed new policy on patent licensing — the Intramural Research Program (IRP) Access Planning Policy — came into effect. As discussed in the Index when this was first proposed, the NIH will now require licensees to submit plans for how successfully developed and commercialized medicinal products will be accessed by patients.

While the final policy applies only to NIH-owned inventions and research conducted by the NIH, the NIH seems to have fundamentally misunderstood its own role and that of the private sector in the technology transfer process. The overwhelming majority of publicly funded research — whether through the NIH, academic institutions, or other parts of the Federal Government — does not produce, and is not intended to produce, a finalized, commercially available product.

The translation of basic research into new products, services, and technologies is achieved through partnerships with the private sector, which invests resources and bears all accompanying financial risk of the commercialization process. In this respect, while critical, basic research — no matter how pathbreaking — is almost never in itself enough to lead to a final product or service.

Second, the Commerce Department announced it was investigating Harvard University's compliance with the Bayh-Dole Act, with the possibility of exercising the Federal Government's march-in rights. As the Index has noted repeatedly over the last few years when the Federal Government has announced plans to adopt a more expansionist view of march-in-rights — most notably the National Institute of Standards and Technology's various proposals — adopting such an interventionist mindset on march-in rights and the public-private licensing process would be a watershed moment and stand in marked contrast to the intended goals of the Bayh-Dole Act. Indeed, if such a flawed misinterpretation of Bayh-Dole and the Federal Government's role in the licensing process were adopted, it would likely lead to a significant contraction of the current U.S. R&D ecosystem, putting tens of thousands of future patents and the accompanying innovation and economic growth at risk.

There were several important developments in China's technology transfer and licensing environment in 2025. As detailed across several editions of the Index, rights holders have historically faced a growing number of regulatory and procedural barriers that impede technology flows, R&D cooperation, and digital trade. To begin with, in the last few years, rights holders have faced global anti-suit injunctions and restrictions on their ability to assert infringement claims in legal jurisdictions outside China. Chinese courts have increasingly claimed global jurisdiction to set global licensing rates for technologies protected by Standard and Essential Patents (SEPs), threatening exorbitant fines, and withholding access to the Chinese market to prevent foreign patent holders from asserting their rights (in both China and global jurisdictions).

The outcomes of these cases have also been cited as "model" IP rights cases by government authorities. Such actions violate the spirit of China's commitment to refrain from forcing, whether directly or indirectly, technology transfers under Chapter 2 of the 2020 Phase I Agreement with the U.S., as well as TRIPS Article 28, which guarantees patent protection rights. In 2022, the European Union filed a request for consultations with China at the WTO over this issue. In July 2025, a WTO appeal Arbitrator found that China's policy on anti-suit injunctions was inconsistent with its commitments under the TRIPS Agreement. The Arbitrator's findings mark a potential turning point on this issue and, if fully implemented by China, could represent a significant improvement in the licensing environment for SEPs. At the time of research, the Chinese WTO delegation had issued a statement that it would abide by the award and its WTO obligations.

In early 2025, before the award was issued, the EU filed an additional request for consultations with China regarding the setting of worldwide royalty rates for SEPs. At the time of the research, a WTO dispute panel was being established. In a separate development, the Chinese national IP office CNIPA and six other government agencies — including the anti-competition authority, the State Administration for Market Regulation — in March 2025 issued "Opinions of the State Intellectual Property Office, the Ministry of Education, the Ministry of Science and Technology, the State Administration for Market Regulation, the State Financial Regulatory Administration, the National Copyright Administration and the Chinese Academy of Sciences on further optimizing the business environment in the field of intellectual property." Notably, Section II, Subsection V further cements the Chinese Government's role within the SEP licensing process through the development of new SEP state-issued licensing guidelines; the promotion of "fair and reasonable licensing" of SEPs; and the prevention of "monopoly behavior." SEP-based technologies are central to future innovation and economic growth, both in China and globally.

Many of the cutting-edge industries loosely labeled as part of the "Fourth Industrial Revolution" — the Internet of Things, artificial intelligence, robotics, and 3-D printing — will rely on SEPs to function. However, disputes between licensors and licensees on what constitutes fair, reasonable, and non-discriminatory (FRAND) licensing terms are not new, nor are they unique to China. This is an evolving field of IP policy and jurisprudence for a deeply complex subject matter. Should rights holders continue to face challenges in asserting their rights on fair, non-discriminatory, and equal terms — whether through the Chinese judiciary or administratively through the expanded powers and continued government intervention in the SEP licensing process — this will result in a sharp score decrease on relevant Index indicators and negate the positive impact of the Phase I Agreement with the United States.

Government intervention in the licensing process is not an isolated trend in the United States and China. Many Index economies are considering more interventionist policies targeting the licensing and negotiation processes, especially for SEPs.

In 2025, the UK Government launched a consultation on SEP licensing. The consultation posits that "available evidence indicates there are systemic issues in the SEPs ecosystem around transparency and dispute resolution that may require government intervention." It proposes several new government-led policies to address these issues, most notably, the establishment of a new "Rate Determination Track" that "would have the objective of providing all ecosystem stakeholders, but especially SMEs, the ability to obtain an independently adjudicated licence rate, in an efficient and cost-effective way, where licensing negotiations are not proving successful."

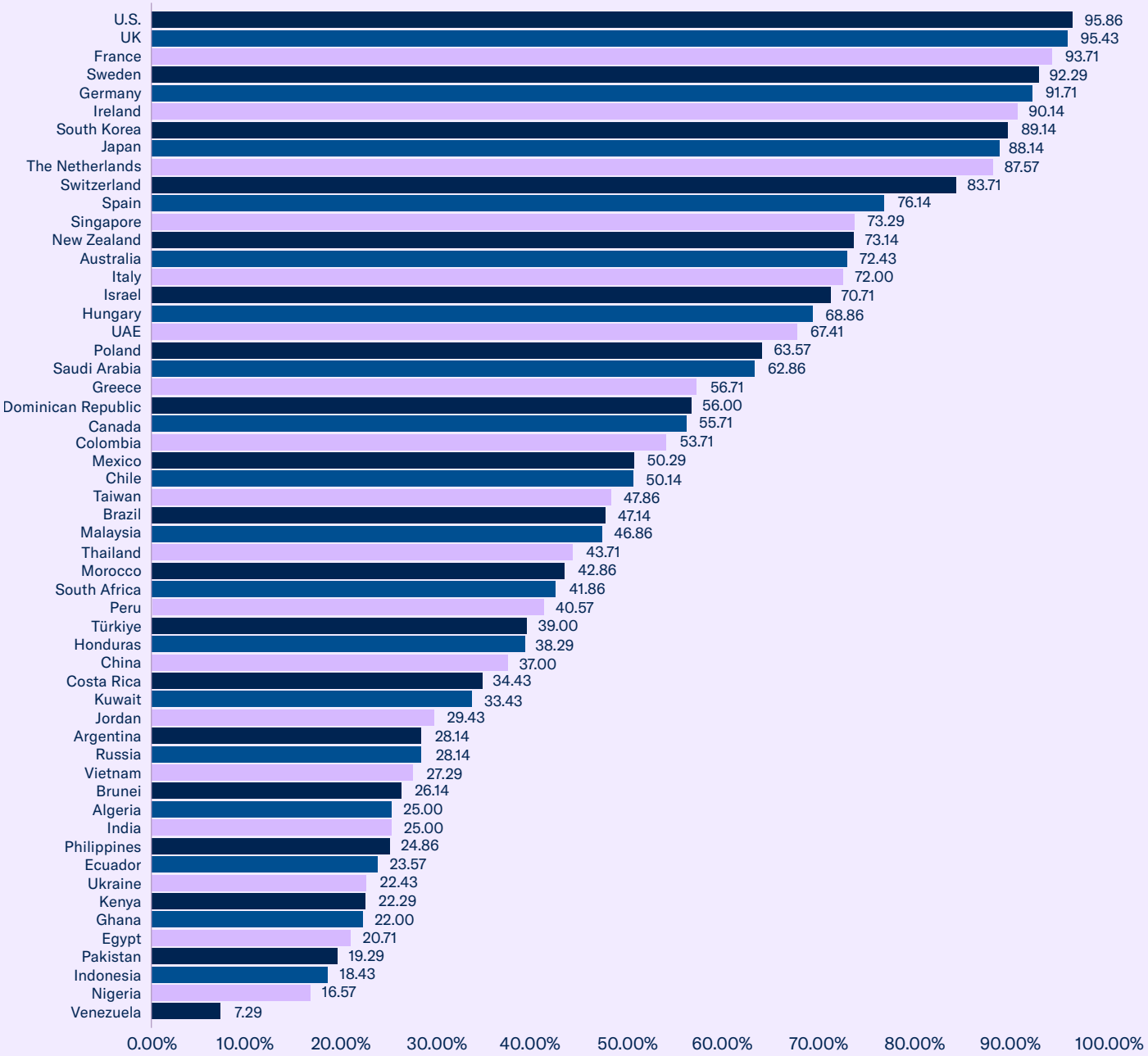
As noted, the British Government is not the first to ask questions about the SEP licensing marketplace; many other Index economies have, over the last decade, held similar information-gathering exercises. For example, as noted in the Index, between 2017 and 2022, the Japanese Government held several consultations and meetings with stakeholders to examine in detail the SEP licensing process and the potential need for further government-led intervention in the SEP licensing marketplace.

Similarly, the European Commission has, over the past three years, been reviewing the need for reforms to the SEP licensing process. However, each licensing negotiation is unique and should not be subject to prescriptive government action or intervention, whether direct or indirect. Both in Japan and in the EU, policymakers reached this conclusion and abandoned efforts at government intervention or any deeper restrictions on SEP licensing. As such, UK policymakers must tread carefully and avoid being overly prescriptive or restrictive when establishing a new rate-setting authority.

Category 7:
Enforcement

Figure 11 summarizes the total scores for Category 7. This category measures the prevalence of IP rights infringement, the criminal and civil legal procedures available to rights holders, and the authority of customs officials to conduct border controls and inspections. The category consists of seven indicators, with a maximum possible score of 7.00.

Figure 11: Category 7: Enforcement, % available score



As in years past, a majority of the sampled economies in the Index struggle in this category. Twenty-nine of the 55 economies included, or 53%, achieve a score of less than half. Only 26 Index economies achieved a score of 50% or more, and only 11 achieved 75% or more. The average score in this category continues to hover around 50%. In many Index economies, effective IP enforcement options are not available in practice. Judicial and/or administrative enforcement routes are overloaded and/or under-resourced. With respect to effective border measures, not all Index economies grant their customs authorities, border guards, and/or other designated officials *ex officio* authority to seize suspected counterfeit and pirated goods, including goods in transit, without a formal complaint from a given rights holder. In positive news, some Index economies have, over the last few years, come to understand the dangers of IP infringement and counterfeit and pirated goods, and as a result have increased enforcement resources and invested in anti-counterfeiting and IP rights-infringing activities related to criminal enforcement.

Over the past few years, there have been welcome developments in copyright enforcement in Argentina. In 2023, a federal court ordered not only the disabling of access to several copyright-infringing websites, but the order also included a so-called 'dynamic' element. In 2024, Argentine law enforcement disabled access to over 50 websites offering pirated sports and other illicit content via IPTV boxes via the pan-American website "Magis." In July, access to the portal "Al AnguloTV" was disabled, and the owner and proprietor were arrested and taken into police custody.

The website provided access to pirated live sports broadcasting. The regional rights holder's association *Alianza* played a pivotal role in supporting all of these local operations. Rights holders have long faced a challenging border enforcement environment in the Dominican Republic. On the one hand, the legal situation has always been clear. Article 185 of the Copyright Law (Law No. 65-00 2000) provides an explicit *ex officio* authority for customs officials to take action against suspected infringing goods. Similarly, Central America-Dominican Republic-United States Free Trade Agreement (CAFTA) Article 15.11, paragraph 23, includes a clear and unambiguous requirement that customs officials be granted *ex officio* authority to act against suspected goods, regardless of whether they are intended for the domestic market or in transit. Yet active implementation and use of these existing powers by customs officials have long been viewed as lacking; the Dominican Customs Authority has, over the years, been routinely criticized by both rights holders and the U.S. government for failing to act more forcefully against counterfeiting. This may now be changing.

As noted over the last two editions of the Index, the 2022 issuing of Decree 776-22, which established a new cross-governmental coordinating body on IP policy, the National Inter-Ministerial Council of Intellectual Property (Consejo Interministerial de Propiedad Intelectual), has had a profound impact on all facets of IP enforcement activity, including at the border.

For example, data published in the Council's 2025 annual report shows a marked increase in the number of trademark-infringing products seized by the Customs Authority. In the two years (2021-2022) preceding the establishment of the Council, a total of 960,276 suspected items were seized. In the following two-year period (2023-2024), this had more than doubled to 2,263,968 items. Similarly, a record number of seized goods were destroyed in 2024 at over 200,000 items.

The Council's positive effect on IP enforcement is evident in 2025 as well. For example, in May, the Ministry of Industry and Commerce — the Council's lead coordinating body — hosted a public ceremony to destroy nearly 20 million units of counterfeit and illicit goods seized in the first half of the year. The Abinader administration should be congratulated on its strong anti-counterfeiting efforts and focus on IP enforcement. In the last few years, authorities in Saudi Arabia — led by the Saudi Authority for Intellectual Property (SAIP) — have led a concerted effort to strengthen the enforcement of IP rights through both institutional improvements and increased transparency and engagement with rights holders. In 2025, this continued with the signing of a new agreement between SAIP and the Saudi Zakat, Tax and Customs Authority (ZATCA). The agreement deepens cooperation between the two agencies and seeks to improve IP enforcement at the border.

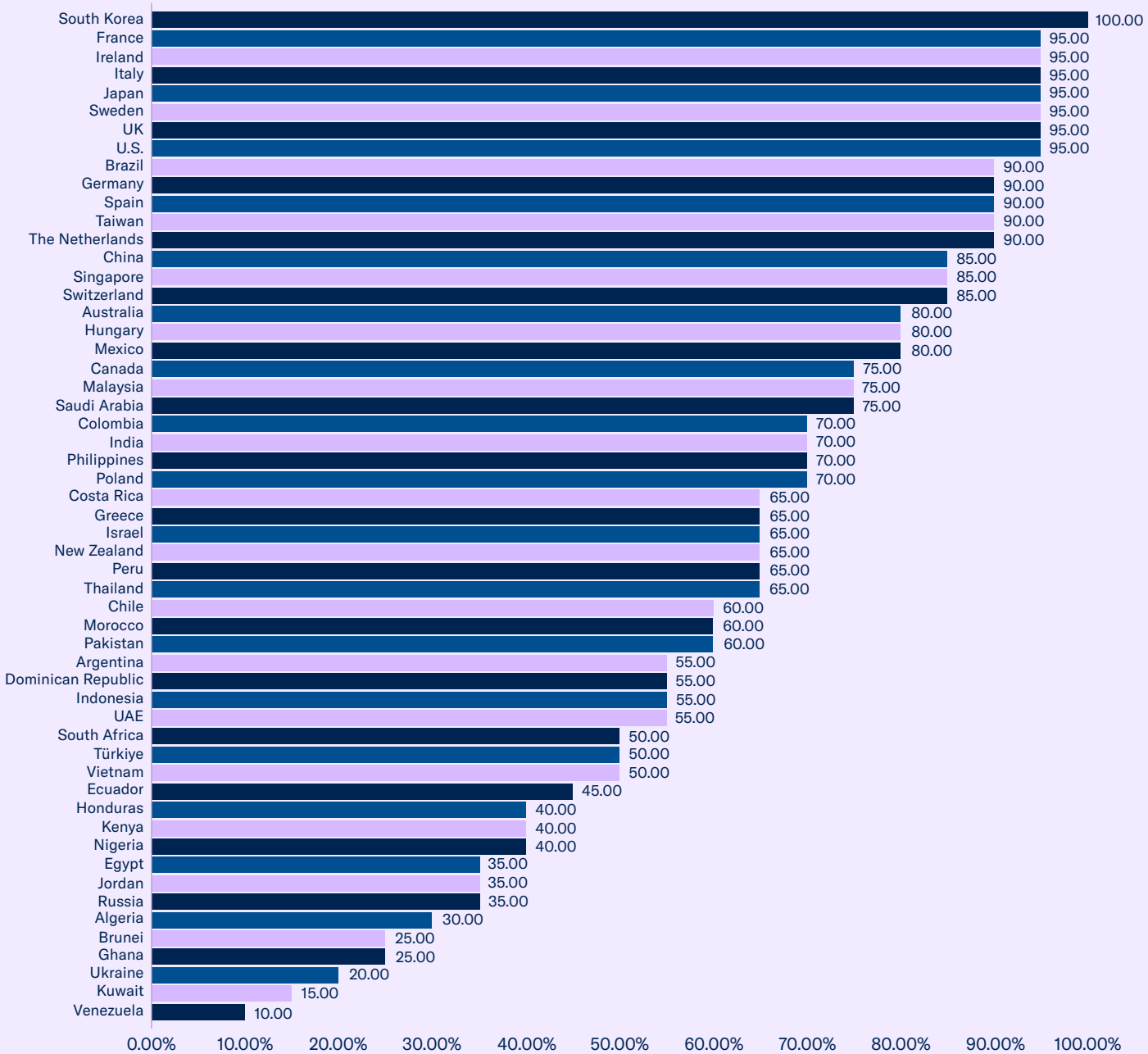
Similarly, with respect to indicator 38, data on border enforcement is included in SAIP's annual report on IP rights enforcement. In 2024, the agency, together with ZATCA, seized close to seven million counterfeit articles from 29 exporting markets. These reports have been published regularly for the past few years and include detailed seizure statistics.

Category 8:

Systemic Efficiency

Figure 12 summarizes the total scores for Category 8. Indicators included in this category seek to measure national efforts at coordinating IP rights enforcement; the existence of stakeholder consultation mechanisms during IP law and regulation-making process; existence of awareness-raising and educational activities on the importance of IP rights and incentives; targeted incentives for SMEs for the creation, registration, and use of IP assets; and the extent to which the relevant authorities in a given economy seek to map and measure the economic impact and importance of IP-intensive industries to their national economies. This category consists of five indicators, with a maximum possible score of 5.00.

Figure 12: Category 8: Systemic Efficiency, % available score



Category 8: Systemic Efficiency is the Index category with the highest average score this year at 64.55%; up from 63.91% last year and 63.55% in the 12th edition. Forty-two economies out of the 55 sampled — over three-quarters — achieve a score of 50% or more. Twenty six economies achieve a score of 70% or more. Importantly, these high-performing economies include a significant number of emerging and middle-income economies, such as Brazil, China, India, Malaysia, Mexico, Saudi Arabia, Colombia, and the Philippines. Notwithstanding the IP challenges that persist in many of these economies, this is an impressive feat.

This year, several Index economies improved their scores in this category. Notably, many economies improved their performance on indicator 42, targeted incentives for the creation and use of IP assets for SMEs. This indicator measures the extent to which a given economy's national IP system provides special incentives for SMEs to create, register, and use IP assets. Examples of such incentives include fast-track registration procedures, reduced filing fees, and technical assistance targeting SMEs. Over the last few years, a growing number of Index economies have launched new programs supporting the identification, registration, and commercialization of IP assets by SMEs. This trend can be seen across the Middle East, Africa, and Asia. Often, these programs are part of broader national economic recovery efforts following the COVID-19 pandemic. Many of these programs are also supported by WIPO.

In 2025, the government of Algeria introduced a new IP initiative targeting SMEs. Early that year, the Ministry of Industry launched the "Nadjahi" program, which will offer a select group of SMEs bespoke technical assistance and advice on developing, protecting, and commercializing their IP assets. The National Institute of Industrial Property (INAPI) will administer the program, with support from the regional WIPO office in Algeria.

This is a positive development, as Algeria, for many years, lacked any special IP programs for SMEs. INAPI has not offered any special incentives, such as fast-track registration procedures or reduced filing fees, for registering IP. The only technical support programs have come through the WIPO-backed Technology and Innovation Support Centers (TISC) network. While these centers offer university researchers and institutions technical support and expertise in IP registration and commercialization, they are not aimed at SMEs.

Like Algeria, Pakistan has historically not offered many IP programs targeting SMEs. The national IP office (IPO-Pakistan) has not provided SMEs with any reduced filing fees for IP registration, and there have been no fast-track IP registration and/or examination initiatives or targeted technical assistance programs. This may now be changing. Together with WIPO, IPO-Pakistan launched two new initiatives in 2025: IP for Business Success and the Inventor Assistance Program.

Both programs specifically seek to help businesses (primarily SMEs and individuals) identify, register, and commercialize their IP assets. Developed by WIPO and the World Economic Forum (WEF) and first launched globally in 2016, the Inventor Assistance Program seeks to match inventors with legal practitioners who provide pro bono legal advice on the technical evaluation and registration of the IP they create.

The UAE has also traditionally offered only a limited number of incentives for SMEs to create and use IP assets. Registration fees for SMEs have not been discounted, and there has been no expedited review process. The technical assistance programs that have been in place have not been emirate-wide; they have been available only in Dubai. In 2024, this began to change when the Ministry of Economy launched two new SME-specific, emirate-wide IP support programs targeting patent registration and financial support: the "Intangible Finance Committee" and the "Patent Incubator." Both programs aim to increase and improve the development and registration of IP assets by SMEs by providing access to financing, technical assistance, and registration support.

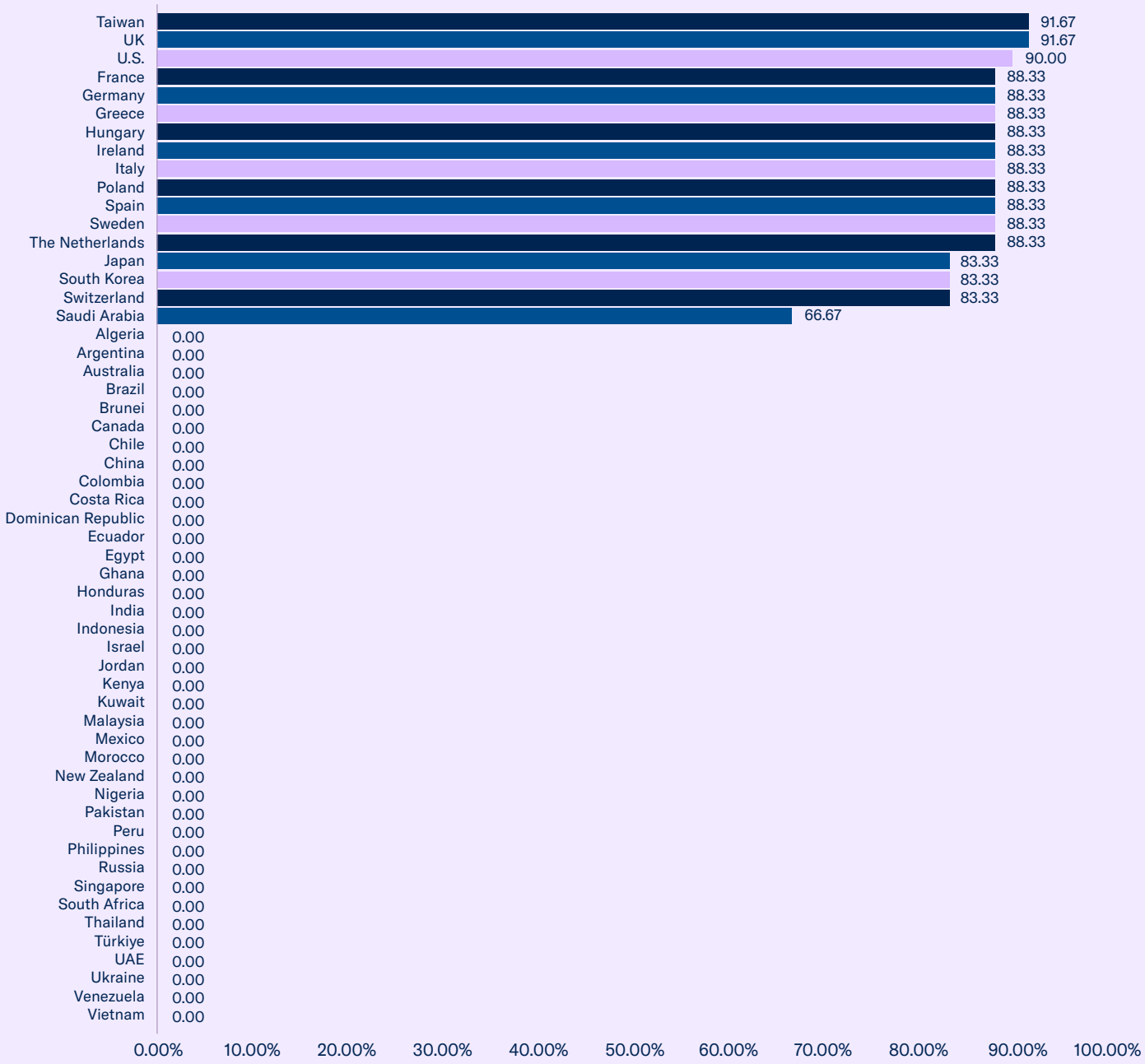
These positive efforts continued in 2025, with the Ministry launching a new technical assistance program, in partnership with Dubai Science Park, and reducing trademark registration fees by 50% for qualifying SMEs. The latter policy is part of a broader effort under Cabinet Resolution 102 (2025) to incentivize greater trademark registrations. Notably, the policy introduces a new 'One-Day' expedited registration service.

Category 9:
Incentives for Cutting-edge Innovation

Figure 13 summarizes the total scores for Category 9. The indicators in this category relate to special, sector-specific IP-based incentives for innovation.

The category consists of three indicators with a maximum possible score of 3.00.

Figure 13: Category 9: Incentives for Cutting-edge Innovation, % available score



As noted in the Index, the biopharmaceutical industry is among the most research-intensive in the world, investing significantly more in R&D, both in absolute terms and on a per-employee basis, than any other industry. On average, only one to two of every 10,000 compounds synthesized, examined, and screened in basic research will successfully pass through all stages of R&D and become a marketable drug. It takes between 10 and 15 years from the filing of a new patent to the day a new medicine becomes available to patients. As difficult as R&D is for developing new medicines, it is even more challenging for rare diseases.

Orphan drugs are niche treatments for rare diseases with small patient populations and commercial markets. These rare diseases comprise a wide range of complex conditions associated with chronic, progressive, degenerative, and/or life-threatening symptoms, affecting a relatively small portion of an economy or legal jurisdiction's population. The exact legal definition of what constitutes 'rare' varies from economy to economy. In the EU, a disease is considered rare if it affects fewer than five in 10,000 people. In the United States, a disease is defined as rare in statutes if it affects fewer than 200,000 people. Other Index economies, such as Japan, Australia, Taiwan, and South Korea, use slightly different legal definitions.

The number of rare diseases is currently estimated at around 5,500-6,000, with about | 250 new conditions described in the medical literature each year, and a growing number of disease genes identified. Most of these conditions continue to lack proper treatment.
Approved medicines currently cover only a small percentage of known rare diseases, although R&D efforts are ongoing for many more. Commercial, clinical, and regulatory challenges are associated with developing treatments for rare diseases. The fundamental challenge is that these treatments are less likely to be developed because their markets are too small to cover the substantial R&D costs.

In addition, the clinical development process faces difficulties linked to the unique characteristics of rare diseases, including the limited number of patients available for trials, few specialized investigators, scarce scientific literature, and generally limited information on the natural history and mechanisms of the condition under investigation. These elements can lead to difficulties in recruiting and retaining patients for trials, identifying comparators and endpoints, and defining adequate preclinical models.

In 2021, the United Nations adopted, for the first time, a formal resolution on persons with rare diseases. Resolution 76/132 "Addressing the challenges of persons living with a rare disease and their families" specifically included reference to the need for greater access to health care treatment and increased support for "research efforts" into rare diseases.

Acknowledging these challenges, many Index economies have enacted laws and developed special programs to encourage orphan drug development. Since the 1980s, a series of financial and regulatory incentives has helped reverse the lack of commercial attractiveness and has convinced innovators to invest in developing new treatments and therapies.
On the back of these schemes, as well as key pharmaco-genomics discoveries that have fueled interest in developing niche products, the number of orphan drugs developed and authorized for rare diseases globally has increased exponentially. Critically, the most successful of these policies include a significant component of market exclusivity or IP rights.

As the results of Category 9 show, most Index economies do not have any special market-exclusivity incentives in place for orphan medicinal product development. Overall, 38 economies fail to score on any of the three indicators in this category. The average score in this category is the weakest of all included in the Index at 26.79%, unchanged from last year.

Among economies that offer a special market-exclusivity incentive for orphan medicinal product development, the level and strength of orphan drug marketing exclusivity can vary.

The United States was the first economy to introduce dedicated incentives for the development and commercialization of medicinal orphan products. The 1983 Orphan Drug Act and subsequent regulations and rules issued by the U.S. FDA provide the legislative basis for orphan drug designation in the United States. Under this framework, the U.S. provides several dedicated incentive programs to both finance drug development and accelerate and streamline regulatory and administrative procedures. Specific programs include: a seven-year orphan market exclusivity period; grants; tax credits and fee waivers; and fast-track approval.

Since coming into force in 2000, Regulation (EC) No 141/2000 (the "EU Orphan Regulation") has provided innovators in all EU Member States with a strong term of IP exclusivity. Specifically, Article 8 of the Regulation defines exclusivity as a baseline 10-year marketing exclusivity term, which may be extended by two years upon completion of additional pediatric studies.

For over a quarter of a century, this Regulation has stood as an international example of how strong IP incentives can encourage the R&D and innovation necessary to tackle some of the toughest health challenges in the world. The Regulation has directly resulted in more clinical research, product development, and medicines available to patients with rare diseases in the EU and beyond.

Despite this track record of success, the Regulation has been under review for an extended period, most recently as part of the pharmaceutical package. Like the term of protection relating to RDP, the finalized agreement between the Parliament, Council, and Commission has weakened the term of protection offered to innovators.

While it is possible to obtain an11-year period of protection for products "addressing a high unmet medical need," the baseline term of protection has been reduced from 10 to nine years. As a result, the score on this indicator has been reduced for all EU Member States included in the Index.

Since the 1970s, Japan has had a dedicated policy program in place for rare diseases. Today, the 2014 Act on Medical Care for Patients with Rare/Intractable Diseases (Act No. 50 of 2014) and relevant sections of the drug regulatory framework provide the legal definitions and policies for rare diseases and orphan drugs. Specifically, these laws and related programs provide an expedited market-approval pathway for new drugs, reduced and/or waived sanitary registration fees, and dedicated funding mechanisms for patients with rare diseases. With respect to incentives for R&D and the development of new treatments and technologies, designated orphan drugs benefit from an extended data exclusivity period (referred to as 're-examination' period) of 10 years (against eight years for NCEs and four years for new indications of drugs already approved).

In Saudi Arabia, since 2013, the Saudi FDA has had in place a dedicated document on orphan drug registration and related requirements and incentives, titled "Guidance for Orphan Drug Designation." Section 4 of this document provides a marketing exclusivity incentive for drugs that qualify for orphan designation. However, no further details have been made available as to the length of this exclusivity period.

Since the late 1990s, South Korea has had legal definitions and standards for designating orphan drugs. In 2015, a dedicated law on rare diseases was enacted, the Rare Disease Management Law. This law, together with updates to related orphan drug regulations and the drug regulatory framework, provides the legal definitions and policies relating to rare diseases and orphan drugs in Korea.

Specifically, these laws and related programs provide an expedited market-approval pathway for new drugs and reduced and/or waived sanitary registration fees. With respect to incentives for R&D and the development of new treatments and technologies, under Article 18 of the Rare Disease Management Law, designated orphan drugs benefit from an extended data exclusivity period (referred to as 're-examination' period) of 10 years.

Since the mid-2010s, Switzerland has introduced several initiatives and incentive programs targeting rare diseases and orphan medicines, including the overarching 2014 *National Rare Disease Policy*. With respect to special market exclusivity incentives for orphan medicinal product development, 2016 legislative changes to the Federal Act on Medicinal Products and Medical Devices (Therapeutic Products Act, TPA) that entered into effect in 2019 introduced a statutory term of regulatory data protection (termed "document protection") for orphan drugs. Under Article 11b(4), the national drug regulatory authority, Swiss Medic, will "in the case of an important orphan medicinal product…on request, grant document protection for a period of fifteen years." Orphan status — and eligibility for this extended RDP term — can be withdrawn by Swiss Medic if the product no longer meets relevant eligibility criteria as a treatment for rare diseases.

Since 2000, Taiwan has had in place a dedicated legal framework for rare diseases and orphan drugs. The Rare Diseases Control and Orphan Drugs Act of 2000 provides the legal definitions and policies relating to rare diseases and orphan drugs in Taiwan. This law and related programs provide an expedited market-approval pathway for new drugs, as well as protocol assistance and dedicated funding mechanisms for patients with rare diseases. Regarding incentives for R&D and the development of new treatments and technologies, designated orphan drugs benefit from a 10-year market exclusivity period.

During these 10 years, requests to register drugs "of the same kind" will not be accepted by the national drug regulatory authorities (Article 17) unless — as in the U.S. and the EU — the second drug complies with three conditions: i) it is clinically superior; ii) insufficiently supplied; or iii) the first drug manufacturer agrees to allow market entry to a competing product. However, unlike the U.S. and the EU, Article 18 of the Act adds a fourth condition, allowing approval of a similar product during the 10-year exclusivity period if the drug's price is deemed "unreasonable."

Prior to Brexit, as an EU member state, the UK's legal regime relating to rare diseases and incentives for the development of orphan drugs was governed by Regulation (EC) No 141/2000 (the "EU Orphan Regulation"). Upon leaving the EU, the Human Medicines Regulation was amended with new articles on orphan drugs incorporated through S.I. 2019/1385 "The Human Medicines and Medical Devices (Amendment etc.) (EU Exit) Regulations 2019." By and large, this regime mirrors the underlying Orphan Regulation, with similar incentives, ranging from defraying some costs and regulatory fees to providing market exclusivity that ensures orphan medicinal products have sufficient time to recoup the high costs of development. Specifically, Section 58D provides a baseline 10-year term of market exclusivity, which can potentially be expanded by two years upon completion of additional pediatric studies. Schedule 9A includes a requirement similar to that in the Orphan Regulation: to remain eligible for the full exclusivity period, licensed products must retain their orphan designation, including with respect to potential return-on-investment criteria.

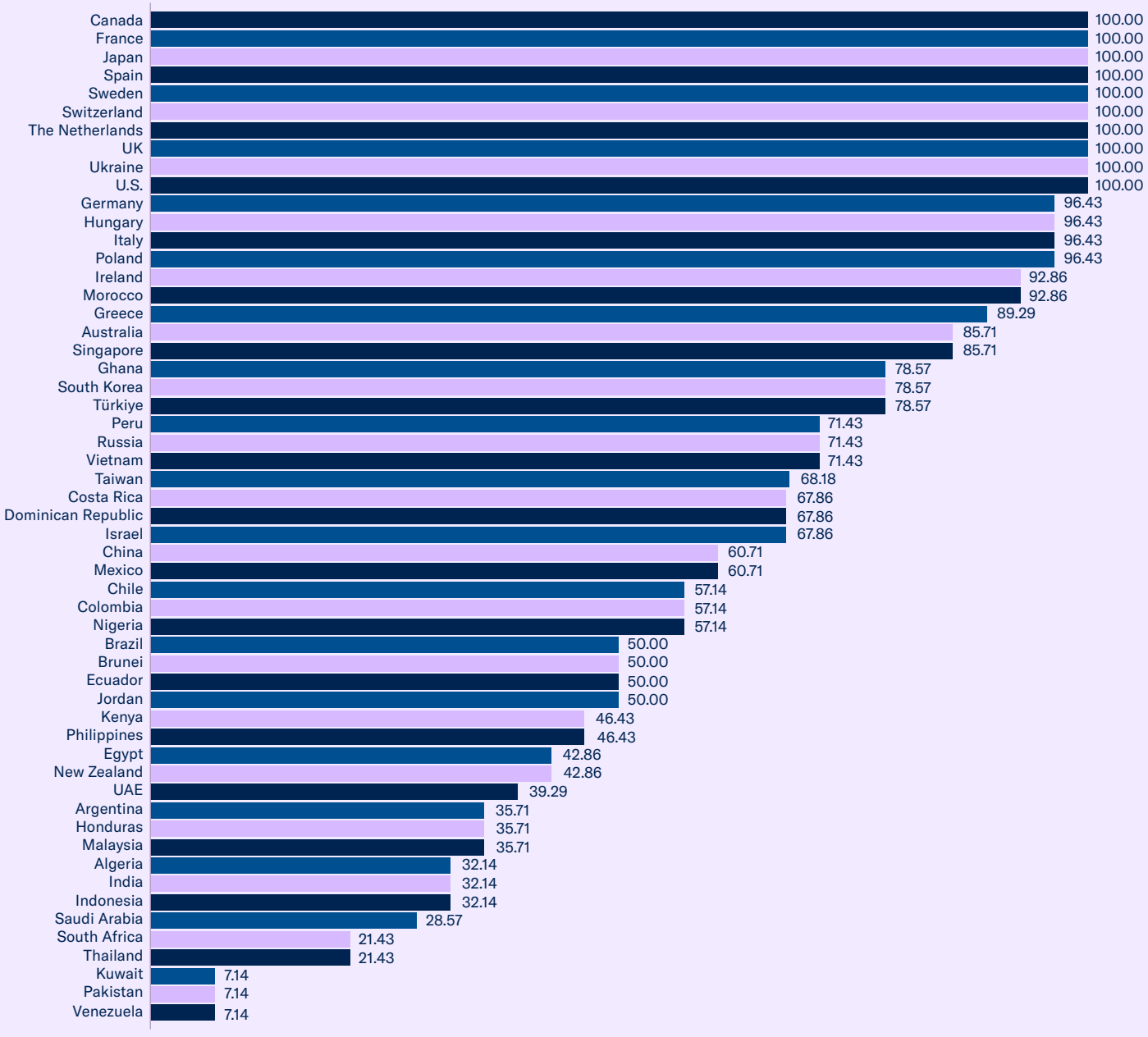
Category 10:

Membership and Ratification of International Treaties

Figure 14 summarizes the total scores for Category 10. This category measures whether an economy is i) a signatory of and ii) has ratified/acceded international treaties on the protection of IP.

The category comprises seven indicators, with a maximum possible score of 7.00.

Figure 14: Category 10: Membership and Ratification of International Treaties, % available score



Over the course of the Index, the number of international IP treaties included in this category has almost doubled from five to nine. This category remains one of the stronger overall categories in the Index, with many economies achieving a high score: 22 economies have a score of 75% or more, and 14 achieve over 96%.

In a positive development, Ecuador's overall score in this category improved by 75% in 2025. In late 2024, Ecuador became a full contracting party to the Convention on Cybercrime by depositing its instrument of accession. Full ratification of the EU-Ecuador FTA also finally took place. As noted in the Index, Ecuador formally acceded to the EU's Trade Agreement with Colombia and Peru in 2016. However, since then, the treaty has been in provisional application, with full implementation by the contracting parties underway. This process was completed in late 2024, when the European Union and relevant Members completed ratification and accession.

In recent years, India has finalized several significant FTAs. As noted in the Index last year, after more than 15 years of discussions and 21 rounds of negotiations, India and the European Free Trade Association (EFTA) signed a Trade and Economic Partnership Agreement (TEPA) in 2024. In 2025, the British and Indian governments announced the conclusion of a Comprehensive Economic and Trade Agreement (CETA).
A positive feature of this Agreement — like the one with EFTA last year — is that it includes a dedicated IP chapter, Chapter 13 "Intellectual Property Rights." As noted in the Index, this is not always the case; many 21st-century post-TRIPS FTAs do not include a dedicated IP chapter or skirt meaningful IP provisions altogether.
This chapter contains many important modern IP provisions aligned with international best practices, as identified in the Index, including those related to online piracy, border enforcement, and judicial remedies. Such standards, if adopted and fully implemented in India, would improve India's national IP environment.Unfortunately, carve-outs and exceptions have diluted many of the Agreement's positive features.

For example, regarding border enforcement, Article 13.92 requires contracting parties to grant customs officials authority to seize suspected IP-infringing goods. However, Article 13.87 explicitly excludes goods in transit from any enforcement efforts. More broadly, the treaty does not mention or cover important 21st-century IP rights and standards such as: patent term restoration due to registration and regulatory delays — both in general and for biopharmaceutical products specifically — or regulatory data protection for clinical test data submitted as part of the pharmaceutical market approval process and sanitary registration. Likewise, Article 13.103, which requires a notice-and-takedown mechanism for online infringement, is weak, lacking detail on the specific rights and responsibilities of online service providers.

As noted in the Index, while Indian courts have become world leaders in providing injunctive relief and orders disabling online access to copyright-infringing content, the existing notification mechanism, as defined in the Copyright Act, suffers from several structural deficiencies, including the requirement of a court order. Historically, this indicator has been scored based on whether an economy is a signatory to, and has ratified or acceded to, a modern post-TRIPS FTA that includes substantive IP provisions in line with international best practices, as identified in the Index.

As such, this indicator has not accounted for the allocation of partial scores in cases where a post-TRIPS FTA includes only a limited number of substantive IP provisions, consistent with international best practices and identified in the Index. To take better account of the increasing number of post-TRIPS FTAs that include some substantive IP provisions identified in the Index, from this edition of the Index onward, it will be possible to achieve a partial score ranging from 0, 0.25, 0.5, 0.75, and 1. Like all other indicators in this category, score allocation will still be evenly divided between the signature and ratification or accession to an international treaty. The change in scoring methodology has increased the score on this indicator.

Economy Overviews

Introduction

This section provides an overview and analysis of each individual economy's score on all 53 indicators.

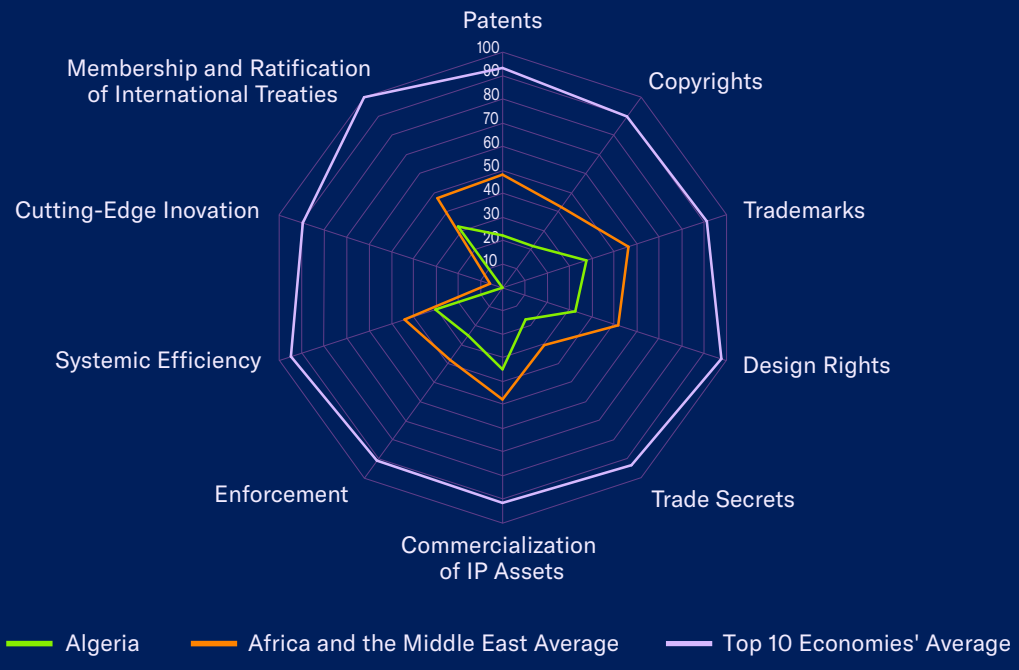
In addition to the total score and overall rank relative to the other economies in the Index, each economy overview includes two figures. The first figure displays each economy's performance relative to the top 10 performers in each category of the Index, as well as the regional average for that particular economy.

The second figure shows each economy's overall score relative to the regional average, along with the top- and bottom-performing economies. Specific challenges, debates, and issues relating to the most important recent developments under each category are discussed in more detail in a separate subsection titled "Spotlight on the National IP Environment."

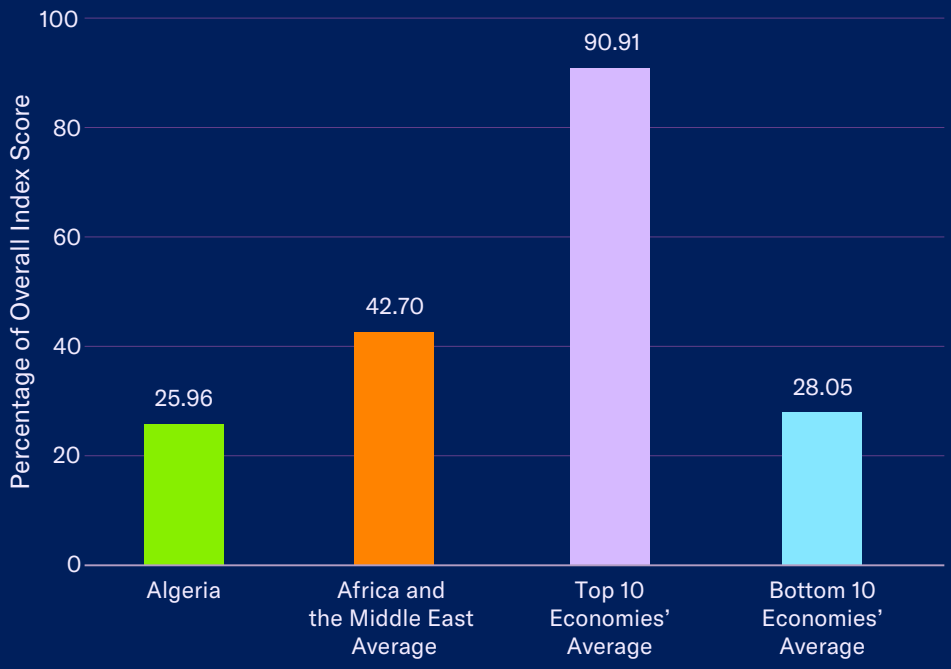
Algeria

Rank
53/55

Category Scores



Overall Score in Comparison



Algeria

Rank
53/55

Key Areas of Strength

- 2025 launch of new IP initiative targeting SMEs
- New R&D specific tax incentives
- Judicial reforms and the introduction of new ‘specialized commercial courts’
- Reforms in 2019 and 2020 removed 51-49% local ownership rule and could amount to a sea-change in Algeria’s openness to and relationship with foreign investment
- Basic framework for IP protection in place
- Contracting party to WIPO Internet Treaties, Patent Cooperation Treaty, Patent Law Treaty and Madrid Protocol

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Historically a difficult localization policy environment with import substitution, bans and local ownership requirements — 2021 Finance Law reinstated some of these requirements
- Continued lack of clarity on local ownership requirements for biopharmaceutical industry
- Weak patenting environment with basic rights missing
- Major holes in the copyright framework — limited coverage and applicability of existing framework to online environment
- High rates of piracy
- Not a WTO member or TRIPS signatory

Indicator	Score
Category 1: Patents Rights and Limitations	**2.00**
1. Term of protection	1.00
2. Patentability requirements	0.00
3. Patentability of CIIs	0.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.00
9. Patent Opposition	0.00
Category 2: Copyrights and Limitations	**1.53**
10. Term of protection	0.53
11. Exclusive rights	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.00
13. Cooperative action against online piracy	0.00
14. Limitations and exceptions	0.50
15. TPM and DRM	0.00
16. Government use of licensed software	0.25
Category 3: Trademarks Rights and Limitations	**1.50**
17. Term of protection	1.00
18. Protection of well-known marks	0.25
19. Exclusive rights, trademarks	0.25
20. Frameworks against online sale of counterfeit goods	0.00
Category 4: Design Rights and Limitations	**0.65**
21. Industrial Design Term of Protection	0.40
22. Exclusive rights, industrial design rights	0.25
Category 5: Trade Secrets and the Protection of Confidential Information	**0.50**
23. Protection of trade secrets (Civil Remedies)	0.25
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.00
Category 6: Commercialization of IP Assets	**2.08**
26. Barriers to market access	0.25
27. Barriers to technology transfer	0.25
28. Registration and disclosure requirements of licensing deals	0.50
29. Direct Government intervention in setting licensing terms	0.25
30. IP as an economic asset	0.33
31. Tax incentives for the creation of IP assets	1.75
Category 7: Enforcement	**0.32**
32. Physical counterfeiting rates	0.18
33. Software piracy rates	0.25
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.25
36. Criminal standards	0.25
37. Effective border measures	0.25
38. Transparency and public reporting by Customs	1.50
Category 8: Systemic Efficiency	**0.50**
39. Coordination of IP rights enforcement	0.00
40. Consultation with stakeholders during IP policy formation	0.50
41. Educational campaigns and awareness raising	0.50
42. Targeted incentives for the creation and use of IP assets for SMEs	0.00
43. IP-intensive industries, national economic impact analysis	0.00
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**2.25**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
49. Patent Law Treaty and Patent Cooperation Treaty	0.75
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	0.00

Total Score: 13.76

Spotlight on the National IP Environment

Past Editions versus Current Score

Algeria's overall score has increased from 13.51 out of 53 indicators in the 13th edition to 13.76. This reflects a score increase on indicator 42.

Area of Note

The Algerian Government is currently reforming its national IP environment. In 2024, the Prime Minister launched a commission to study and develop a new national IP Strategy. The commission is to work with WIPO and within the remit of existing cooperation mechanisms. In a separate development, the Ministry of Justice announced in late 2024 the development of a new national strategy to protect Algerian trademarks. Encouragingly, this strategy explicitly targets counterfeiting.

These positive developments illustrate a recognition by the Algerian Government of the critical importance of IP-intensive industries to Algeria's economic development, and the need for IP reforms. As noted throughout the Index, the bulk of Algeria's IP laws are almost a quarter of a century old and predate globalization and the advent of the knowledge-based economy. Consequently, Algeria's national IP environment lacks many fundamental IP rights and incentives: patentability standards continue to be outside of international norms, especially for biopharmaceuticals and CIIs; the protection of copyright remains underdeveloped and ill-suited to the challenges of the internet-era; levels of physical and online counterfeit goods remain high, but relevant enforcement mechanisms are weak and non-deterrent. Rights holders also face basic challenges with respect to technology transfer, licensing the use of IP assets, and the commercialization of IP assets.

As the Algerian Government pursues a program of national IP rights reforms, we encourage them to use the Index and the accompanying Statistical Annex as a guide in 2026 and beyond.

Systemic Efficiency

39. Coordination of IP rights enforcement efforts: As part of the Government's 2025 celebration of World IP Day, both the Finance Minister, Abdelkrim Bouzred, and the head of the Algerian Customs Authority, Major General Abdelhafid Bakhouche, called not only for increased enforcement against IP rights infringement and counterfeiting, but for greater cross-government coordination and unification of these enforcement efforts.

As documented throughout the Index, there is no dedicated body or part of the Algerian Government that sets and coordinates IP rights enforcement. There are, however, examples of ad hoc coordination occurring, both between public agencies and the public and private sectors. For example, in 2012, the National Office of Copyrights and Related Rights Ministry of Culture (ONDA) signed a cooperation agreement with the Directorate General for National Security to deepen the coordination mechanisms established by a 2003 Ordinance. Under this ordinance, ONDA officials retain the right to take active enforcement measures against suspected counterfeiting activities.

There have also been instances of direct cooperation between the Algerian authorities and the private sector on enforcement and awareness-raising activities. For example, in 2014, Microsoft signed a Memorandum of Understanding (MOU) with ONDA regarding both awareness-raising activities and cooperation on IP enforcement.

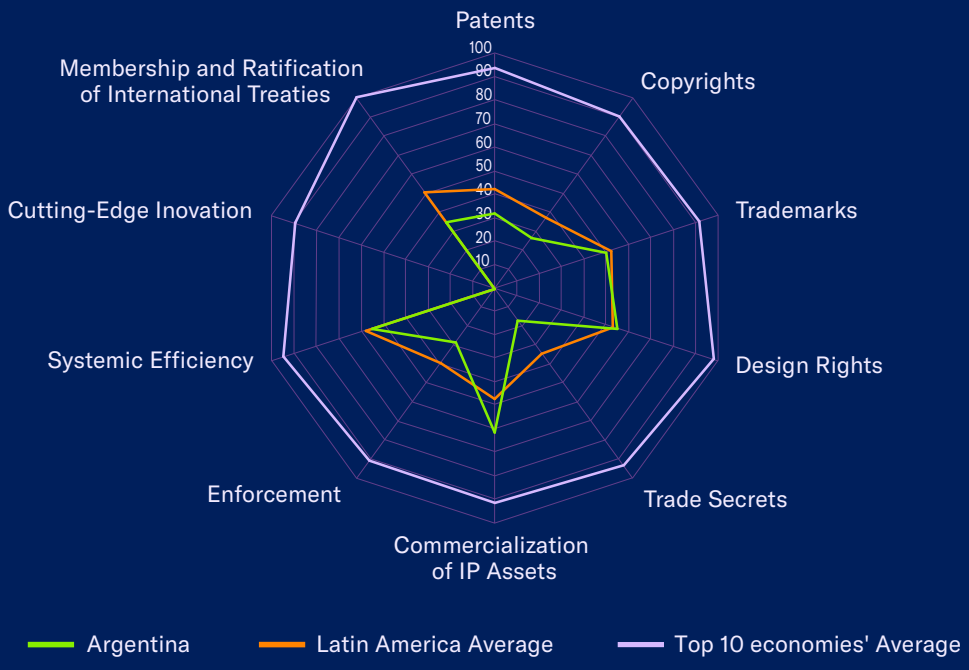
It is a positive sign that the Government has now recognized not only the need for stronger IP enforcement, but also the necessity of greater government coordination of these efforts. The introduction and implementation of a cross-governmental body or mechanism to coordinate and streamline the enforcement of IP rights in Algeria would result in a score increase on this indicator. The Index will monitor these developments in 2026.

42. Targeted Incentives for the creation and use of IP assets for SMEs:
In 2025, a new IP initiative targeting SMEs was introduced. Launched by the Ministry of Industry in early 2025, the "Nadjahi" program will offer a select group of SMEs bespoke technical assistance and advice on how to develop, protect, and commercialize their IP assets. The National Institute of Industrial Property (INAPI) will administer the program, with support from the regional WIPO office in Algeria. This is a positive development, as Algeria, for many years, lacked any special IP programs for SMEs. The INAPI has not offered any special incentives, such as fast-track registration procedures or reduced filing fees, for registering IP. And the only technical support programs have come through the WIPO-backed TISC network of support centers. These centers provide university researchers and institutions with technical support and expertise in IP registration and commercialization, but they do not focus on SMEs. At the time of the research, the "Nadjahi" program was fully operational, and as a result, the score on this indicator increased by 0.25.

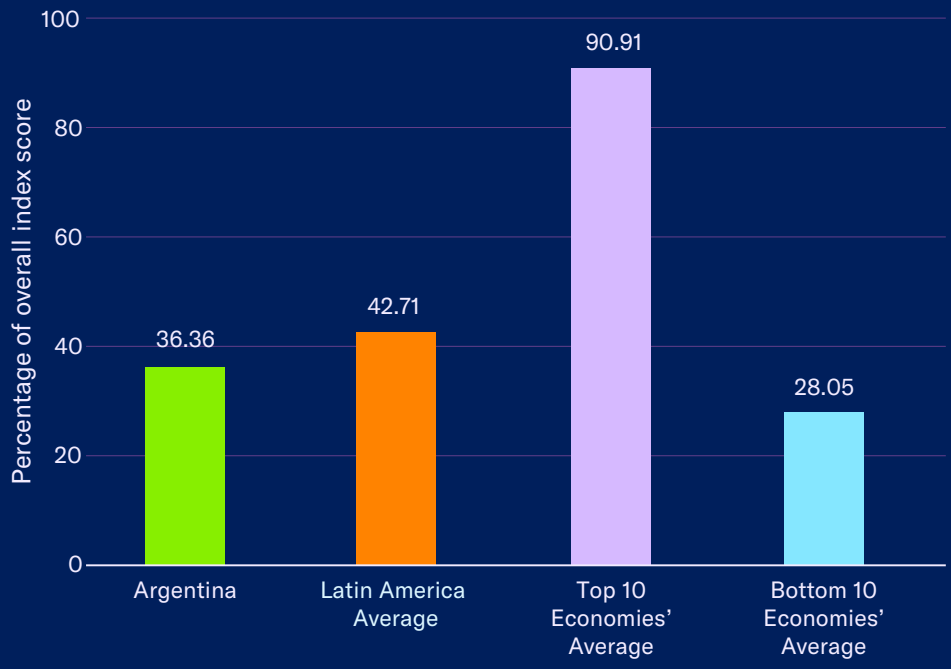
Argentina

Rank
44/55

Category Scores



Overall Score in Comparison



Argentina

Rank
44/55

Key Areas of Strength

- Increased enforcement against copyright infringement in 2025
- 2023 copyright infringement injunction against online piracy includes a ‘dynamic’ element
- Basic framework for IP protection in place
- Pronounced efforts over last few years to strengthen international cooperation on IP rights, including through PPHs and increased technical cooperation with the EPO
- Ongoing streamlining of administrative and enforcement bodies
- 2021 tax incentives for R&D-based activities

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Key life sciences IP rights are missing
- Biopharmaceutical patentability standards remain outside of international standards
- Gaps in the legal framework for enforcing copyright online, though some important instances of judicial action exist
- Persistently high rates of piracy, including physical counterfeiting
- Limited participant in international treaties — has not acceded to the Patent Cooperation Treaty

Indicator	Score
Category 1: Patents Rights and Limitations	**2.90**
1. Term of protection	1.00
2. Patentability requirements	0.25
3. Patentability of CIIs	0.25
4. Plant variety protection	0.90
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.50
9. Patent Opposition	0.00
Category 2: Copyrights and Limitations	**1.88**
10. Term of protection	0.63
11. Exclusive rights	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.75
13. Cooperative action against online piracy	0.00
14. Limitations and exceptions	0.25
15. TPM and DRM	0.00
16. Government use of licensed software	0.00
Category 3: Trademarks Rights and Limitations	**2.00**
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.25
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**1.10**
21. Industrial Design Term of Protection	0.60
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	**0.50**
23. Protection of trade secrets (Civil Remedies)	0.25
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.00
Category 6: Commercialization of IP Assets	**0.50**
26. Barriers to market access	0.25
27. Barriers to technology transfer	0.25
28. Registration and disclosure requirements of licensing deals	0.00
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	0.67
Category 7: Enforcement	**1.97**
32. Physical counterfeiting rates	0.39
33. Software piracy rates	0.33
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.00
36. Criminal standards	0.50
37. Effective border measures	0.50
38. Transparency and public reporting by Customs	0.00
Category 8: Systemic Efficiency	**2.75**
39. Coordination of IP rights enforcement	0.50
40. Consultation with stakeholders during IP policy formation	0.50
41. Educational campaigns and awareness raising	0.50
42. Targeted incentives for the creation and use of IP assets for SMEs	0.50
43. IP-intensive industries, national economic impact analysis	0.75
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**2.50**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.00
49. Patent Law Treaty and Patent Cooperation Treaty	0.25
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	0.25

Total Score: 19.27

Spotlight on the National IP Environment

Past Editions versus Current Score

Argentina's overall score has increased from 18.74 out of 53 indicators in the 13th edition to 19.27. This reflects score increases on indicators 32, 36, and 53.

Trade Secrets and the Protection of Confidential Information

25. Regulatory data protection term:
As noted in past editions, Argentina does not provide for regulatory data protection of test and other data in a manner that is consistent with international best practices and the standards defined in the Index. Law 24,766 does not provide a term for RDP and allows medicines regulators to use data submitted for originator drugs to approve generic or similar products. The Index will continue to monitor these developments in 2026.

Enforcement

36. Criminal standards, including minimum imprisonment and minimum fines:
In recent years, there have been some developments with respect to the enforcement of copyright in Argentina. In 2023, a federal court ordered not only the disabling of access to several copyright-infringing websites, but the order also included a so-called 'dynamic' element. This type of injunction effectively addresses mirror sites and disables infringing content that re-enters the public domain when moved to a different online access point. In 2024, Argentine law enforcement disabled access to over 50 websites offering pirated sports and other illicit content via IPTV boxes via the pan-American website "Magis."

These positive efforts continued in 2025. In July, access to the portal "Al AnguloTV" was disabled, and the owner and proprietor were arrested and taken into police custody. The website provided access to pirated live sports broadcasting. The regional rights holder's association, Alianza, played a pivotal role in supporting all of these local operations.

As noted throughout the Index, rights holders have historically faced significant challenges in protecting their copyrighted content in Argentina. There are major gaps in the existing legal framework, and enforcement remains inadequate. Argentinian law provides only general exclusive rights for authors and creators with limited reference to the online environment. There are no copyright-specific legal provisions in place regarding secondary liability for online piracy or an injunctive relief mechanism. There have been isolated cases of courts ordering the disabling of access to infringing content and websites. For example, in 2014, a court ordered access to the Pirate Bay to be disabled. But, overall, this is not an avenue of copyright enforcement readily available to rights holders. This is now the third consecutive year of stronger copyright enforcement in Argentina, and as a result of this sustained positive activity, the score on this indicator has increased by 0.25. The Index will continue to monitor these developments in 2026.

Membership and Ratification of International Treaties

50. Membership in the International Convention for the Protection of New Varieties of Plants, Act of 1991:
As noted last year, as part of the Government's reform efforts and the issuing of the omnibus law Decree 70.2023, there was broad-based discussion in the National Congress for reforming the existing seed law and potentially joining the International Union for the Protection of New Varieties of Plants (UPOV) 1991.

Argentina is a contracting party to UPOV 1978. The legislative basis for the registration, protection, and commercialization of IP rights pertaining to plant varieties and biotechnological innovation is, consequently, antiquated and, by international standards, restrictive. Adopting the UPOV 1991 standards and signing this treaty would be a positive development and would increase the score on this indicator. The Index will continue to monitor these developments in 2026.

53. At least one post-TRIPS FTA with substantive IP provisions and chapters in line with international best practices:
As noted in the Index at the time, in 2019, the South American regional trade bloc Mercosur concluded negotiations with the EU on a free trade agreement between the two trading blocs. The agreement is still subject to ratification by all parties. The agreement includes a dedicated IP chapter, which reflects a recognition of the importance of IP-intensive industries and the centrality of IP rights to future trade and economic development across all economies.

As has been noted in the Index, this is not always the case. Many 21st-century post-TRIPS FTAs do not include a dedicated IP chapter or otherwise skirt meaningful provisions on IP rights. Overall, the IP provisions of the EU-Mercosur FTA are not as strong as those of other post-TRIPS agreements concluded by the EU, such as the EU-Japan Economic Partnership Agreement, the EU-ANDEAN Community FTA, or the Canada-European Union Comprehensive Economic and Trade Agreement (CETA). For example, the treaty contains no substantive provisions on patent rights, and its copyright provisions are relatively limited. Similarly, border measures are weak, with parties largely exempt from taking effective measures; the treaty does not grant customs officials *ex officio* authority to act against suspected goods. Moreover, in-transit goods are explicitly exempt from any action under Article X.58(2). Finally, for IP-intensive sectors, there are no provisions for the biopharmaceutical sector. This stands out compared with previous U post-TRIPS FTAs such as the EU-ANDEAN Community FTA, which included a requirement for a five-year RDP term.

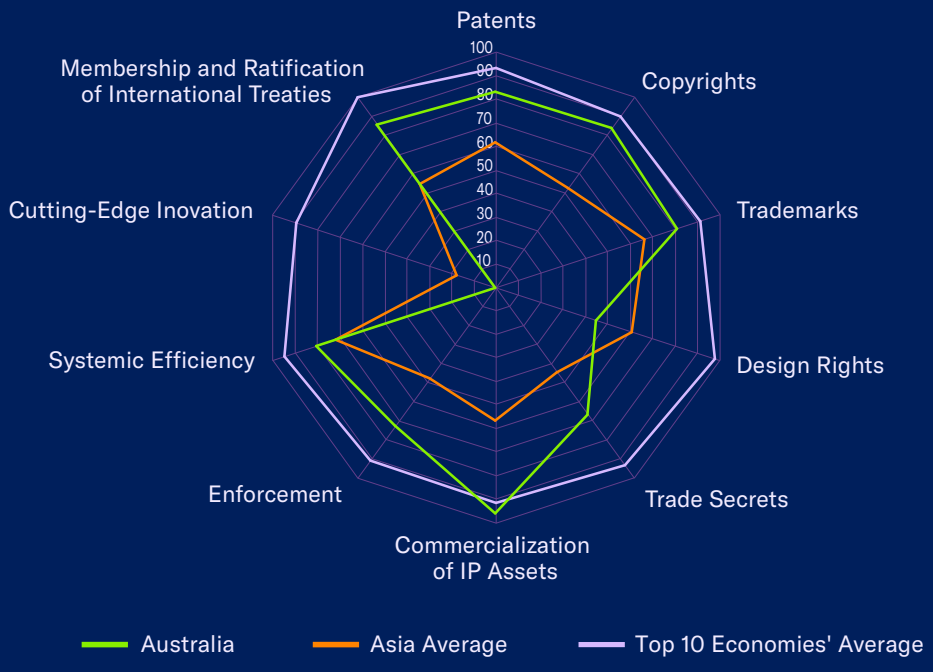
Nevertheless, there are several substantive IP provisions in the Agreement. For instance, there is clear language on civil and administrative enforcement (including the need for an established method for calculating damages), and trade secret provisions are relatively strong, with clear definitions of trade secrets and infringement. These are all important post-TRIPS IP standards covered as discrete indicators in the Index.

Historically, this indicator has been scored based on whether an economy is a signatory to, and has ratified or acceded to, a modern post-TRIPS FTA that includes substantive IP provisions in line with international best practices, as identified in the Index. As such, this indicator has not accounted for the allocation of partial scores in cases where a post-TRIPS FTA includes only a limited number of substantive IP provisions, consistent with international best practices and identified in the Index. To take better account of the increasing number of post-TRIPS FTAs that include some substantive IP provisions identified in the Index, from this edition of the Index onward, it will be possible to achieve a partial score ranging from 0, 0.25, 0.5, 0.75, and 1. As with all other indicators in this category, score allocation will remain evenly divided between the signature and ratification or accession to an international treaty. As a result of changes to the scoring methodology and the fact that the Agreement is still pending ratification, the score for this indicator has increased by 0.25.

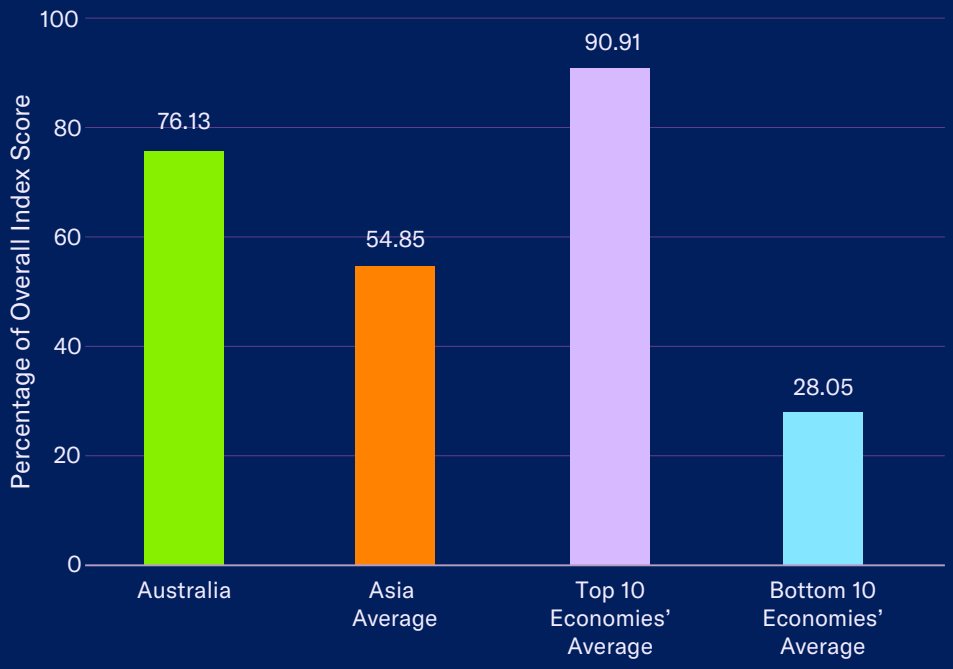
Australia

Rank
15/55

Category Scores



Overall Score in Comparison



Australia

Rank
15/55

Key Areas of Strength

- Global leader on copyright enforcement in the online space
- Established system of injunctive relief permitting the disabling of foreign-hosted infringing websites
- 2018 National Security Legislation Amendment (Espionage and Foreign Interference) introduces stiff penalties for industrial espionage on behalf of a foreign state entity
- No administrative or regulatory burdens in place hindering licensing activity
- 2019/2020 case law clarified grounds for patentability of biotechnology inventions

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Pre-grant patent opposition system causes significant delays to patent grants
- Not a contracting party to the Hague Agreement
- Gaps in pharmaceutical-related patent enforcement mechanism

Indicator	Score
Category 1: Patents Rights and Limitations	**7.50**
1. Term of protection	1.00
2. Patentability requirements	1.00
3. Patentability of CIIs	1.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.50
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	1.00
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	0.00
Category 2: Copyrights and Limitations	**5.88**
10. Term of protection	0.63
11. Exclusive rights	1.00
12. Expeditious legal remedies disabling access to infringing content online	1.00
13. Cooperative action against online piracy	0.50
14. Limitations and exceptions	1.00
15. TPM and DRM	1.00
16. Government use of licensed software	0.75
Category 3: Trademarks Rights and Limitations	**3.25**
17. Term of protection	1.00
18. Protection of well-known marks	1.00
19. Exclusive rights, trademarks	0.75
20. Frameworks against online sale of counterfeit goods	0.50
Category 4: Design Rights and Limitations	**0.90**
21. Industrial Design Term of Protection	0.40
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	**2.00**
23. Protection of trade secrets (Civil Remedies)	0.75
24. Protection of trade secrets (Criminal Sanctions)	0.75
25. Regulatory data protection term	0.50
Category 6: Commercialization of IP Assets	**5.75**
26. Barriers to market access	1.00
27. Barriers to technology transfer	1.00
28. Registration and disclosure requirements of licensing deals	1.00
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	1.00
Category 7: Enforcement	**5.07**
32. Physical counterfeiting rates	0.75
33. Software piracy rates	0.82
34. Civil and procedural remedies	1.00
35. Pre-established damages	0.75
36. Criminal standards	0.75
37. Effective border measures	0.50
38. Transparency and public reporting by Customs	0.50
Category 8: Systemic Efficiency	**4.00**
39. Coordination of IP rights enforcement	0.75
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	0.75
42. Targeted incentives for the creation and use of IP assets for SMEs	0.50
43. IP-intensive industries, national economic impact analysis	1.00
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**6.00**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
49. Patent Law Treaty and Patent Cooperation Treaty	1.00
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	1.00

Total Score: 40.35

Spotlight on the National IP Environment

Past Editions versus Current Score

Australia's overall score remains unchanged at 40.35 out of 53 indicators.

Copyrights and Limitations

14. Scope of limitations and exceptions to copyrights and related rights:
As noted last year, like many Index economies, Australia is developing a regulatory framework for the development and use of AI-based technologies. Policy discussions over the last few years have focused on the need or desirability of AI-specific laws and regulations. As part of its review, the Department of Industry, Science, and Resources published a set of proposed mandatory "guardrails" for AI-based technologies in late 2024.

With respect to the interaction between copyright and AI, over the past two years, the Attorney General has hosted a series of "Ministerial Roundtables on Copyright," including on AI, and established a "Copyright and AI Reference Group (CAIRG)." In a separate development, the Productivity Commission published a set of interim reports on how to boost economic productivity and output. One of these reports, Harnessing Data and Digital Technology, includes a dedicated discussion on copyright policy and AI.

As this document and preceding government-published materials have all pointed out, AI and machine learning are important areas of future economic activity. The Productivity Commission itself estimates that the development and use of AI technologies could lead to national productivity gains of about AUS 10 billion per year (an estimated AUS 116 billion over 10 years). This would be roughly 1% of Australia's current economic output.

The Commission's report includes a detailed analysis of the interaction between copyright protection and the development of new AI applications. The report acknowledges how "copyright violation is an example of a harm that AI could exacerbate by changing economic incentives." Also, it states that "there is evidence to suggest that large AI models are already being trained on copyrighted materials without consent or compensation." The report also recognizes that both increased licensing and stronger enforcement are avenues for addressing unauthorized use.

During the research, the Commission sought more information and assessed whether, and to what extent, reforms to the existing Australian copyright laws were necessary to address this issue. The Commission's interim report also considers the introduction of a text and data mining (TDM) exception in Australia. Under existing copyright law and Australia's fair dealing regime, there are no specific exceptions for text and data mining. As the report notes, such exceptions have been introduced in various jurisdictions worldwide. Most of these exceptions — including the European Union's Directive 2019/790 on Copyright and Related Rights in the Digital Single Market (CDSM Directive) — require that any mining, copying, or computational analysis carried out under TDM exceptions can only be carried out on works that have been lawfully obtained or accessed. However, given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights.

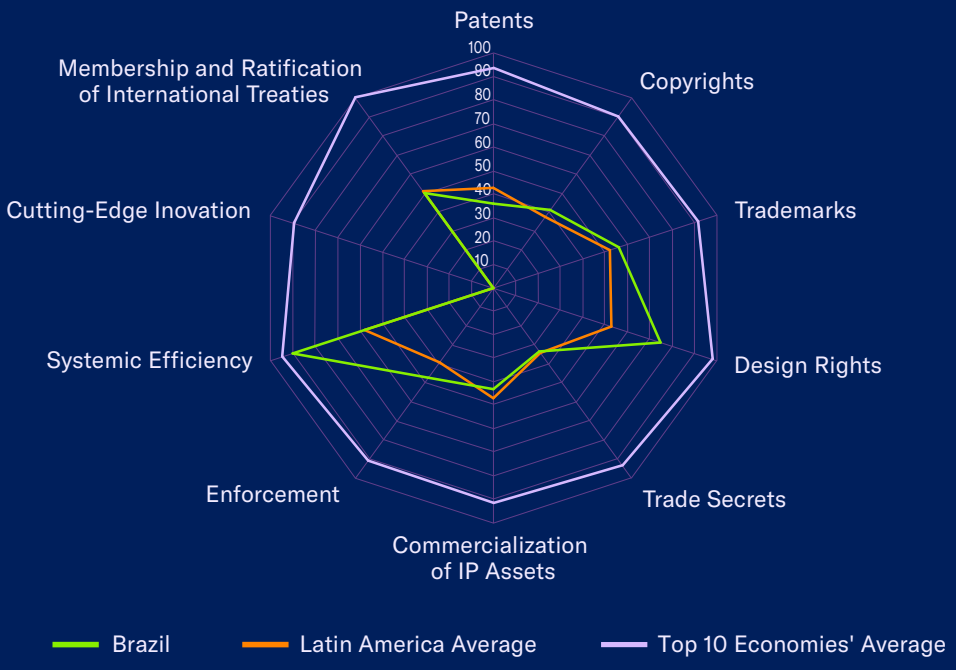
The extent to which the development of AI technologies falls under existing copyright exceptions — including both general exceptions regimes and those specific to text and data mining — is still being determined through litigation across the globe. In fact, in the last three years there have been a growing number of copyright infringement lawsuits filed worldwide. Most of these proceedings are still pending, with only a handful reaching a final initial verdict. Consequently, there is no established international legal consensus or guiding precedent from any major legal jurisdiction on what constitutes lawful use of copyright materials for AI development.

Over the same period, there has also been a growing number of licensing settlements between rights holders and AI developers. After the Productivity Commission published its report in the summer, several rights holder groups raised concerns about the introduction of a TDM exception in Australia. In response, Attorney General Michelle Rowland stated that “any potential reform to Australia’s copyright laws must consider the impacts on Australia’s creative, content, and news media sectors.” Following an “Economic Reform Roundtable” hosted by the Government in August, Treasurer Jim Chalmers announced that the Government would be conducting another review of AI policy. The Index will continue to monitor all these developments in 2026.

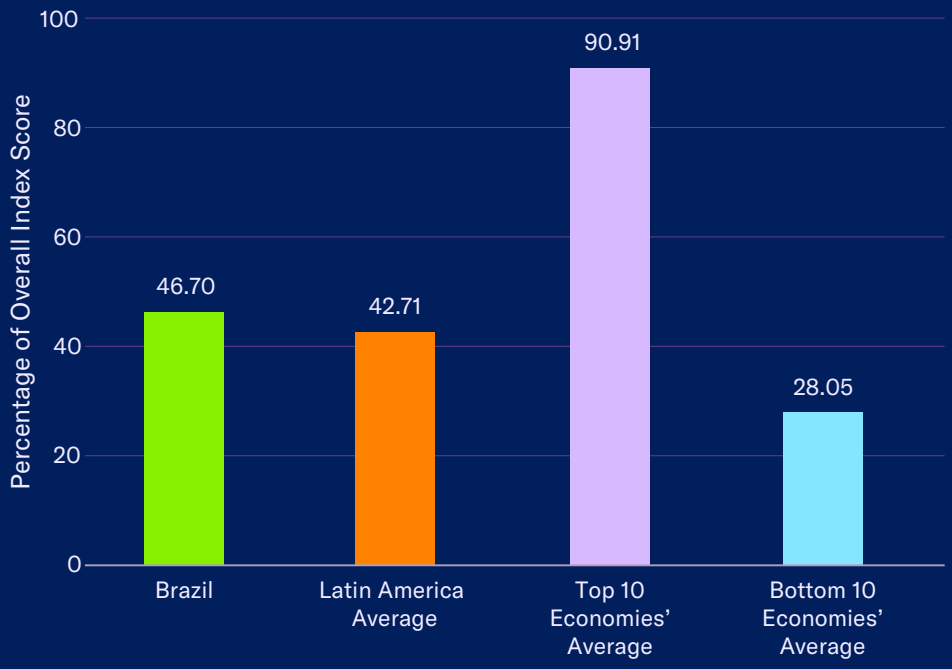
Brazil

Rank
33/55

Category Scores



Overall Score in Comparison



Brazil

Rank
33/55

Key Areas of Strength

- 2025 Supreme Court ruling on digital platform responsibilities
- Law 3,696/2023 gives National Cinema Agency ANCINE copyright enforcement powers
- “Operation Copyright” and “Operation 404 against piracy” continued in full force in 2025 — key enforcement effort with Brazilian police and international authorities in disabling access to infringing content online
- Joined Hague Agreement in 2023
- INPI’s 2019 patent backlog plan ‘Plano de Combate ao Backlog de Patentes’ seeks to eliminate long-standing registration backlogs
- In 2021, INPI released first study of IP intensive industries’ national economic impact in Brazil
- Law nº 14.195/2021 changed Brazil’s IP Law so that ANVISA’s prior consent on patent applications is no longer required

Key Areas of Weakness

- 2025 new statutory law authorizes Brazilian Government to override and suspend the protection of existing IP protection
- No special IP incentives for orphan medicinal product development
- Article 40 invalidation by Supreme Court in 2021 weakens Brazil’s patenting standards, retroactively targets biopharmaceutical industry, and impacts thousands of patent applications; this remained unaddressed in 2025. In November of 2025, Brazil House of Representatives presented Bill nº 5810,which seeks to reestablish the Art. 40 mechanism.
- Compulsory licensing amendments for health emergencies broadens existing emergency powers and authority, potentially generating legal uncertainty
- Key life sciences IP rights missing, including patent term restoration and RDP, causing an overall challenging patentability environment
- Limited participant in international IP efforts — only a full contracting party to two out of nine treaties included in the Index

Indicator	Score
Category 1: Patents Rights and Limitations	**3.24**
1. Term of protection	1.00
2. Patentability requirements	0.00
3. Patentability of CIIs	0.00
4. Plant variety protection	0.74
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	0.50
Category 2: Copyrights and Limitations	**2.88**
10. Term of protection	0.63
11. Exclusive rights	0.50
12. Expeditious legal remedies disabling access to infringing content online	0.75
13. Cooperative action against online piracy	0.00
14. Limitations and exceptions	0.50
15. TPM and DRM	0.25
16. Government use of licensed software	0.25
Category 3: Trademarks Rights and Limitations	**2.25**
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**1.50**
21. Industrial Design Term of Protection	1.00
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	**1.50**
23. Protection of trade secrets (Civil Remedies)	1.00
24. Protection of trade secrets (Criminal Sanctions)	0.50
25. Regulatory data protection term	0.00
Category 6: Commercialization of IP Assets	**1.00**
26. Barriers to market access	0.50
27. Barriers to technology transfer	0.50
28. Registration and disclosure requirements of licensing deals	0.00
29. Direct Government intervention in setting licensing terms	0.50
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	0.33
Category 7: Enforcement	**3.30**
32. Physical counterfeiting rates	0.52
33. Software piracy rates	0.53
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.25
36. Criminal standards	0.50
37. Effective border measures	0.50
38. Transparency and public reporting by Customs	0.75
Category 8: Systemic Efficiency	**4.50**
39. Coordination of IP rights enforcement	0.75
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	0.75
42. Targeted incentives for the creation and use of IP assets for SMEs	1.00
43. IP-intensive industries, national economic impact analysis	1.00
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**3.50**
47. WIPO Internet Treaties	0.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
49. Patent Law Treaty and Patent Cooperation Treaty	0.75
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	0.25

Total Score: 24.75

Spotlight on the National IP Environment

Past Editions versus Current Score

Brazil's overall score has increased from 24.50 out of 53 indicators in the 13th edition to 24.75. This reflects a score increase on indicator 53.

Area of Note

In 2025, the Brazilian Government introduced a new statutory law and regulatory powers that allow it to override and suspend existing IP protections in "response to unilateral measures adopted by a country or economic bloc that negatively impact Brazilian international competitiveness." Together, Law 15,122, enacted in April, and Decree 12,551, issued in July, grant the Executive Branch sweeping powers to "suspend commercial, investment and concessions obligations relating to intellectual property rights." While the law and regulatory decree define and require holding public consultations prior to issuing any measures under the law (including with the private sector), the potential negative impact on rights holders worldwide through the use of these powers is immense. The Index will continue to monitor these developments in 2026

Patent Rights and Limitations

2. Patentability requirements and 3. Patentability of computer-implemented inventions (CIIs): In 2025, rights holders continued to face challenges in registering and protecting patent-eligible subject matter in Brazil. Above all, the Brazilian Government and National Congress have not yet taken the necessary steps to implement a TRIPS-compliant minimum term of patent protection.

Given that the Brazilian national IP office, INPI, has historically had a significant backlog, the Industrial Property Law had, up until 2021, provided innovators in Brazil with a guaranteed minimum term of exclusivity and protection of 10 years from grant for standard patents. Article 40 of the Law stated that the term of protection shall "not be less than 10 (ten) years for an invention patent and 7 (seven) years for a utility model patent, beginning on the date of granting, unless the INPI has been prevented from examining the merits of the application by a proven pending judicial dispute or for reasons of force majeure."

For years, Article 40 provided rights holders with a proverbial floor of exclusivity and insurance against delays. In a series of decisions in the Spring of 2021, the Brazilian Supreme Court removed this floor. Not only did the Court declare that Article 40 was unconstitutional and would no longer be available or applicable, but it also stated that the ruling should be retroactively applied, only to granted patents in the biopharmaceutical and health-related fields.

As noted in the Index, since the ruling, this judgment has been a setback for Brazil's national IP environment, discriminating against biopharmaceutical rights holders and shortening exclusivity periods. The Supreme Court decision not only weakened Brazil's standards of patent protection, but the selective retroactive application of the ruling to one field of technology and innovation violates Article 27(1) of the TRIPS treaty and established international principles of non-discrimination. Since then, the Brazilian judiciary, legislature, and executive branches have all failed to grant rights holders any sustained relief. Numerous court cases have been filed but have not brought any further clarity on how the Supreme Court's ruling should be applied or interpreted.

This continued in 2025 with conflicting outcomes in a case involving the sale of follow-on products to the molecule liraglutide by the Federal courts. Similarly, legislative proposals, such as Bill 5810/2025, have been presented in the National Congress to provide a period of patent term restoration for administrative delays during patent examination and prosecution. However, to date, no new laws have been enacted. The Index will continue to monitor these developments in 2026.

Copyrights and Limitations

11. Legal measures which provide necessary exclusive rights that prevent infringement of copyrights and related rights (including Web hosting, streaming, and linking); and
13. Availability of frameworks that promote cooperative action against online piracy:
In 2025, the Supreme Court issued a ruling outlining the responsibilities of online application providers (digital platforms) regarding third-party content under Article 19 of the Marco Civil da Internet (Law No. 12,965), including the removal of copyright-infringing content upon notice from the rights holder. Before this judgment, Brazil lacked a formalized, comprehensive mechanism with clear lines of responsibility for online infringement. Historically, there has been some cooperation between online platforms and rights holders, but it has been largely piecemeal and ad hoc, not systematic. Under the 2014 Marco Civil da Internet law, Section 3 and Articles 18–20 provide a broad safe harbor provision for digital platforms relating to third-party infringement. Platforms are only required to act and make infringing content unavailable after a court issues a clear order declaring the content as infringing.

Given the Supreme Court's decision and reinterpretation of the constitutionality of Law 12,965, platforms may be held legally responsible for illegal content when they fail to act after receiving a notification regarding clearly unlawful material, even in the absence of a prior court order. This reinterpretation does not alter the liability regime applicable to internet access providers (ISPs as connection providers), which remain protected under Article 18 of the Marco Civil da Internet. This ruling represents a significant shift in Brazil's intermediary liability framework and has materially altered the enforcement environment for online copyright. The Index will continue to monitor these developments in 2026.

Membership and Ratification of International Treaties

53. At least one post-TRIPS FTA with substantive IP provisions and chapters in line with international best practices:
As noted in the Index at the time, in 2019, the South American regional trade bloc Mercosur concluded negotiations with the EU on a free trade agreement between the two trading blocs. The agreement is still subject to ratification by all parties. The agreement includes a dedicated IP chapter, which reflects a recognition of the importance of IP-intensive industries and the centrality of IP rights to the future trade and economic development of all economies.

As has been noted in the Index, this is not always the case. Many 21st-century post-TRIPS FTAs do not include a dedicated IP chapter or otherwise skirt meaningful provisions on IP rights. Overall, the IP provisions of the EU-Mercosur FTA are not as strong as those of other post-TRIPS agreements concluded by the EU, such as the EU-Japan Economic Partnership Agreement, the EU-ANDEAN Community FTA, or the Canada-European Union Comprehensive Economic and Trade Agreement (CETA). For example, the treaty contains no substantive provisions on patent rights, and its copyright provisions are relatively limited. Similarly, border measures are weak, with parties largely exempt from taking effective measures; the treaty does not grant customs officials *ex officio* authority to act against suspected goods.

Moreover, in-transit goods are explicitly exempt from any action under Article X.58(2). Finally, for IP-intensive sectors specifically, there are no provisions for the biopharmaceutical sector. This stands out compared with previous EU post-TRIPS FTAs such as the EU-ANDEAN Community FTA, which included a requirement for a five-year RDP term.

Nevertheless, there are several substantive IP provisions in the Agreement. For instance, there is clear language on civil and administrative enforcement (including the need for an established method for calculating damages), and trade secret provisions are relatively strong, with clear definitions of trade secrets and infringement. These are all important post-TRIPS IP standards covered as discrete indicators in the Index.

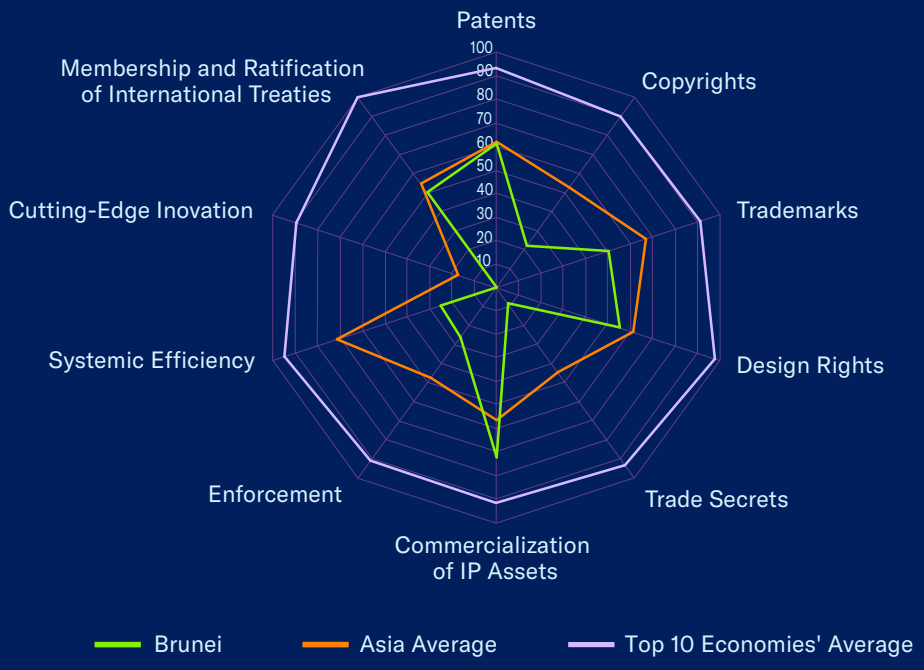
Historically, this indicator has been scored based on whether an economy is a signatory to, and has ratified or acceded to, a modern post-TRIPS FTA that includes substantive IP provisions in line with international best practices, as identified in the Index. As such, this indicator has not accounted for the allocation of partial scores in cases where a post-TRIPS FTA includes only a limited number of substantive IP provisions, consistent with international best practices and identified in the Index.

To take better account of the increasing number of post-TRIPS FTAs that include some substantive IP provisions identified in the Index, from this edition of the Index onward, it will be possible to achieve a partial score ranging from 0, 0.25, 0.5, 0.75, and 1. Like all other indicators in this category, we will evenly divide the score allocation between the signature and ratification or accession to an international treaty. As a result of the change in scoring methodology used and the fact that the Agreement is still pending ratification, the score on this indicator has increased by 0.25.

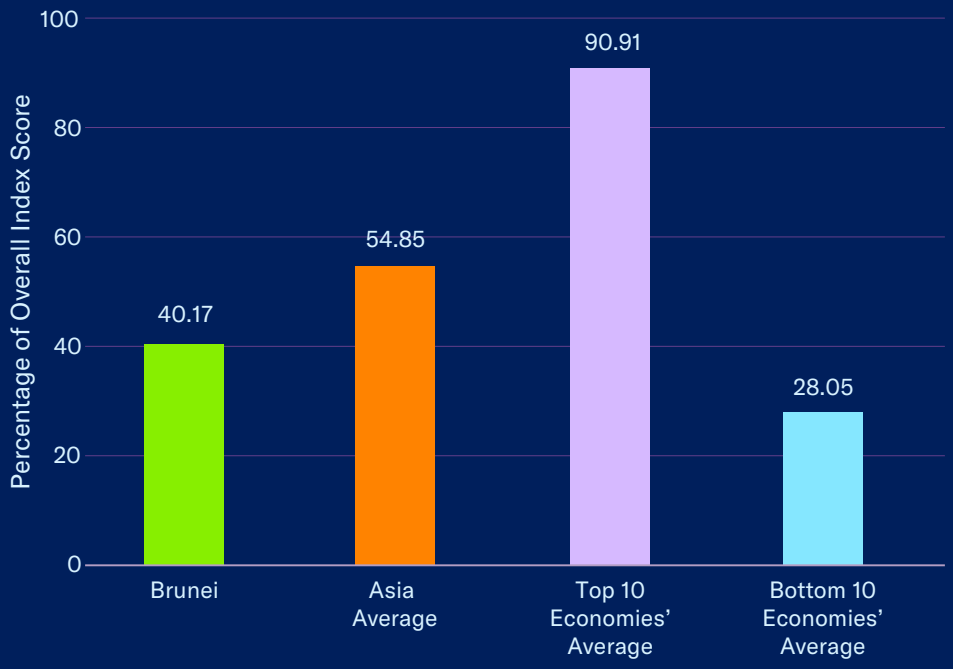
Brunei

Rank
37/55

Category Scores



Overall Score in Comparison



Brunei

Rank
37/55

Key Areas of Strength

- 2025 launch of new IP initiative targeting SMEs
- Acceded to the CPTPP in 2023, which has the potential to improve trade secrets protection and enforcement environment if properly implemented
- Acceded to WIPO Internet Treaties in 2017
- Major IP reforms over the last decade, including establishing national IP Office (BruIPO)
- Removed from Special 301 Report
- PPH agreement in place with Japan
- No fundamental administrative or regulatory barriers in place for execution of licensing agreements

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Limited legal framework for protection of trade secrets and confidential information
- Life sciences IP rights lacking
- Regulatory data protection not available
- Limited framework for addressing online piracy and circumvention devices
- High software piracy rates – 64% in latest estimates

Indicator	Score
Category 1: Patents Rights and Limitations	**5.50**
1. Term of protection	1.00
2. Patentability requirements	0.75
3. Patentability of CIIs	0.75
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	1.00
8. Membership of a Patent Prosecution Highway	0.50
9. Patent Opposition	0.50
Category 2: Copyrights and Limitations	**1.53**
10. Term of protection	0.53
11. Exclusive rights	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.00
13. Cooperative action against online piracy	0.00
14. Limitations and exceptions	0.25
15. TPM and DRM	0.25
16. Government use of licensed software	0.25
Category 3: Trademarks Rights and Limitations	**2.00**
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.00
Category 4: Design Rights and Limitations	**1.10**
21. Industrial Design Term of Protection	0.60
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	**0.25**
23. Protection of trade secrets (Civil Remedies)	0.25
24. Protection of trade secrets (Criminal Sanctions)	0.00
25. Regulatory data protection term	0.00
Category 6: Commercialization of IP Assets	**4.33**
26. Barriers to market access	1.00
27. Barriers to technology transfer	0.50
28. Registration and disclosure requirements of licensing deals	0.75
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	0.33
Category 7: Enforcement	**1.83**
32. Physical counterfeiting rates	0.47
33. Software piracy rates	0.36
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.25
36. Criminal standards	0.50
37. Effective border measures	0.00
38. Transparency and public reporting by Customs	0.00
Category 8: Systemic Efficiency	**1.25**
39. Coordination of IP rights enforcement	0.25
40. Consultation with stakeholders during IP policy formation	0.00
41. Educational campaigns and awareness raising	0.25
42. Targeted incentives for the creation and use of IP assets for SMEs	0.50
43. IP-intensive industries, national economic impact analysis	0.25
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**3.50**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	0.50

Total Score: 21.29

Spotlight on the National IP Environment

Past Editions versus Current Score

Brunei's overall score has increased from 20.54 out of 53 indicators in the 13th edition to 21.29. This reflects a score increase on indicators 42 and 53.

Systemic Efficiency

42. Targeted Incentives for the creation and use of IP assets for SMEs:
Brunei has historically not offered SMEs targeted IP incentives. The national IP office, BruIPO, does not offer a priority review or reduced registration fees for SMEs. There have been past examples of the Office hosting general workshops and providing technical assistance through its education programs. These have never been tailored to the specific needs of SMEs. And unlike many other ASEAN economies, Brunei does not host a WIPO Technology and Innovation Support Center. That is now changing. In the last two years, BruIPO has partnered with regional WIPO offices and launched several SME-specific technical assistance programs. In 2024, the office partnered with WIPO's Singapore Office to organize an IP Management Clinic for SMEs. The WIPO designs the format of these clinics to provide local small businesses with the tools needed to develop, register, and commercialize their IP assets. In 2025, this continued with BruIPO hosting — again in partnership with the regional WIPO offices — a dedicated technical assistance program: "ASEAN IP Register Services Workshop: Gearing Towards a Data-Driven IP Strategy." As a result of this positive activity, the score on this indicator increased by 0.25.

Membership and Ratification of International Treaties

50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991:
As noted in the Index, Brunei is not a contracting party to the International Convention for the Protection of New Varieties of Plants (UPOV). In 2017, BruIPO formally requested that UPOV examine Brunei's existing legal framework relating to the protection of plant varieties. After the review, UPOV concluded that Brunei's legal framework conformed to the 1991 Act. However, they did not take further action at that time. Brunei is currently listed as an observer at UPOV Council meetings. In a positive step, the Government has, in the last few years, through both BruIPO and the Department of Agriculture and Agrifood, raised the prospect of Brunei acceding to UPOV 1991. Both agencies hosted a seminar discussing this issue in the summer of 2025. Brunei's accession to the UPOV 1991 Act would be a positive step and would result in an increase in this indicator's score. The Index will continue to monitor these developments in 2026.

53. At least one post-TRIPS FTA with substantive IP provisions and chapters in line with international best practices:
As noted in the Index, in 2023, Brunei formally ratified the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), with the Agreement officially coming into force over the summer. Brunei was the last remaining contracting party that had not formally ratified or acceded to the CPTPP. Following the United States' withdrawal from the original Trans-Pacific Partnership (TPP), the CPTPP was fundamentally revised, with many provisions of the original treaty suspended.

With respect to Chapter 18 (Intellectual Property), numerous critical provisions were excluded, including those on patentable subject matter, biopharmaceutical-specific IP rights such as regulatory data protection, copyright protection and enforcement, and protections relating to satellite and cable signals. Still, the text of the CPTPP retains some important aspects of the original TPP's IP provisions, including, for example, provisions relating to trade secrets and border enforcement. Specifically, Article 18.78 Trade Secrets requires contracting parties to provide appropriate protection against the misappropriation, improper acquisition, use, or disclosure of trade secrets or confidential business information. Critically, Subsections 2 and 3 also require contracting parties to provide minimum criminal procedures and penalties. The CPTPP also provides an unambiguous requirement that border officials in all contracting parties have the right to take *ex officio* action against suspected infringing goods, including against goods in transit, destined for export and not intended for the domestic market. Article 18.76(5) of the treaty states: "Each Party shall provide that its competent authorities may initiate border measures *ex officio* with respect to goods under customs control that are: (a) imported; (b) destined for export; or (c) in transit."

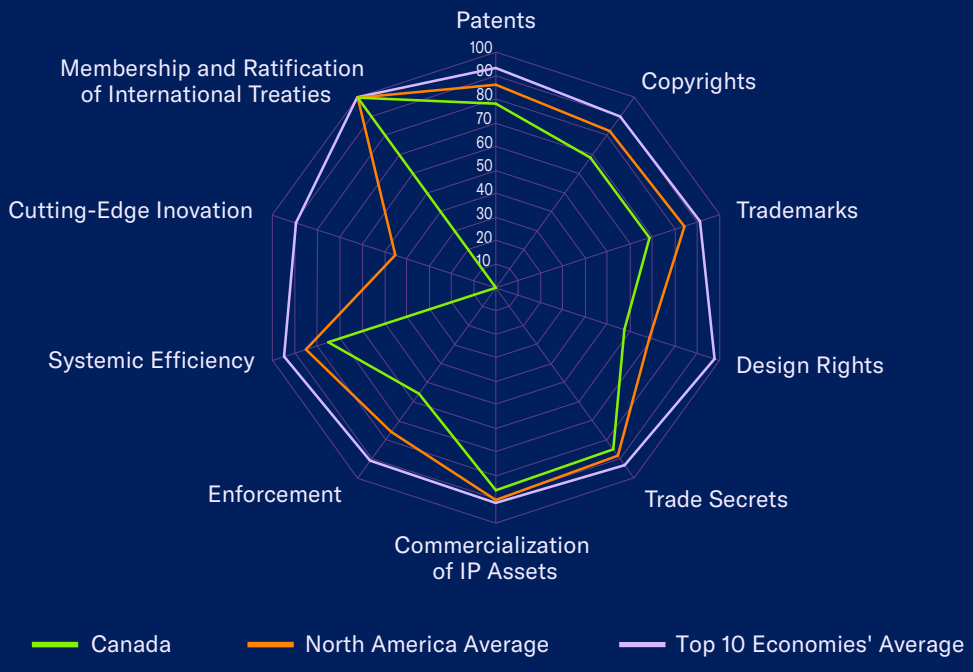
These are all important post-TRIPS IP standards covered as discrete indicators in the Index. Historically, this indicator has been scored based on whether an economy is a signatory to, and has ratified or acceded to, a modern post-TRIPS FTA that includes substantive IP provisions in line with international best practices, as identified in the Index. As such, this indicator has not accounted for the allocation of partial scores in cases where a post-TRIPS FTA includes only a limited number of substantive IP provisions, consistent with international best practices and identified in the Index.

To take better account of the increasing number of post-TRIPS FTAs that include some substantive IP provisions identified in the Index, from this edition of the Index onward, it will be possible to achieve a partial score ranging from 0, 0.25, 0.5, 0.75, and 1. Like all other indicators in this category, score allocation will still be evenly divided between the signature and ratification or accession to an international treaty. As a result of the change in scoring methodology used and the fact that the CPTPP has been ratified and is in effect, the score on this indicator has increased by 0.50.

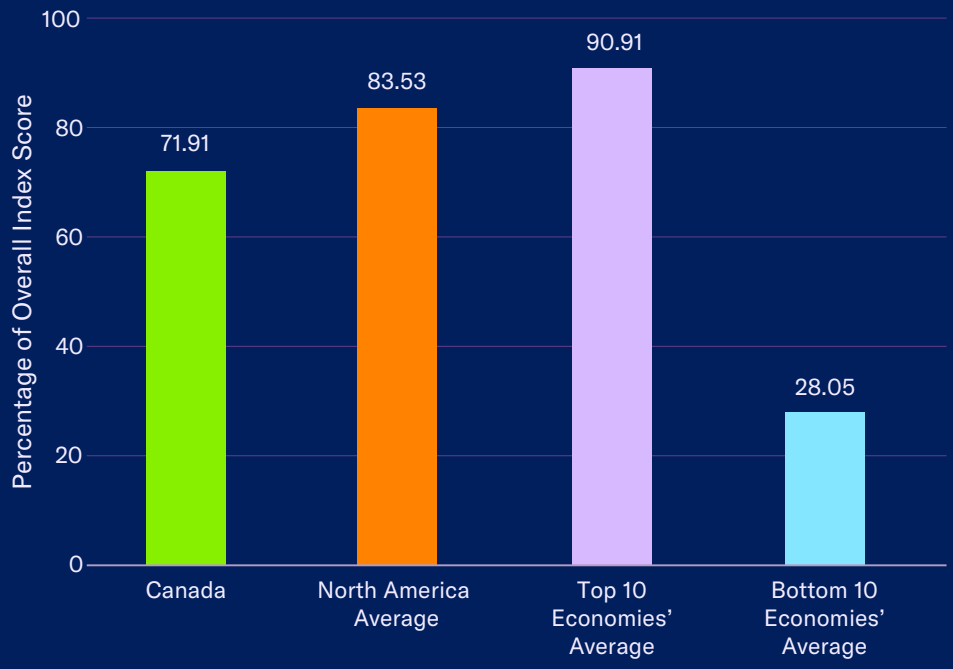
Canada

Rank
18/55

Category Scores



Overall Score in Comparison



Canada

Rank
18/55

Key Areas of Strength

- Issuing of dynamic injunction orders further strengthens copyright enforcement in Canada
- USMCA took effect in 2020, resulting in longer copyright term, new criminal sanctions for theft and misappropriation of trade secrets, and *ex officio* authority for border action against in-transit goods
- 2017 Supreme Court judgment on utility doctrine aligns Canada's patentability environment with international standards
- CETA implementing legislation in place which strengthened some rights
- Significant damages awarded in precedent setting 2017 Federal Court case with regards to Canada's DRM provisions

Key Areas of Weakness

- PTA mechanism in effect provides a de minimis form of compensatory patent term adjustment making it difficult, if not impossible, for most applicants to obtain any restoration
- No special IP incentives for orphan medicinal product development
- Continued uncertainty over existing interpretation of educational exceptions to copyright — 2021 Supreme Court decision in Access Copyright case added more layers of uncertainty and legal complexity
- CETA amendments to Patent Act introducing patent term restoration includes restrictive eligibility requirements as well as an export claw-out, which effectively undermines biopharmaceutical exclusivity
- Deficiencies exist with respect to pharmaceutical patent enforcement remain unaddressed in PMNOC Regulations

Indicator	Score
Category 1: Patents Rights and Limitations	**7.05**
1. Term of protection	1.00
2. Patentability requirements	0.75
3. Patentability of CIIs	1.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.25
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	0.30
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	0.75
Category 2: Copyrights and Limitations	**4.79**
10. Term of protection	0.79
11. Exclusive rights	0.50
12. Expeditious legal remedies disabling access to infringing content online	1.00
13. Cooperative action against online piracy	0.25
14. Limitations and exceptions	0.25
15. TPM and DRM	1.00
16. Government use of licensed software	1.00
Category 3: Trademarks Rights and Limitations	**2.75**
17. Term of protection	1.00
18. Protection of well-known marks	0.75
19. Exclusive rights, trademarks	0.75
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**1.15**
21. Industrial Design Term of Protection	0.40
22. Exclusive rights, industrial design rights	0.75
Category 5: Trade Secrets and the Protection of Confidential Information	**2.55**
23. Protection of trade secrets (Civil Remedies)	1.00
24. Protection of trade secrets (Criminal Sanctions)	0.75
25. Regulatory data protection term	0.80
Category 6: Commercialization of IP Assets	**5.17**
26. Barriers to market access	1.00
27. Barriers to technology transfer	0.75
28. Registration and disclosure requirements of licensing deals	1.00
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	0.67
Category 7: Enforcement	**3.90**
32. Physical counterfeiting rates	0.62
33. Software piracy rates	0.78
34. Civil and procedural remedies	0.50
35. Pre-established damages	0.50
36. Criminal standards	0.50
37. Effective border measures	0.75
38. Transparency and public reporting by Customs	0.25
Category 8: Systemic Efficiency	**3.75**
39. Coordination of IP rights enforcement	0.50
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	0.75
42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
43. IP-intensive industries, national economic impact analysis	0.75
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**7.00**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
49. Patent Law Treaty and Patent Cooperation Treaty	1.00
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	1.00

Total Score: 38.11

Spotlight on the National IP Environment

Past Editions versus Current Score

Canada's overall score remains unchanged at 38.11 out of 53 indicators.

Area of Note

In 2025, the Canadian Government finalized the Patented Medicine Prices Review Board's (PMPRB) "Guidelines for PMPRB Staff, Administrative Process for Excessive Price Hearing Recommendation." As noted in the Index, the Board has been working on finalizing this document for several years, with multiple rounds of stakeholder consultations and draft versions issued. These Guidelines took effect on January 1, 2026, and are part of a broader effort by Canadian health authorities to reform how patented medicines are evaluated and priced. Unfortunately, these efforts have focused almost exclusively on cost control and minimizing overall biopharmaceutical spending within the health system. While successful legal challenges have limited the scope of some of these efforts, the changes to the basket of economies the PMPRB uses for international price comparisons remain in effect and have been since 2022. These changes expanded the basket and removed the United States and Switzerland as comparator economies, lowering overall price comparisons and the biopharmaceutical price level in Canada while adding layers of complexity to the pricing and reimbursement process.

During the latest phase of the development of the Guidelines, rights holders raised several critical concerns including the way price comparisons are made and what is judged as "excessive"; the basis and conduct of so-called "in-depth reviews" including comparisons made on a therapeutic basis; the predictability of the review process itself including changing assessment criteria and price comparisons made over time; and the nature of the third-party complaints procedure and its triggering of an automatic in-depth review. While some of these concerns were adequately addressed in the finalized Guidelines — most notably the use of a "highest international price" (HIP) in international price comparisons — many others remain unresolved. Given the centrality of these Guidelines to the PMRPB's decision-making process and staff assessments, it is regrettable that the Board was unable to address more of these concerns.

As the last two decades of pharmaceutical launch and reimbursement data clearly show, the direct impact of the PMPRB and the Canadian health system's broader focus on pharmaceutical cost control has been a consistent time lag in new, innovative products reaching Canadian patients. On average, Canadians wait longer to access the latest innovative medicines than patients in the United States and many other OECD markets. As the Index has detailed over the last decade, the biopharmaceutical IP environment in Canada could, in many respects, be strengthened and aligned with best practices in the United States, the European Union, and leading Asian economies. Similarly, incentivizing innovation in the Canadian health system through adequate pricing and reimbursement policies for biopharmaceuticals would also improve the competitiveness of the Canadian environment and allow innovators — domestic and international — to be fairly compensated for their innovation and creativity. The Index will continue to monitor these developments in 2026.

Patent Rights and Limitations

7. Patent term restoration for pharmaceutical products:
As part of commitments made under the Canada-United States-Mexico Agreement, Canada agreed to introduce a patent term adjustment (PTA) mechanism. The purpose of this mechanism is to compensate patent applicants for any undue delay in prosecuting the patent application. Unfortunately — and as noted in last year's Index — the Canadian PTA mechanism in effect today provides a de minimis form of compensatory term adjustment, making it difficult, if not impossible, for most applicants to obtain any such restoration.

More broadly, any PTA granted runs concurrently with a separate and distinct form of patent term restoration, namely, supplementary protection for biopharmaceutical patents. Yet these are two completely different types of restoration seeking to compensate rights holders for other forms of regulatory delay. PTA is due to what the USMCA terms "unreasonable" delays in patent prosecution. In Canada, the government issues Certificates of Supplementary Protection (CSP) for biopharmaceutical patents to restore the time that companies lose during the sanitary registration and marketing authorization processes for new medicines and biopharmaceutical technologies. As such, one form of restoration is unrelated to the other.

The way Canadian authorities interpret and implement their commitments under the USMCA is reminiscent of how the government handled the introduction of the CSP mechanism under the Comprehensive Economic and Trade Agreement (CETA) with the EU. The relevant amendments to the Patent Act and implementing regulations set a maximum CSP restoration period of two years, on paper. However, the effective availability of this restoration term was severely limited by several technical carve-outs and restrictions.

There is little point in introducing IP incentives, such as PTA and CSP, if onerous conditions and carve-outs undermine them. Instead of strengthening Canada's national IP environment and stimulating more R&D and related economic activity, such actions simply hollow out both the IP environment and any incentives for future innovation. The Index will continue to monitor these developments in 2026.

Copyrights and Limitations

14. Scope of limitations and exceptions to copyrights and related rights:
Like many other Index economies, the use of machine learning and AI-based technologies and applications is increasing in Canada. While these are important areas of future economic activity, as advances in computational power and new technological advancements allow for scientific advances and innovation to take place through the analysis of large volumes of data and information, there are concerns over how the development, application, and use of these technologies will affect creators and rights holders across the world.

Over the last few years, the Canadian Government has introduced several new initiatives to establish an appropriate legal and policy environment for the use and application of AI technologies. Following a general election and the opening of a new Parliament, the government abandoned Bill C-27 ("An Act to enact the Consumer Privacy Protection Act, the Personal Information and Data Protection Tribunal Act and the Artificial Intelligence and Data Act and to make consequential and related amendments to other Acts"). The bill was the first legislative initiative in Canada seeking to establish a framework for the national development and application of AI and machine learning technologies.

At the time of the research, the Government launched a new "AI Strategy Task Force" and a new public consultation. Given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights.

Separately, in 2025, there was no progress on the long-standing issue of educational exceptions. As noted repeatedly in the Index, the 2012 amendments to the Copyright Act broadened Canada's framework of copyright exceptions, including the expansion of education and personal-use exceptions. Canadian Supreme Court decisions from the same year also broadened the scope of judicial interpretation of existing exceptions, to the extent that their continued compatibility with the Berne three-step test was questionable.

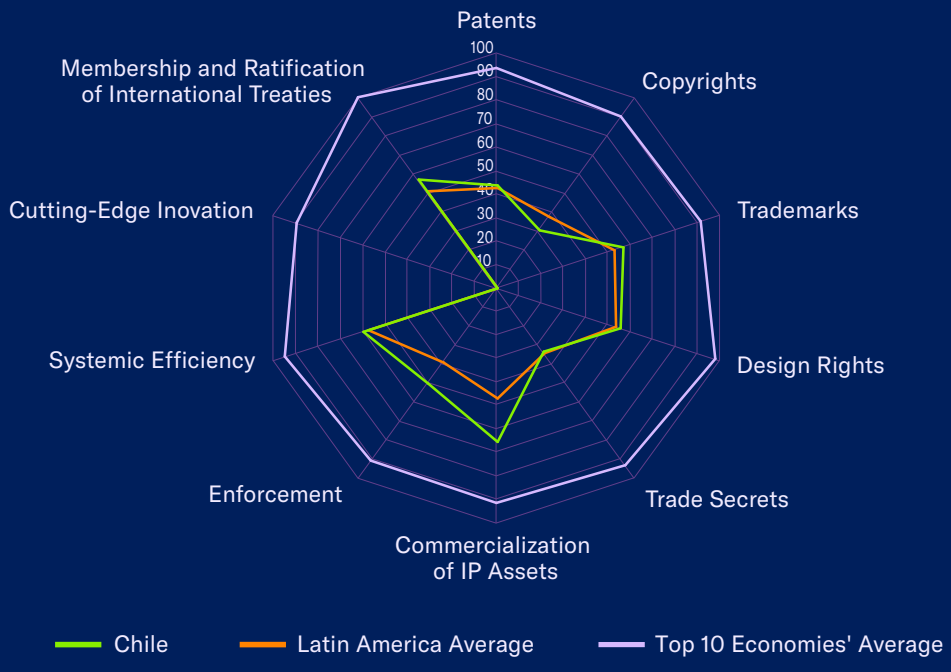
Over the last 13 years, there have been several rounds of litigation culminating in a Supreme Court ruling in 2021, yet the issue remains unresolved. The net effect of the reforms and Supreme Court rulings has been a contraction in the publishing sector, with the Canadian publishing industry and individual rights holders reporting that publishing income has decreased substantially.

In 2022, the federal Government appears to have finally recognized the dire impact of the 2012 amendments and subsequent Supreme Court rulings. In that year's national budget, the Government stated plainly that it would "work to ensure a sustainable educational publishing industry, including fair remuneration for creators and copyright holders, as well as a modern and innovative marketplace that can efficiently serve copyright users." In the last three years, there has been no further action. The Index will continue to monitor these developments in 2026.

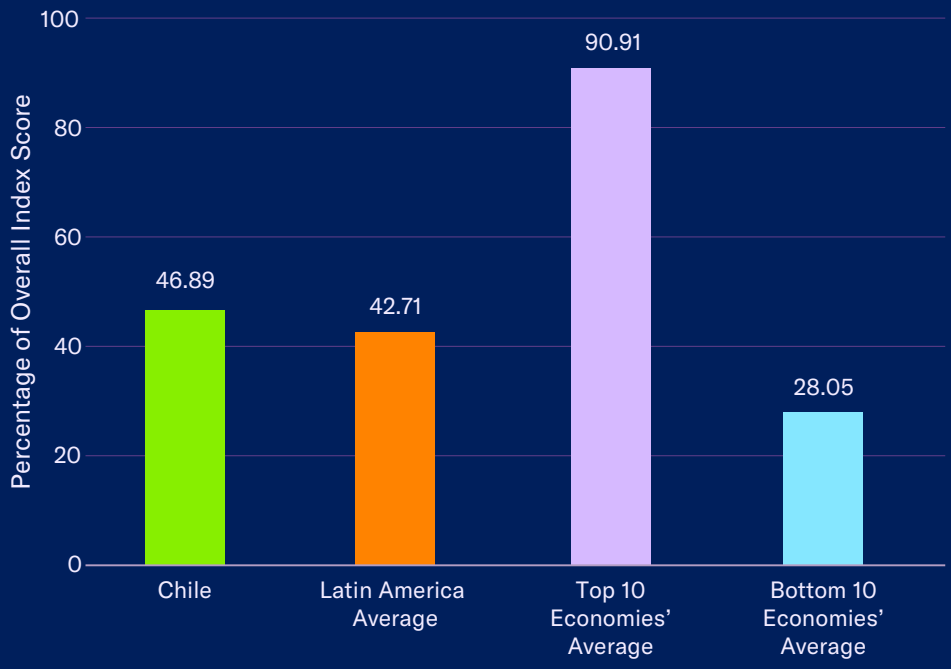
Chile

Rank
32/55

Category Scores



Overall Score in Comparison



Chile

Rank
32/55

Key Areas of Strength

- Joined Madrid Protocol in 2022
- IP law amendments (Law 19,309) extend term of protection for design rights and improves enforcement environment
- Member of GPPH
- Stronger efforts to increase transparency and public reporting of customs' enforcement activities
- Commitment to improve IP environment through international trade agreements
- Efforts to streamline IP registration
- Promotion of IP commercialization

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Uncertainty on accessibility of term restoration with IP law amendments (Law 19,309)
- Threat of compulsory licensing based on cost considerations for COVID-19 and HCV drugs persists
- Patchy patent protection for biopharmaceuticals, including obstacles to patentability and lack of effective patent enforcement
- High levels of counterfeiting and piracy for an OECD economy — 55% estimated software piracy
- Lack of a sufficient framework to tackle online piracy, though some success in disabling access to infringing websites

Indicator	Score
Category 1: Patents Rights and Limitations	**3.94**
1. Term of protection	1.00
2. Patentability requirements	0.25
3. Patentability of CIIs	0.00
4. Plant variety protection	0.74
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.70
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	0.25
Category 2: Copyrights and Limitations	**2.13**
10. Term of protection	0.63
11. Exclusive rights	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.50
13. Cooperative action against online piracy	0.00
14. Limitations and exceptions	0.25
15. TPM and DRM	0.00
16. Government use of licensed software	0.50
Category 3: Trademarks Rights and Limitations	**2.25**
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**1.10**
21. Industrial Design Term of Protection	0.60
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	**1.00**
23. Protection of trade secrets (Civil Remedies)	0.25
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.50
Category 6: Commercialization of IP Assets	**3.92**
26. Barriers to market access	0.25
27. Barriers to technology transfer	0.75
28. Registration and disclosure requirements of licensing deals	0.75
29. Direct Government intervention in setting licensing terms	0.75
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	0.67
Category 7: Enforcement	**3.51**
32. Physical counterfeiting rates	0.56
33. Software piracy rates	0.45
34. Civil and procedural remedies	0.50
35. Pre-established damages	0.50
36. Criminal standards	0.50
37. Effective border measures	0.25
38. Transparency and public reporting by Customs	0.75
Category 8: Systemic Efficiency	**3.00**
39. Coordination of IP rights enforcement	0.75
40. Consultation with stakeholders during IP policy formation	0.50
41. Educational campaigns and awareness raising	0.75
42. Targeted incentives for the creation and use of IP assets for SMEs	0.50
43. IP-intensive industries, national economic impact analysis	0.50
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**4.00**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	1.00

Total Score: 24.85

Spotlight on the National IP Environment

Past Editions versus Current Score

Chile's overall score has decreased from 24.86 out of 53 indicators in the 13th edition to 24.85. This reflects a score decrease on indicator 32.

Area of Note

In 2025, there were several positive developments to address long-standing IP challenges, as noted below under the relevant Index indicators. Rights holders report that much of this progress has been made possible by closer cooperation between the private sector and the Chilean Government. The Index applauds these efforts and the continued involvement and inclusion of private sector stakeholders in national IP policymaking in 2026 and beyond.

Patent Rights and Limitations

6. Legislative criteria and active use of compulsory licensing of patented products and technologies: Chile has progressively changed its policies on compulsory licensing throughout the Index's history. Successive governments and congresses have supported this approach to lower medicine prices, implementing it through parliamentary resolutions and proposed legislation. Notably, the proposed Drugs Act II (Ley de Farmacos II) aims to improve drug availability and reduce out-of-pocket costs through the expansion of compulsory licenses, among other measures. During the bill's long journey through the Chilean Congress, new provisions have been added that greatly expand the scope of nonvoluntary licenses, incorporating discretionary elements such as "shortage" or "economic inaccessibility" of products as legitimate grounds for issuing a license. The draft bill also includes provisions effectively reducing a rights holder's use of its trademarks in the course of trade.

First introduced in 2015, the bill has, since 2022, been in committee review in the Chilean Senate. In the summer of 2025, the Senate issued a special report on the status of the bill, effectively asking the legislative process to be restarted and the Government to produce a fresh draft of the law. At the time of research, no new legislation had been proposed or shared with the public. The Index will continue to monitor these developments in 2026.

Copyrights and Limitations

14. Scope of limitations and exceptions to copyrights and related rights: Like many Index economies, Chile is developing a regulatory framework for the development and use of AI-based technologies. Over the last year, two separate AI bills — one from the government and one a member's bill — have been introduced. The more substantive of the two is the government's bill 16,821-19, overseen by the Ministry of Science and Technology. This bill is primarily modeled on the EU's AI Act and seeks to introduce a comprehensive regulatory mechanism for the development and use of AI technologies in Chile. Like the EU AI Act, the bill uses a risk categorization system to define and assign varying levels of regulatory compliance requirements.

Regarding the interaction between AI development and copyright protection, the draft legislation is mainly silent. Neither the bill nor the accompanying explanatory note recognizes the unauthorized use of copyrighted materials in the development and training of AI language models. The bill proposes to expand Chile's existing copyright exceptions regime with a proposed amendment to the current copyright statute (Law No. 17,336 on Intellectual Property).

The draft article states that: Any act of reproduction, adaptation, distribution or communication to the public of a lawfully published work is lawful, without remuneration or obtaining authorization from the owner, when said act is carried out exclusively for the extraction, comparison, classification, or any other statistical analysis of language, sound or image data, or of other elements that comprise a large number of works or a large volume of data, provided that said use does not constitute a covert exploitation of the protected work or works.

While text and data mining exceptions have been introduced in several legal jurisdictions across the world, most of these exceptions — including the European Union's Directive 2019/790 on Copyright and Related Rights in the Digital Single Market (CDSM Directive) — require that any mining, copying or computational analysis carried out under these exceptions can only be carried out on works that have been lawfully obtained or accessed. These exceptions usually also include clear caveats and definitions specifying which type of organization (non-profit versus for-profit) can benefit from the exception and for what purpose (commercial exploitation versus non-commercial scientific research). As currently written, it is unclear whether the proposed legislation would provide any of those safeguards. At the time of research, the bill was still being debated. The Index will continue to monitor these developments in 2026.

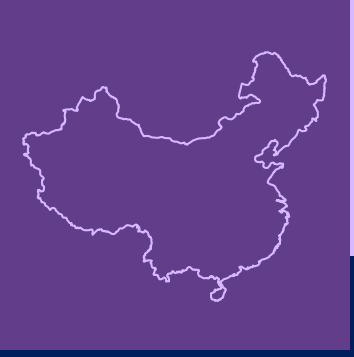
15. Technological protection measures (TPM) and digital rights management (DRM) legislation:
In late 2025, Parliament reactivated a long-dormant draft bill on digital piracy and online piracy, including provisions on TPM. As noted throughout the Index, rights holders face significant challenges in protecting their copyrighted content in Chile. As a contracting party to both the WIPO Internet treaties and the 2003 United States-Chile Free Trade Agreement, Chile is obliged to provide a minimum standard of copyright protection for rights holders that is currently not available. Both the U.S. FTA and WIPO Internet treaties contain several important standards and measures relating to copyright enforcement via the internet and digital realm, including a defined notice-and-takedown mechanism; extensive TPM and DRM protection provisions; definitions of obligations pertaining to related rights; protection against satellite piracy; and general civil and criminal enforcement procedures for all IP rights, including copyrights.

However, over 20 years after ratification of the FTA and accession to the WIPO Internet treaties, there are still significant gaps in Chile's legal framework, and enforcement remains inadequate. With respect to TPM and DRM, despite the ratification of the WIPO Internet Treaties and the U.S.-Chile FTA, copyright law still only protects against circumvention or interference by ISPs. Circumvention by other parties is not illegal, nor is the manufacture, distribution, and sale of circumvention devices.

Proposals have been put forward in the National Congress to amend existing statutes and introduce more robust measures, including in 2021. Overall, there has been no meaningful action on the existing DRM and TPM legal framework, and this remains a key weakness in Chile's copyright environment. As noted, this may now be changing with draft legislation again being considered in the Chamber of Deputies. Strengthening TPM and DRM protection in Chile would improve the copyright environment and increase the score on this indicator. The Index will monitor these developments in 2026.

Membership and Ratification of International Treaties

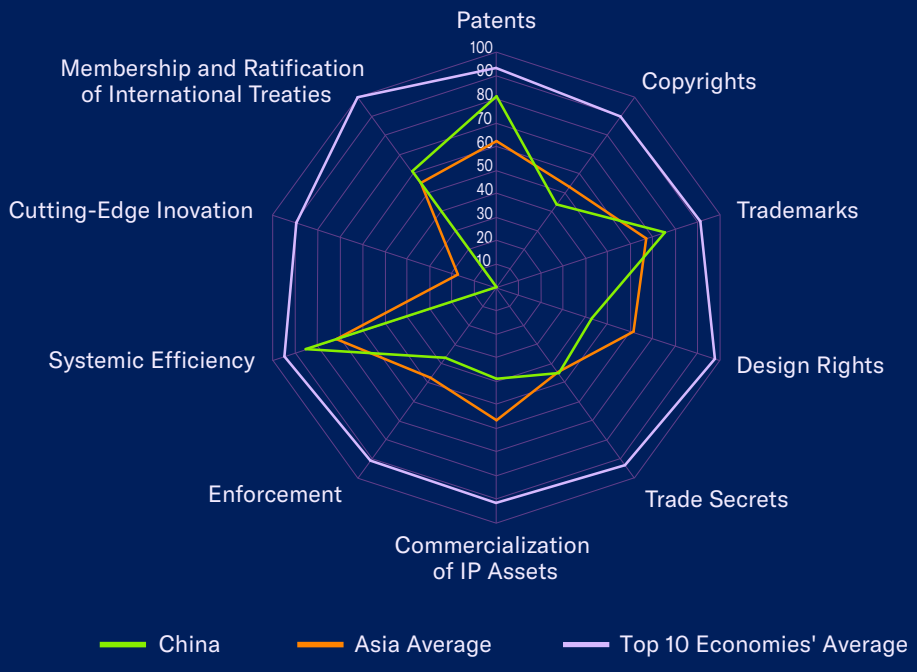
49. Patent Law Treaty and Patent Cooperation Treaty:
In a positive development, in late 2025, the Chilean Senate voted to support Chile's accession to the Patent Law Treaty. Should Chile become a contracting party to the Patent Law Treaty, this would result in a score increase on this indicator. At the time of research, no accession had taken place. The Index will continue to monitor these developments in 2026.



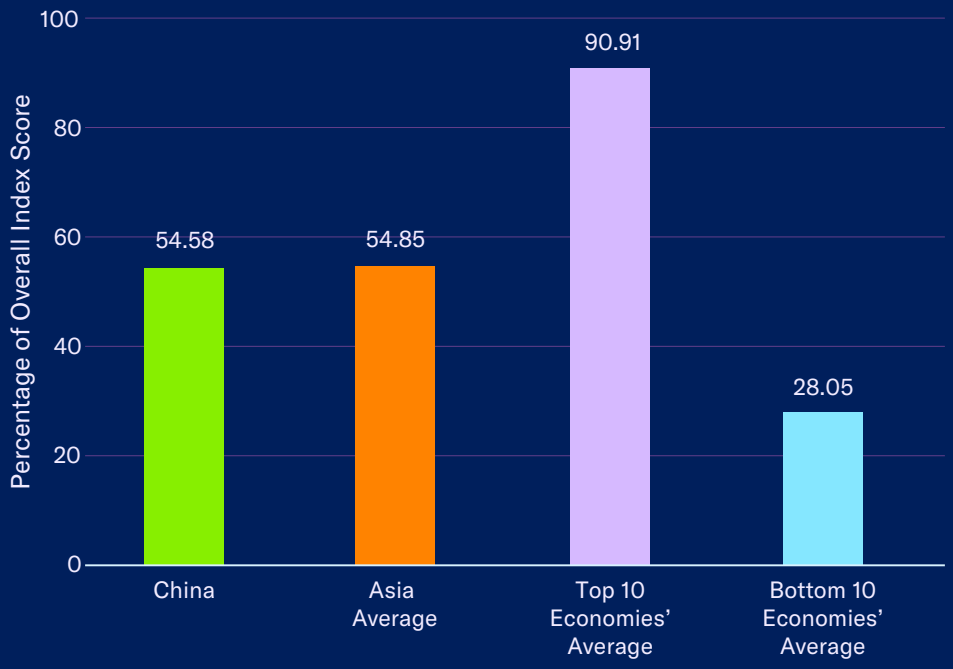
China

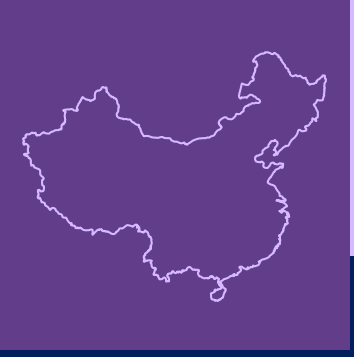
Rank
25/55

Category Scores



Overall Score in Comparison





China

Rank
25/55

Key Areas of Strength

- Reform of IP laws following Phase One Agreement with United States
- 2020 Patent Law amendment aimed to improve environment for biopharma and other patent-dependent industries and extend term of protection for design patents
- 2020 Copyright Law amendments improved copyright environment
- 2019-2020 amendments to Foreign Investment Law and Technology Import and Export Regulations improved technology transfer and licensing, though challenges for SEPs and informal avenues for forced tech transfers remain
- 2019 Trademark Law amendment sought to address issue of bad faith filings
- 2019 Anti-Unfair Competition Law amendment strengthened protection of trade secrets
- Strong efforts to raise awareness and leverage value of IP rights in academic and private spheres

Key Areas of Weakness

- 2024 Implementing Regulations and Patent Examination Guidelines make pharmaceutical patent term restoration contingent on first global launch taking place in China, which all but negates the practical availability of term restoration to most innovators
- No special IP incentives for orphan medicinal product development
- SEP rights holders increasingly facing global anti-suit injunctions and restrictions on their ability to assert infringement claims in legal jurisdictions outside China
- 2022 Anti-Monopoly Law greatly expands the government's basis for action against anti-competitive behavior and substantially increases fines and penalties. 2023 rules use broad, vague language on anti-competitive behavior in the IP context and grant authorities' wide discretion to define it
- Uncertainty over implementing rules for biopharmaceutical linkage mechanism and patent term restoration
- Lack of a Regulatory Data Protection system, despite draft rules presented in 2025
- Despite improved enforcement efforts, levels of IP infringement remain high
- Interpretation of IP laws can be fragmented and out of sync with international standards
- Broader industrial and investment policies continue to undermine the investment and business environment

Indicator	Score
Category 1: Patents Rights and Limitations	**7.28**
1. Term of protection	1.00
2. Patentability requirements	0.75
3. Patentability of CIIs	1.00
4. Plant variety protection	0.78
5. Pharmaceutical-related enforcement	0.50
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	1.00
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	0.25
Category 2: Copyrights and Limitations	**3.03**
10. Term of protection	0.53
11. Exclusive rights	0.75
12. Expeditious legal remedies disabling access to infringing content online	0.00
13. Cooperative action against online piracy	0.50
14. Limitations and exceptions	0.25
15. TPM and DRM	0.50
16. Government use of licensed software	0.50
Category 3: Trademarks Rights and Limitations	**3.00**
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.75
20. Frameworks against online sale of counterfeit goods	0.75
Category 4: Design Rights and Limitations	**0.85**
21. Industrial Design Term of Protection	0.60
22. Exclusive rights, industrial design rights	0.25
Category 5: Trade Secrets and the Protection of Confidential Information	**1.35**
23. Protection of trade secrets (Civil Remedies)	0.50
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.60
Category 6: Commercialization of IP Assets	**2.33**
26. Barriers to market access	0.25
27. Barriers to technology transfer	0.75
28. Registration and disclosure requirements of licensing deals	0.00
29. Direct Government intervention in setting licensing terms	0.25
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	0.33
Category 7: Enforcement	**2.59**
32. Physical counterfeiting rates	0.00
33. Software piracy rates	0.34
34. Civil and procedural remedies	0.50
35. Pre-established damages	0.50
36. Criminal standards	0.25
37. Effective border measures	0.00
38. Transparency and public reporting by Customs	1.00
Category 8: Systemic Efficiency	**4.25**
39. Coordination of IP rights enforcement	1.00
40. Consultation with stakeholders during IP policy formation	0.50
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
43. IP-intensive industries, national economic impact analysis	1.00
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**4.25**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.75
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	1.00

Total Score: 28.93

Spotlight on the National IP Environment

Past Editions versus Current Score

China's overall score remains unchanged at 28.93 out of 53 indicators.

Area of Note

In March 2025, the Chinese State Council published the Regulations of the State Council on Resolving Foreign-Related Intellectual Property Disputes. The Regulations instruct all layers of government to help Chinese entities protect their IP assets abroad. They also include several broad provisions that can be applied to any perceived dispute or situation in which someone believes Chinese interests are threatened or violated. Specifically, Articles 15-17 give the government, and any offended Chinese entity, powers to act and/or retaliate "against those who use intellectual property disputes to endanger China's sovereignty, security and development interests."

Separately, in July, the China National Intellectual Property Administration (CNIPA) issued a public consultation on the implementation of the "Law of the People's Republic of China on Promoting the Private Economy" in the field of IP rights. Just like the Regulations on Foreign-Related Intellectual Property Disputes, these draft measures also include articles relating to foreign IP disputes. Finally, in late December, the National People's Congress passed a revised version of the Foreign Trade Law. This also includes articles specific to IP rights and the protection of Chinese IP abroad. Like the State Council Regulations, Articles 33-34 of this draft also grant the Chinese government broad powers to act against any perceived harm or unfair treatment. The Index will monitor how these new laws and draft measures are used against rights holders in 2026 and beyond.

Patent Rights and Limitations; and Trade Secrets and the Protection of Confidential Information

7. Patent term restoration for pharmaceutical products; and 25. Regulatory data protection (RDP) term:
As noted in the Index, in a positive development for China's national IP environment, the 2020 amendments to the Patent Law introduced a term-restoration period of up to five years for biopharmaceutical products. In late 2023, the Implementing Regulations were finally released, along with updated Patent Examination Guidelines that explained how these amendments would work in practice. Unfortunately, these Regulations and Guidelines make term restoration contingent on the first global launch of an individual medicine or therapy taking place in China.

This stands in stark contrast to international best practices, which define "new" biopharmaceutical products as those newly approved for that individual market. Given that most innovative medicines are first launched outside China, this requirement effectively eliminates the practical availability of term restoration for most innovators. At the time of research, no revisions or updates to the published Regulations had been proposed. If no action is taken by Chinese authorities and the Regulations remain unchanged, the score for indicator 7 will be reduced to 0. Similarly, if this definition of "new" becomes the norm and is applied to other biopharmaceutical IP rights, including RDP, as part of the draft measures proposed in 2025 that are still to be finalized, it will also result in a score reduction for indicator 25. The Index will continue to monitor these developments in 2026.

Commercialization of IP Assets and Market Access

27. Barriers to technology transfer; and 29. Direct Government intervention in setting licensing terms:
In 2025, several significant developments occurred in China's technology transfer and licensing environment. As detailed across several editions of the Index, rights holders have historically faced a growing number of regulatory and procedural barriers that impede technology flows, R&D cooperation, and digital trade. This changed in 2019-20 as a direct result of the negotiations and conclusion of the "Economic and Trade Agreement Between the Government of the United States and the Government of the People's Republic of China," which led to several significant and positive changes in China's technology transfer and licensing environment. As noted at the time in the Index, these changes held the promise of fundamentally remodeling the way licenses are drafted and executed between foreign and Chinese entities. As a result, China's score increased on indicators 26, 27, and 29 in the eighth edition of the Index. However, since then, and despite this legislative progress, licensors and rights holders have continued to face substantive challenges to doing business in China on fair, non-discriminatory, and equal terms.

To begin with, in the last few years, there has been a growing trend of rights holders facing global anti-suit injunctions and restrictions on their ability to assert infringement claims in legal jurisdictions outside China. Chinese courts have increasingly claimed global jurisdiction to set global licensing rates for technologies protected by Standard Essential Patents (SEPs), threatening exorbitant fines and withholding access to the Chinese market to prevent foreign patent holders from asserting their rights (in both China and global jurisdictions).

The outcomes of these cases have also been cited as "model" IP rights cases by government authorities. Such actions violate the spirit of China's commitment to refrain from forcing, whether directly or indirectly, technology transfers under Chapter 2 of the January 2020 Agreement and under TRIPS Article 28, which guarantees patent protection rights.

In 2022, the European Union filed a request for consultations with China at the WTO over this issue. In July 2025, a WTO appeal Arbitrator found that China's policy on anti-suit injunctions was inconsistent with its commitments under the TRIPS Agreement. The Arbitrator's findings mark a potential turning point on this issue and, if fully implemented by China, could represent a significant improvement in the licensing environment for SEPs.

At the time of the research, the Chinese delegation to the WTO issued a statement that it would abide by the award and its WTO obligations. In early 2025, before the award was issued, the EU actively requested consultations with China to discuss establishing global royalty rates for Standard Essential Patents (SEPs). At that time, a WTO dispute panel was being formed to address the issue.

In a separate development, in March 2025, CNIPA and six other government agencies — including the anti-competition authority, the State Administration for Market Regulation — issued "Opinions of the State Intellectual Property Office, the Ministry of Education, the Ministry of Science and Technology, the State Administration for Market Regulation, the State Financial Regulatory Administration, the National Copyright Administration and the Chinese Academy of Sciences on further optimizing the business environment in the field of intellectual property."

Notably, Section II, Subsection V further cements the Chinese government's role within the SEP licensing process through the development of new SEP state-issued licensing guidelines; the promotion of "fair and reasonable licensing" of SEPs; and the prevention of "monopoly behavior." SEP-based technologies are central to future innovation and economic growth,– both in China and globally. Many of the cutting-edge industries loosely labeled as part of the "Fourth Industrial Revolution" — the Internet of Things, artificial intelligence, robotics, and 3-D printing — will rely on SEPs to function.

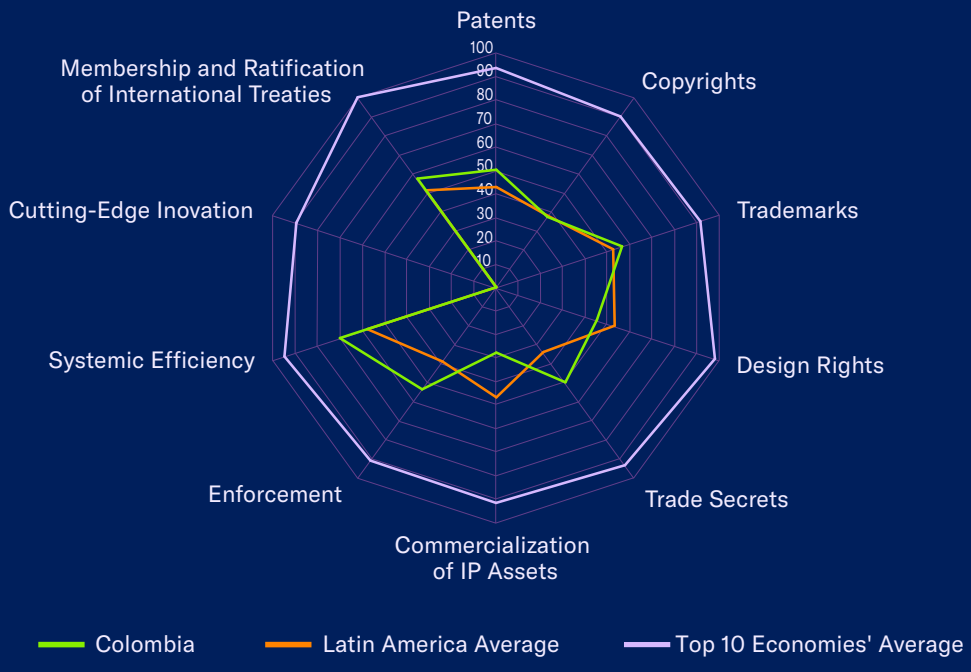
However, disputes between licensors and licensees on what constitutes fair, reasonable, and non-discriminatory (FRAND) licensing terms are not new, nor are they unique to China. This is an evolving field of IP policy and jurisprudence for a deeply complex subject matter. Each licensing negotiation is unique and should not be subject to prescriptive government action or intervention, whether direct or indirect.

Should rights holders continue to face challenges in asserting their rights on fair, non-discriminatory, and equal terms — whether through the Chinese judiciary or administratively through the expanded powers and continued government intervention in the SEP licensing process — this will result in a sharp score decrease on relevant Index indicators and negate the positive impact of the Phase I Agreement with the United States. The Index will continue to monitor these developments in 2026.

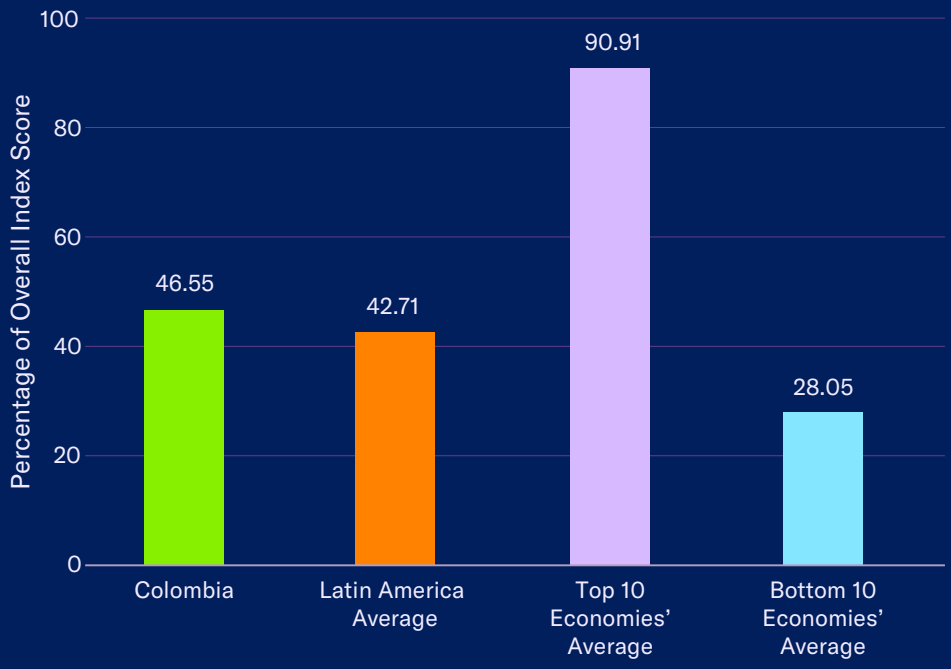
Colombia

Rank
34/55

Category Scores



Overall Score in Comparison



Colombia

Rank
34/55

Key Areas of Strength

- 2024 judgement ordered the disabling of access to several copyright infringing websites – including “SkyLatinaTV” – and included a so-called dynamic element
- Stronger copyright enforcement efforts through DNDA injunctive style relief action against online piracy
- Acceded to Convention on Cybercrime in 2020
- Colombian Constitutional Court issued a ruling (ruling C-345-19) that recognizes the constitutionality of statutory damages for copyright infringement, introduced by 2018 amendments to Copyright Law
- Targeted incentives in place for the creation and use of IP assets for SMEs, including reduced filing fees and technical assistance
- Efforts to coordinate interagency IP enforcement and raise public and stakeholder engagement on IP policymaking and education

Key Areas of Weakness

- 2024 compulsory license issued for HIV/AIDS treatment dolutegravir and the government discussed issuing new CLs in 2025
- No special IP incentives for orphan medicinal product development
- 2023 Ministry of Health Resolution 881 continues policy history of use of compulsory license and public interest declarations to leverage price reductions for biopharmaceuticals
- Substantial barriers in place for licensing activities, including direct government intervention and review of technology transfer and licensing agreements
- Key life sciences IP rights missing, including patent term restoration and mechanisms for early patent dispute resolution
- Uncertainty over availability of RDP for biopharmaceuticals
- Inadequate and delayed prosecution of and penalties for IP infringement

Indicator	Score
Category 1: Patents Rights and Limitations	**4.50**
1. Term of protection	1.00
2. Patentability requirements	0.50
3. Patentability of CIIs	0.50
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.25
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	0.25
Category 2: Copyrights and Limitations	**2.59**
10. Term of protection	0.84
11. Exclusive rights	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.50
13. Cooperative action against online piracy	0.00
14. Limitations and exceptions	0.25
15. TPM and DRM	0.25
16. Government use of licensed software	0.50
Category 3: Trademarks Rights and Limitations	**2.25**
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**0.90**
21. Industrial Design Term of Protection	0.40
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	**1.50**
23. Protection of trade secrets (Civil Remedies)	0.50
24. Protection of trade secrets (Criminal Sanctions)	0.50
25. Regulatory data protection term	0.50
Category 6: Commercialization of IP Assets	**1.67**
26. Barriers to market access	0.25
27. Barriers to technology transfer	0.25
28. Registration and disclosure requirements of licensing deals	0.00
29. Direct Government intervention in setting licensing terms	0.00
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	0.67
Category 7: Enforcement	**3.76**
32. Physical counterfeiting rates	0.49
33. Software piracy rates	0.52
34. Civil and procedural remedies	0.50
35. Pre-established damages	0.50
36. Criminal standards	0.50
37. Effective border measures	0.75
38. Transparency and public reporting by Customs	0.50
Category 8: Systemic Efficiency	**3.50**
39. Coordination of IP rights enforcement	0.50
40. Consultation with stakeholders during IP policy formation	0.75
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
43. IP-intensive industries, national economic impact analysis	0.50
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**4.00**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	1.00

Total Score: 24.67

Spotlight on the National IP Environment

Past Editions versus Current Score

Colombia's overall score remains unchanged at 24.67 out of 53 indicators.

Patent Rights and Limitations

6. Legislative criteria and use of compulsory licensing of patented products and technologies: As noted last year, the Department of Industry and Commerce, SIC (*Superintendencia de Industria y Comercio*), in 2024 granted the Ministry of Health a compulsory license for the HIV/AIDS treatment dolutegravir. The Ministry of Health issued the license in response to a public-interest request from 2023. News reports from 2025 suggest that the first batches of the purchased generic product had been distributed within the Colombian health system.

As detailed throughout the Index, Colombia has moved in a decidedly negative direction on compulsory licenses. Up until the mid-2010s, the imposition and discussion of compulsory licensing for biopharmaceuticals had not been a recurring issue in Colombia. But over the last15 years, this has come to be viewed as a legitimate health policy tool and a way to contain pharmaceutical expenditure. Indeed, much of the logic in the SIC's Resolution and the underlying request from the Ministry of Health is based on the perceived high cost of dolutegravir. But as stated repeatedly in the Index, compulsory licensing and the overriding of property rights are not cost-containment tools: cost is not a relevant justification or basis for compulsory licensing or equivalent declarations under the TRIPS agreement.

Undermining IP incentives by using compulsory licensing as a cost-containment tool hollows out Colombia's national IP environment and any incentives for future biopharmaceutical innovation. More broadly, the overriding of biopharmaceutical IP rights on the basis of cost and price negotiations sets a wholly negative precedent that may be applied to other industries and sectors. The Index will continue to monitor these developments in 2026.

Copyrights and Limitations

14. Scope of limitations and exceptions to copyrights and related rights: Like many Index economies, Colombia is developing a regulatory framework for the development and use of AI-based technologies. Over the last year, two separate AI bills — one by the government and one a Senator's bill — have been introduced. The more substantive of the two is the government's Bill 043-25, overseen by the Ministry of Science. This bill is primarily modeled on the EU's AI Act and seeks to introduce a comprehensive regulatory mechanism for the development and use of AI technologies in Colombia. Like the EU AI Act, the bill uses a risk categorization system to define and assign varying levels of regulatory compliance requirements.

Regarding the interaction between AI development and copyright protection, the draft legislation is largely silent. The bill was still being debated at the time of research. The Index will continue to monitor these developments in 2026.

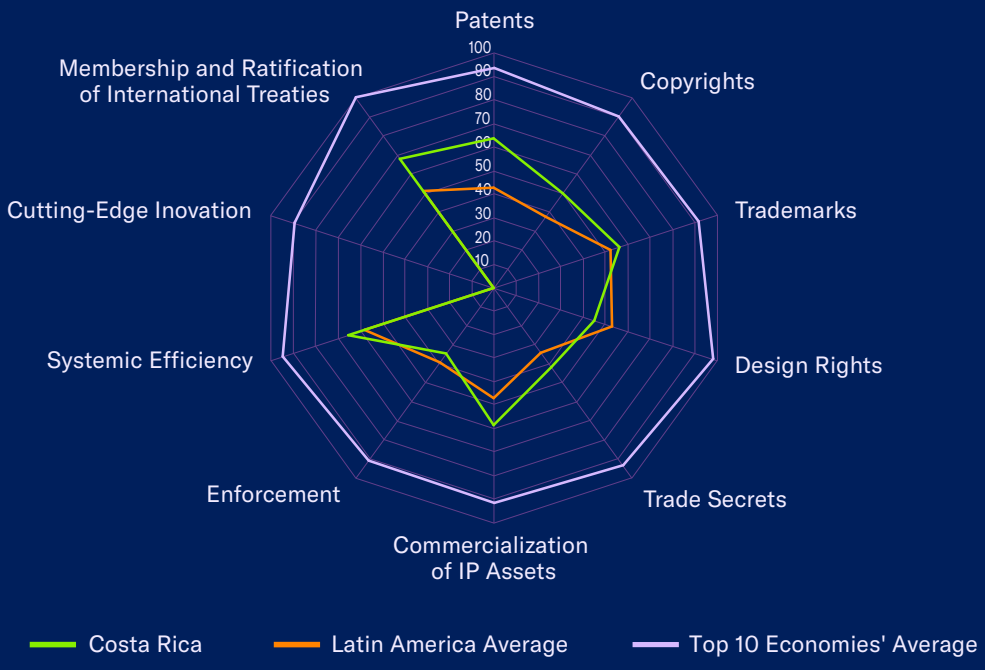
Enforcement

36. Criminal standards, including minimum imprisonment and minimum fines: As noted in the Index, there have been some developments in the enforcement of copyright in Colombia in the last few years. In 2024, a precedent-setting judgment ordered not only the disabling of access to several copyright-infringing websites, but it also included a so-called dynamic element. This type of injunction effectively addresses mirror sites and disables infringing content that re-enters the public domain when moved to a different online access point. These efforts continued in 2025. In the first half of the year, the Colombian proprietor of the pirate website "Magis TV" was charged and successfully convicted, receiving a suspended prison sentence and a large fine. As noted throughout the Index, rights holders have historically faced significant challenges in protecting their copyrighted content in Colombia. There are major gaps in the existing legal framework, and enforcement remains inadequate. The Index will continue to monitor these developments in 2026.

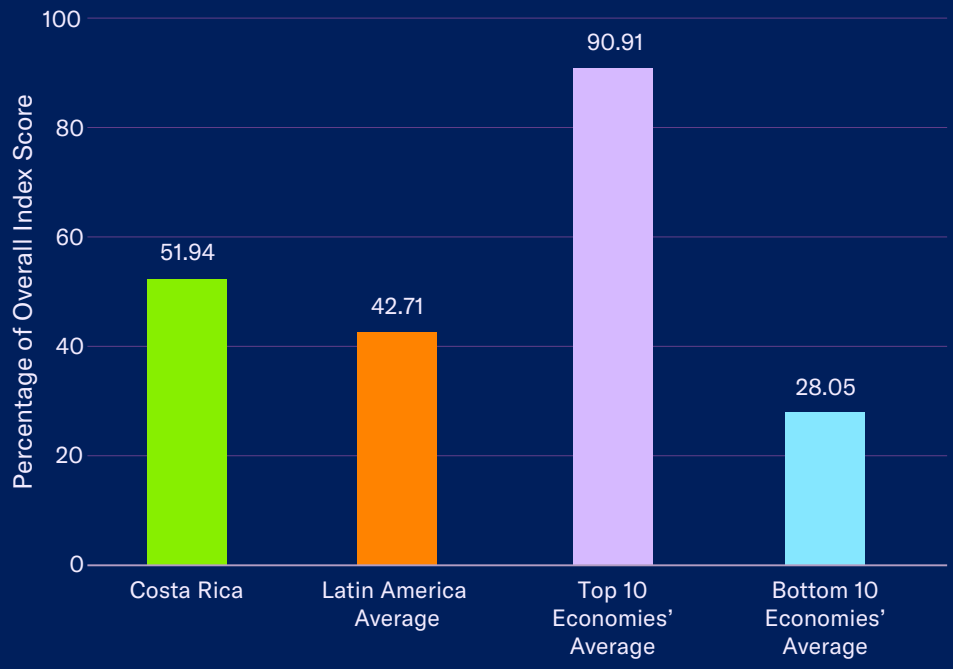
Costa Rica

Rank
28/55

Category Scores



Overall Score in Comparison



Costa Rica

Rank
28/55

Key Areas of Strength

- Launch of IP technical assistance programs for SMEs in 2023
- Implementation of software management tools for public sector — addresses long-standing issue of the use of unlicensed software
- Expanded support for awareness-raising and IP rights educational activities
- Member of the regional PROSUR PPH initiative
- Patent framework in line with international standards, with some exceptions
- Some elements of an advanced online copyright regime in law
- Customs authorities empowered to address various types of infringing goods *ex officio*

Key Areas of Weakness

- 2024 expansion of compulsory licensing regime with Decree 10,511
- No special IP incentives for orphan medicinal product development
- No significant R&D or IP based tax incentives in place
- Delays and significant lack of implementation of online copyright regime
- Gaps in effectiveness of life sciences IP rights
- System of enforcement of IP rights slow and lacks effectiveness
- Inadequate penalties for IP infringement

Indicator	Score
Category 1: Patents Rights and Limitations	**5.73**
1. Term of protection	1.00
2. Patentability requirements	0.50
3. Patentability of CIIs	0.75
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.25
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	0.48
8. Membership of a Patent Prosecution Highway	0.50
9. Patent Opposition	0.25
Category 2: Copyrights and Limitations	**3.49**
10. Term of protection	0.74
11. Exclusive rights	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.25
13. Cooperative action against online piracy	0.25
14. Limitations and exceptions	0.50
15. TPM and DRM	0.50
16. Government use of licensed software	1.00
Category 3: Trademarks Rights and Limitations	**2.25**
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**0.90**
21. Industrial Design Term of Protection	0.40
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	**1.25**
23. Protection of trade secrets (Civil Remedies)	0.50
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.50
Category 6: Commercialization of IP Assets	**3.50**
26. Barriers to market access	0.75
27. Barriers to technology transfer	0.50
28. Registration and disclosure requirements of licensing deals	0.75
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	0.00
Category 7: Enforcement	**2.41**
32. Physical counterfeiting rates	0.49
33. Software piracy rates	0.42
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.50
36. Criminal standards	0.25
37. Effective border measures	0.50
38. Transparency and public reporting by Customs	0.00
Category 8: Systemic Efficiency	**3.25**
39. Coordination of IP rights enforcement	0.50
40. Consultation with stakeholders during IP policy formation	0.50
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
43. IP-intensive industries, national economic impact analysis	0.50
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**4.75**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.25
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	1.00

Total Score: 27.53

Spotlight on the National IP Environment

Past Editions versus Current Score

Costa Rica's overall score remains unchanged at 27.53 out of 53 indicators.

Patent Rights and Limitations

In December 2024, Costa Rica signed a patent validation agreement with the European Patent Office (EPO). Under this agreement, all qualifying European patents validated in Costa Rica will have the same legal effect and rights as Costa Rican patents granted nationally. During the signing ceremony, Minister of Justice and Peace Gerald Campos Valverde emphasized the strategic importance of this initiative to Costa Rica's economic development agenda and national innovation policy. He stated that the agreement will help "promote innovation and drive economic growth in the Republic of Costa Rica." This is a positive IP development for Costa Rica and sets an important example for the rest of Latin America. Increased cooperation between IP offices through patent validation schemes and PPH initiatives is one of the most tangible ways to improve and harmonize the administration and functioning of the international IP system, benefiting inventors and rights holders worldwide. Costa Rica is now the seventh economy to have a validation scheme with the EPO.

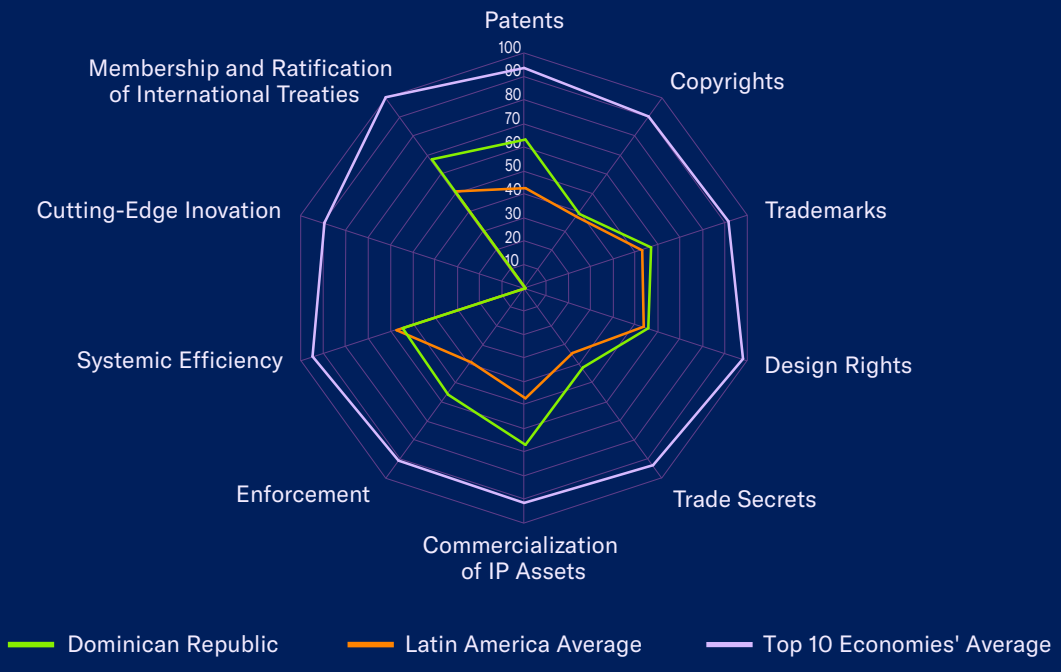
6. Legislative criteria and use of compulsory licensing of patented products and technologies: In late 2024, Costa Rica issued Legislative Decree 10,511. The Decree makes important changes to the country's primary industrial property legislation, Law No. 6867 on Patents, Industrial Designs, and Utility Models. Specifically, it changes how compulsory licenses and registered patent rights can be issued. Notably, amendments to Articles 18, 19, and 20 have expanded the legislative basis for issuing a compulsory license for medicines. Under a new Article 20bis(3) the Executive branch and the National Health Authority, the *Caja Costarricense De Seguro Social* (Social Security Fund), now have broad powers to issue compulsory licenses "at any time for a patented invention or one in the process of being patented, so that the invention may be used or exploited directly by a public entity or by third parties authorized by the Executive Branch." While the article's Subsection 4 defines a right of appeal, critically, there is no immediate stay on the licensing process and such an "appeal will not prevent the licensee from exploiting the license nor interrupt the periods already in progress." It remains unclear why these legislative changes were introduced.

Costa Rica already had a well-defined system of compulsory licensing under the existing statute. It also remains unclear how these new powers will be implemented and defined. Unlike many Index economies, there is no history of the Costa Rican authorities using compulsory licensing — or the threat of such licensing — as part of national health policy, pharmaceutical procurement, or the price negotiation process for medicines. In this respect, the introduction of these legislative amendments may mark a new, negative policy departure and a setback for Costa Rica's national IP environment. Should it become clear that Costa Rica has shifted its national IP policies on compulsory licenses and is now embracing their use as a potential cost-containment policy, the score on this indicator will be reduced to 0. The Index will monitor these developments in 2026.

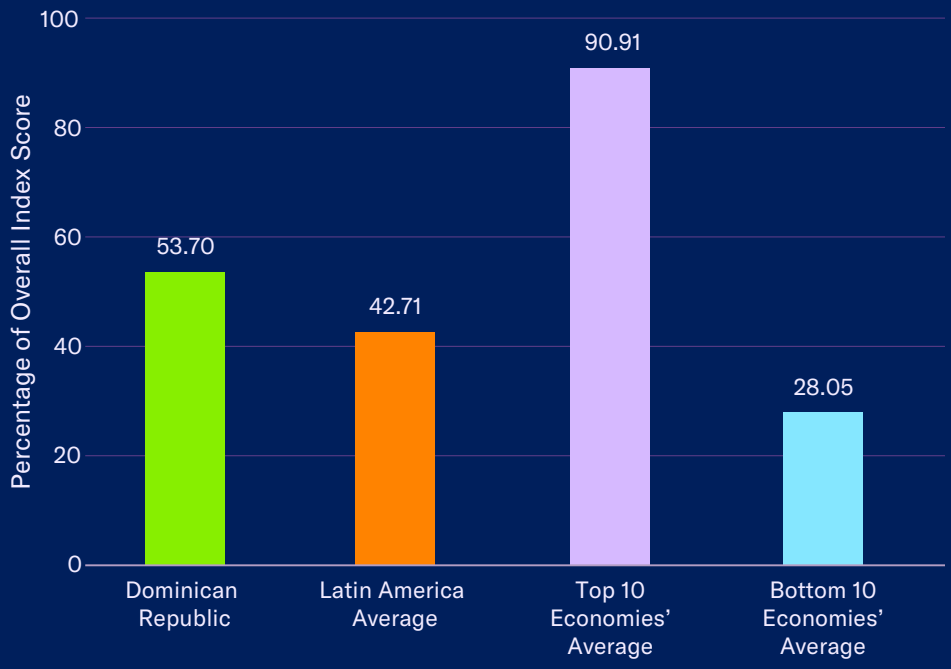
Dominican Republic

Rank
26/55

Category Scores



Overall Score in Comparison



Dominican Republic

Rank
26/55

Key Areas of Strength

- Continued strong anti-counterfeiting efforts in 2025 by National Inter_Ministerial Council of Intellectual Property
- 2023 saw the launch of new IP enforcement coordinating body National Inter_Ministerial Council of Intellectual Property
- CAFTA membership fundamentally improved national IP environment
- Member of PROSUR regional PPH
- Plant variety protection in place
- No evidence of active government intervention in technology transfer or licensing
- Fairly strong legal requirements and administrative practices on public consultations

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Patentability standards outside international norms — no second use claims for biopharmaceuticals and virtually no patent protection for CIIs
- RDP term not being granted although required by law
- Enforcement of copyright is highly challenging and is one of the main reasons the Dominican Republic has remained on the USTR's 301 Watch List for years
- Infringement of copyright through signal piracy, online and web-based streaming is highly pervasive and constitutes a major source of illegal content — not effectively addressed by Dominican Government
- Reports suggest customs authorities are not taking effective action against suspected infringing goods
- Persistently high levels of piracy — estimated 75% software piracy rate

Indicator	Score
Category 1: Patents Rights and Limitations	**5.70**
1. Term of protection	1.00
2. Patentability requirements	0.25
3. Patentability of CIIs	0.25
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.50
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	0.70
8. Membership of a Patent Prosecution Highway	0.50
9. Patent Opposition	0.50
Category 2: Copyrights and Limitations	**2.74**
10. Term of protection	0.74
11. Exclusive rights	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.00
13. Cooperative action against online piracy	0.25
14. Limitations and exceptions	0.50
15. TPM and DRM	0.50
16. Government use of licensed software	0.50
Category 3: Trademarks Rights and Limitations	**2.25**
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**1.10**
21. Industrial Design Term of Protection	0.60
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	**1.25**
23. Protection of trade secrets (Civil Remedies)	0.50
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.50
Category 6: Commercialization of IP Assets	**4.00**
26. Barriers to market access	1.00
27. Barriers to technology transfer	0.75
28. Registration and disclosure requirements of licensing deals	0.50
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	0.00
Category 7: Enforcement	**3.92**
32. Physical counterfeiting rates	0.42
33. Software piracy rates	0.25
34. Civil and procedural remedies	0.50
35. Pre-established damages	0.50
36. Criminal standards	0.75
37. Effective border measures	0.75
38. Transparency and public reporting by Customs	0.75
Category 8: Systemic Efficiency	**2.75**
39. Coordination of IP rights enforcement	1.00
40. Consultation with stakeholders during IP policy formation	0.75
41. Educational campaigns and awareness raising	0.50
42. Targeted incentives for the creation and use of IP assets for SMEs	0.25
43. IP-intensive industries, national economic impact analysis	0.25
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**4.75**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.25
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	1.00

Total Score: 28.46

Spotlight on the National IP Environment

Past Editions versus Current Score

The Dominican Republic's overall score has increased from 28.18 out of 53 indicators in the 13th edition to 28.46. This reflects score increases on indicators 32 and 37.

Enforcement

37. Effective border measures:
As noted in past editions of the Index, rights holders have long faced a challenging border enforcement environment in the Dominican Republic. On the one hand, the legal situation has always been clear. Article 185 of the Copyright Law (Law No. 65-00 2000) provides an explicit *ex officio* authority for customs officials to take action against suspected infringing goods. Similarly, CAFTA Article 15.11, Paragraph 23, clearly and unambiguously requires that customs officials be granted *ex officio* authority to act against suspected goods, regardless of whether these goods are intended for the domestic market or in transit. Yet the active implementation and use of these existing powers by customs officials have long been viewed as lacking. The Dominican Customs Authority has faced routine criticism from both rights holders and the U.S. government for not acting more forcefully against counterfeiting over the years. This may now be changing.

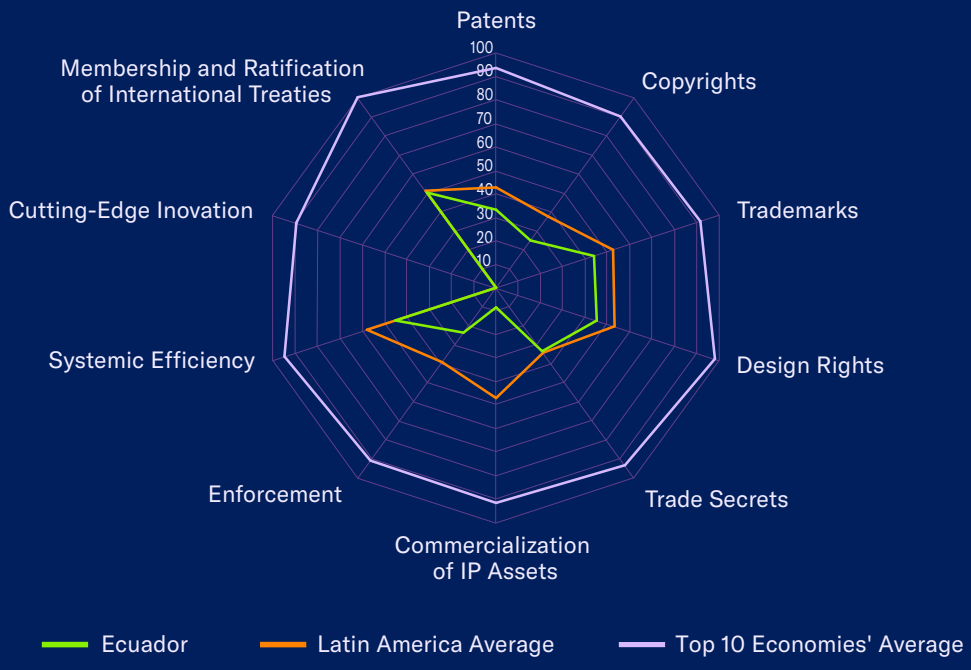
As noted over the last two editions of the Index, the 2022 issuing of Decree 776-22, which established a new cross-governmental coordinating body on IP policy, the National Inter_Ministerial Council of Intellectual Property (Consejo Interministerial de Propiedad Intelectual), has had a profound impact on all facets of IP enforcement activity in the Dominican Republic, including at the border. For example, data published in the Council's 2025 annual report shows a marked increase in the number of trademark-infringing products seized by the Customs Authority. In the two years (2021-2022) preceding the establishment of the Council, a total of 960,276 suspected items were seized. In the following two-year period (2023-2024), this had more than doubled to 2,263,968 items.

Similarly, a record number of seized goods were destroyed in 2024 at over 200,000 items. The Council's positive effect on IP enforcement is evident in 2025. For example, in May, the Ministry of Industry and Commerce — the Council's lead coordinating body — hosted a public ceremony to destroy nearly 20 million units of counterfeit and illicit goods seized in the first half of the year. The Abinader Administration should be congratulated on its strong anti-counterfeiting efforts and focus on IP enforcement. As a result of these positive activities, the score on this indicator increased by 0.25.

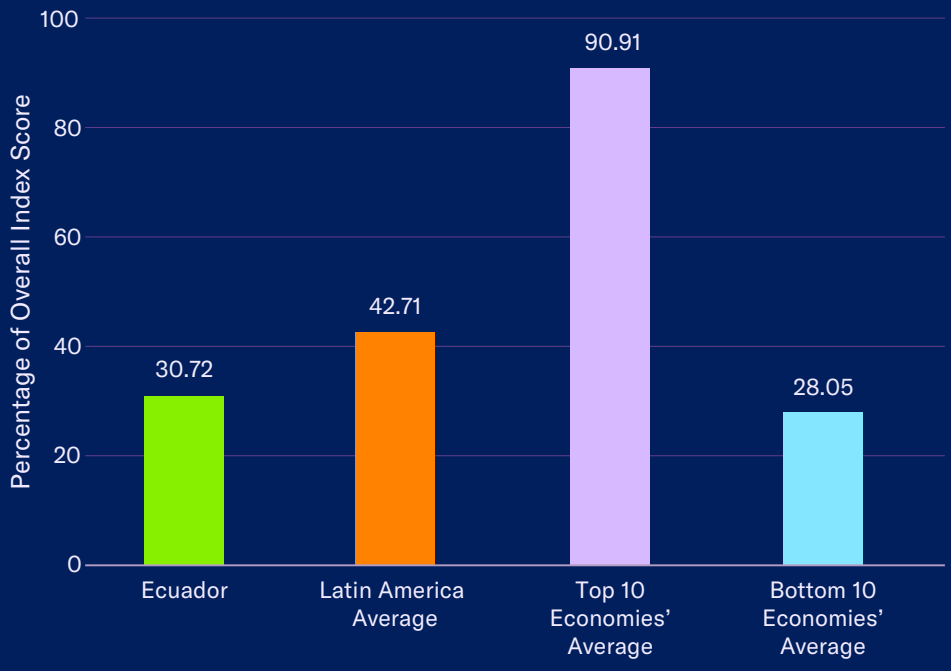
Ecuador

Rank
49/55

Category Scores



Overall Score in Comparison



Ecuador

Rank
49/55

Key Areas of Strength

- Acceded to the Convention on Cybercrime and fully ratified 2016 EU-Ecuador FTA in 2025
- Strengthened support for SMEs through WIPO-WEF "Inventor Assistance Program"
- National IP authority SENADI ordered local ISPs to disable access to several websites hosting infringing and unlicensed content
- 5-year term of RDP defined in law *Código Ingenios*
- Limited re-criminalization of IP rights through 2016 criminal law amendments
- Member of PPH

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Implementing regulations potentially undermine *Código Ingenios* RDP term of protection
- Plant variety protection term shorter than internationally accepted term
- Substantial barriers in place for licensing activities, including direct government intervention and review of technology transfer and licensing agreements
- Key life sciences IP rights missing, including patent term restoration and mechanisms for early patent dispute resolution
- *Código Ingenios* imposes additional limits on patentability and number of non-patentable subject-matter
- Persistently high levels of piracy — estimated 68% software piracy rate
- Lack of participation in and ratification of international treaties

Indicator	Score
Category 1: Patents Rights and Limitations	**2.99**
1. Term of protection	1.00
2. Patentability requirements	0.50
3. Patentability of CIIs	0.00
4. Plant variety protection	0.74
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.50
9. Patent Opposition	0.25
Category 2: Copyrights and Limitations	**1.74**
10. Term of protection	0.74
11. Exclusive rights	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.25
13. Cooperative action against online piracy	0.00
14. Limitations and exceptions	0.25
15. TPM and DRM	0.25
16. Government use of licensed software	0.00
Category 3: Trademarks Rights and Limitations	**1.75**
17. Term of protection	1.00
18. Protection of well-known marks	0.25
19. Exclusive rights, trademarks	0.25
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**0.90**
21. Industrial Design Term of Protection	0.40
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	**1.00**
23. Protection of trade secrets (Civil Remedies)	0.25
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.50
Category 6: Commercialization of IP Assets	**0.50**
26. Barriers to market access	0.00
27. Barriers to technology transfer	0.25
28. Registration and disclosure requirements of licensing deals	0.00
29. Direct Government intervention in setting licensing terms	0.00
30. IP as an economic asset	0.25
31. Tax incentives for the creation of IP assets	0.00
Category 7: Enforcement	**1.65**
32. Physical counterfeiting rates	0.33
33. Software piracy rates	0.32
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.25
36. Criminal standards	0.25
37. Effective border measures	0.00
38. Transparency and public reporting by Customs	0.25
Category 8: Systemic Efficiency	**2.25**
39. Coordination of IP rights enforcement	0.25
40. Consultation with stakeholders during IP policy formation	0.25
41. Educational campaigns and awareness raising	0.75
42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
43. IP-intensive industries, national economic impact analysis	0.25
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**3.50**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.00
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	1.00

Total Score: 16.28

Spotlight on the National IP Environment

Past Editions versus Current Score

Ecuador's overall score has increased from 14.79 out of 53 indicators in the 13th edition to 16.28. This reflects score increases on indicators 51 and 53, and a score decrease on indicator 32.

Commercialization of IP Assets and Market Access

26. Barriers to technology transfer; 27. Registration and disclosure requirements of licensing deals; and 28. Direct government intervention in setting licensing terms:
In 2025, Ecuador's National Service of Intellectual Rights (SENADI) released a new technical standard for the registration of contracts for the licensing of copyrighted works, through Resolution No. SENADI-DNDAYDC-2025-0002-NT. Unfortunately, the Resolution does not improve an already highly challenging licensing environment in Ecuador. As noted in past editions of the Index, technology transfer and the creation, dissemination, commercialization, and eventual export of knowledge-created products and services are an important part of the *Código Orgánico de Economía Social del Conocimiento, la Creatividad y la Innovación (Código Ingenios)*, an ambitious suite of laws passed by the Ecuadorian National Assembly in 2016. Article 276 of the law's IP chapter provides a clear distribution of rights and royalties for innovations made at universities, higher education institutes, and public research organizations (PROs).

Before the *Código Ingenios*, the major Ecuadorean universities and PROs had individual tech transfer frameworks, including, for example, the Ministry of Higher Education, Science, Technology, and Innovation, and the National Planning Secretariat. Unfortunately, the clarity of the economic rights of publicly funded inventors in the *Código Ingenios* is not matched by an accompanying ease of doing business for rights holders' ability to negotiate and execute licensing agreements. Like other member states of the Andean Community trading bloc, Ecuador's IP laws are subject to decisions made by the Community. Andean Decision 291 provides an overview of requirements for licensing technologies. Article 12 states that all licensing activities should be recorded and evaluated by the respective national authorities. Specifically, Community members shall "evaluate the effective contribution of the imported technology by estimating the probable profits or the price of the goods that incorporate technology, or through other specific methods of quantifying the effect of the imported technology."

Article 299 of the *Código Ingenios* transposes this requirement, stating that licensing contracts shall not be registered unless they comply with Community provisions. Like the underlying *Código Ingenios* SENADI's 2025 Resolution and new technical standard requires rights holders to register their licensing contracts with the national IP authorities for the licenses to take effect against third parties. As such, the Resolution confirms Ecuador's existing restrictive licensing environment. The Index will continue to monitor these developments in 2026.

Membership and Ratification of International Treaties

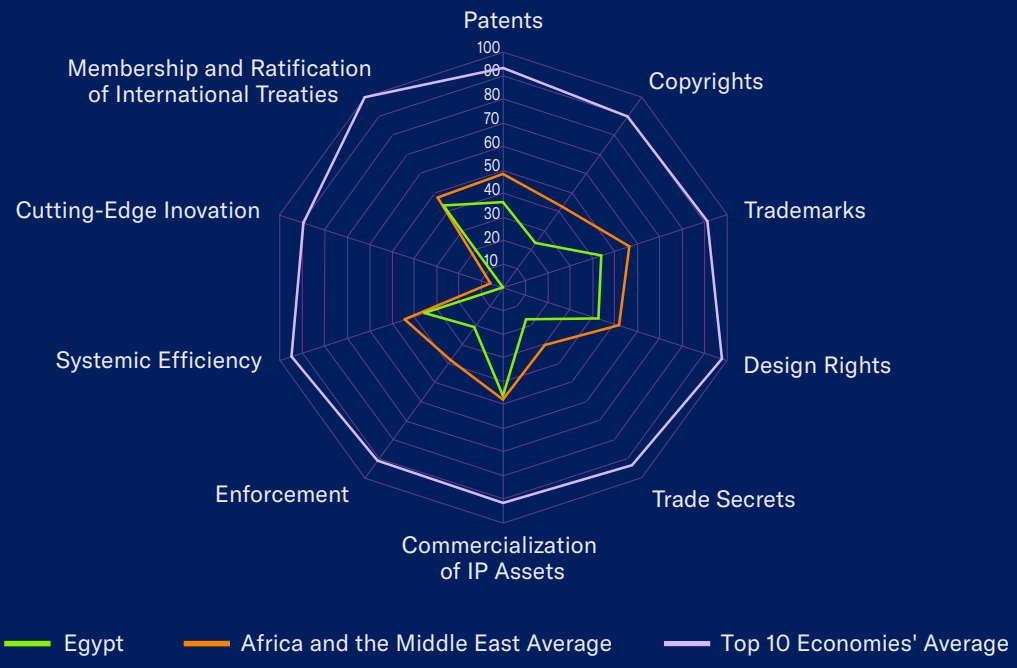
51. Membership of the Convention on Cybercrime, 2001:
In late 2024 Ecuador became a full contracting party to the Convention on Cybercrime by depositing its instrument of accession. The Convention entered into force in 2025. As a result, the score on this indicator ncreased by 1.00.

53. At least one post-TRIPS FTA with substantive IP provisions and chapters in line with international best practices:
As noted in the Index at the time, Ecuador formally acceded to the EU's Trade Agreement with Colombia and Peru in November 2016. Since then, the treaty has been in provisional application, with full implementation by the contracting parties in process. This process was completed in late 2024, when the European Union and relevant Members completed ratification and accession. As a result, the score on this indicator increased by 0.5.

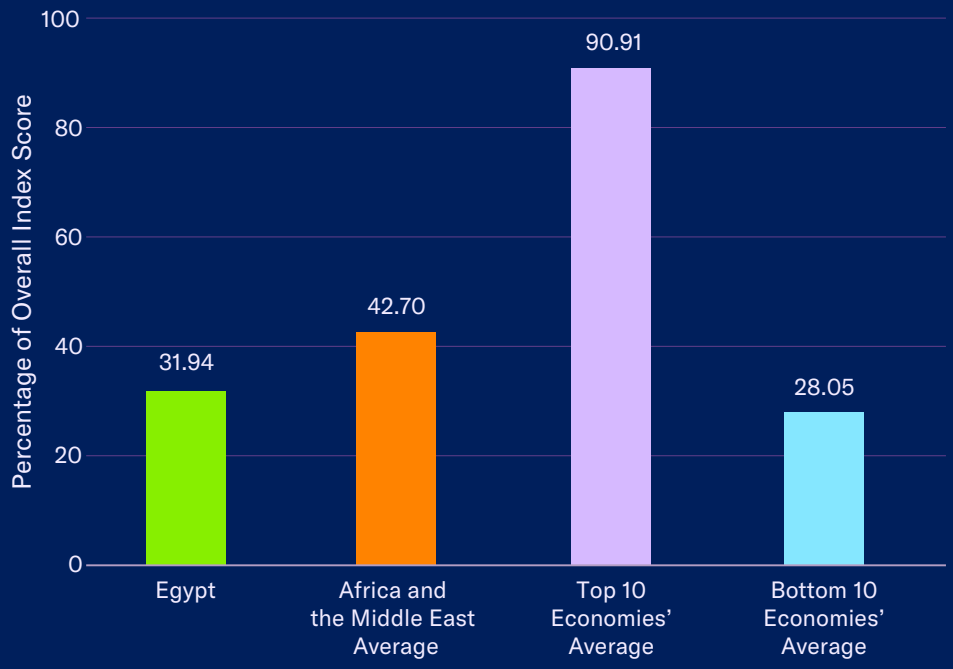
Egypt

Rank
48/55

Category Scores



Overall Score in Comparison



Egypt

Rank
48/55

Key Areas of Strength

- Member of the 1991 UPOV agreement
- Since 2015, a PPH has been in place with the JPO
- Relative freedom to patent CIIs and support from government agencies
- Relatively strong push from government to raise awareness of counterfeit products, particularly medicines

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- 2020 data protection law will potentially impose new localization requirements
- 2020 compulsory license decree and establishing of new Ministerial Committee with expansive powers to override IP rights
- Limited framework for the protection of life sciences IP rights
- Gaps in copyright law and framework, particularly with regards to protection of content online
- High levels of piracy — BSA estimated 59% software piracy rate
- Challenging enforcement environment and lack of border measures

Indicator	Score
Category 1: Patents Rights and Limitations	**3.25**
1. Term of protection	1.00
2. Patentability requirements	0.25
3. Patentability of CIIs	0.50
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.50
9. Patent Opposition	0.00
Category 2: Copyrights and Limitations	**1.63**
10. Term of protection	0.38
11. Exclusive rights	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.25
13. Cooperative action against online piracy	0.00
14. Limitations and exceptions	0.50
15. TPM and DRM	0.25
16. Government use of licensed software	0.00
Category 3: Trademarks Rights and Limitations	**1.75**
17. Term of protection	1.00
18. Protection of well-known marks	0.25
19. Exclusive rights, trademarks	0.25
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**0.85**
21. Industrial Design Term of Protection	0.60
22. Exclusive rights, industrial design rights	0.25
Category 5: Trade Secrets and the Protection of Confidential Information	**0.50**
23. Protection of trade secrets (Civil Remedies)	0.25
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.00
Category 6: Commercialization of IP Assets	**2.75**
26. Barriers to market access	0.75
27. Barriers to technology transfer	0.50
28. Registration and disclosure requirements of licensing deals	0.50
29. Direct Government intervention in setting licensing terms	0.50
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	0.00
Category 7: Enforcement	**1.45**
32. Physical counterfeiting rates	0.29
33. Software piracy rates	0.41
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.00
36. Criminal standards	0.50
37. Effective border measures	0.00
38. Transparency and public reporting by Customs	0.00
Category 8: Systemic Efficiency	**1.75**
39. Coordination of IP rights enforcement	0.50
40. Consultation with stakeholders during IP policy formation	0.25
41. Educational campaigns and awareness raising	0.25
42. Targeted incentives for the creation and use of IP assets for SMEs	0.50
43. IP-intensive industries, national economic impact analysis	0.25
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**3.00**
47. WIPO Internet Treaties	0.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	0.00

Total Score: 16.93

Spotlight on the National IP Environment

Past Editions versus Current Score

Egypt's overall score has decreased from 16.94 out of 53 indicators in the 13th edition to 16.93. This reflects a score decrease on indicator 32.

Patent Rights and Limitations; Enforcement

5. Pharmaceutical-related patent enforcement and resolution mechanism; and 34. Civil and procedural remedies:
In a positive development, the WIPO-sponsored training program for Egyptian judges concluded in 2025. At a ceremony held at the Ministry of Justice on World IP Day, the Egyptian Minister of Justice, Adnan Al-Fangari, announced that 128 judges had attended and been certified in this training course. As noted throughout the Index, IP enforcement in Egypt is notoriously difficult because Egypt's court system is overburdened, and many judges lack expertise and experience in IP matters. More broadly, litigation in Egypt is common and largely paper-based, resulting in a large backlog of cases and slow-moving court proceedings. It can take years to reach a verdict. This is particularly harmful for biopharmaceutical rights holders, who are unable to seek effective redress through the judiciary for the unlawful launch and marketing of follow-on products.

Industry reports suggest that over the last decade, several follow-on products have been granted market authorization by Egyptian health authorities, even though the reference product remains under patent protection. Rights holders struggle to protect their IP because there is no administrative system that connects the market authorization of follow-on biopharmaceutical products with the exclusivity status of the original reference product.

Linking the approval of follow-on biopharmaceutical products to the exclusivity status of a reference product is an effective way to balance the protection of pharmaceutical exclusivity with the early market entry of follow-on generic products. Given the difficulties in enforcing IP rights through the Egyptian court system, the lack of such a linkage mechanism means rights holders have a very limited ability to protect and defend their IP from infringement. The introduction of a clearly defined and formalized linkage mechanism in Egypt would improve Egypt's biopharmaceutical IP environment and could increase the score for this indicator. The Index will continue to monitor these developments in 2026.

Systemic Efficiency

42. Targeted Incentives for the creation and use of IP assets for SMEs:
Egypt has historically offered only some IP incentives targeting SMEs. For example, the Egyptian Patent Office has reduced the filing fee for patent and utility model applications by 50% for individuals and microenterprises (with fewer than 10 staff members). Similarly, the Ministry of Communications and Information Technology (MCIT) has issued periodic plans and national strategies on the development and use of IP assets in the ICT sector, including small businesses. This includes the Information Technology Industry Development Agency, which has directly supported and sponsored the filing of patents for CIIs by small businesses and has hosted technical workshops, provided assistance, and conducted awareness-raising activities throughout Egypt.

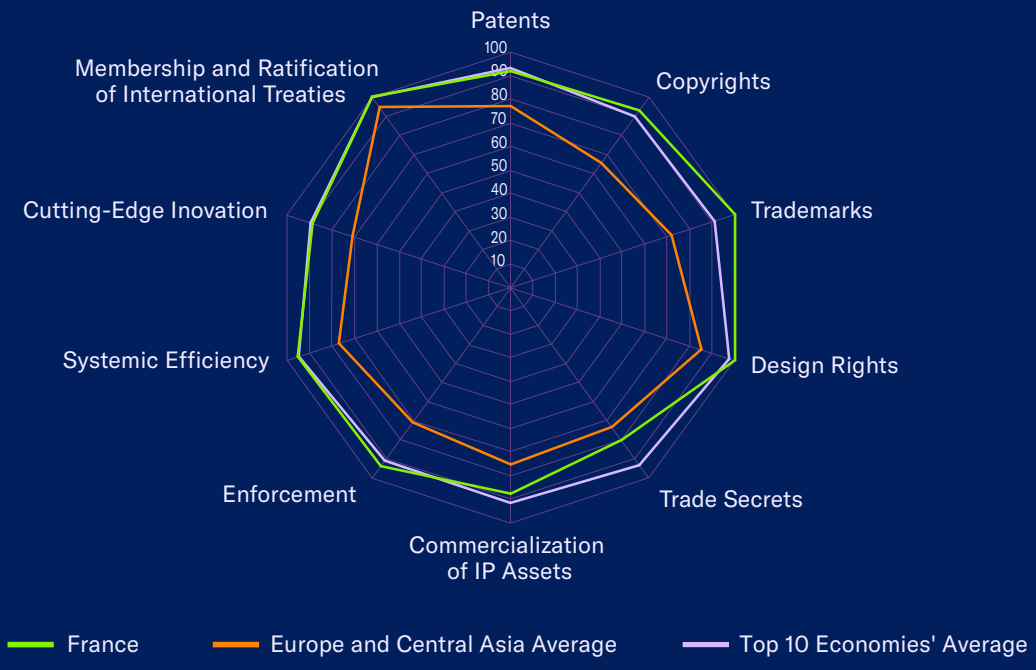
Egypt is also a regional leader in providing on-the-ground technical support through its network of TISC (Technology and Innovation Support Centers). These centers offer researchers and institutions technical support and expertise on the registration and commercialization of IP assets. WIPO first developed the TISC concept in the late 2000s. As of 2025, there were nearly 1,700 support centers across 93 economies worldwide, including 59 in Egypt. The last few years have seen Egypt bolster these efforts. The 2020 Micro, Small, and Medium Enterprises (MSMEs) Development Law, along with subsequent amendments, builds on the existing fee-reduction scheme offered by the Patent Office and now provides qualifying entities with a 100% fee reduction for IP registration. Similarly, the Egyptian Financial Regulatory Authority has introduced new policies to support SMEs' use of IP assets to secure credit. Most recently, in 2025, the newly formed Egyptian Intellectual Property Authority (EIPA) emphasized the integral role that SMEs will play in Egypt's economic development, including in the national plan Vision 2030.

At the time of the research, no new IP programs or incentives for SMEs had been announced by the EIPA. However, if the Egyptian Government, through the EIPA or other agencies, strengthens the existing IP support system for SMEs, this will result in a higher score on this indicator. The Index will continue to monitor these developments in 2026.

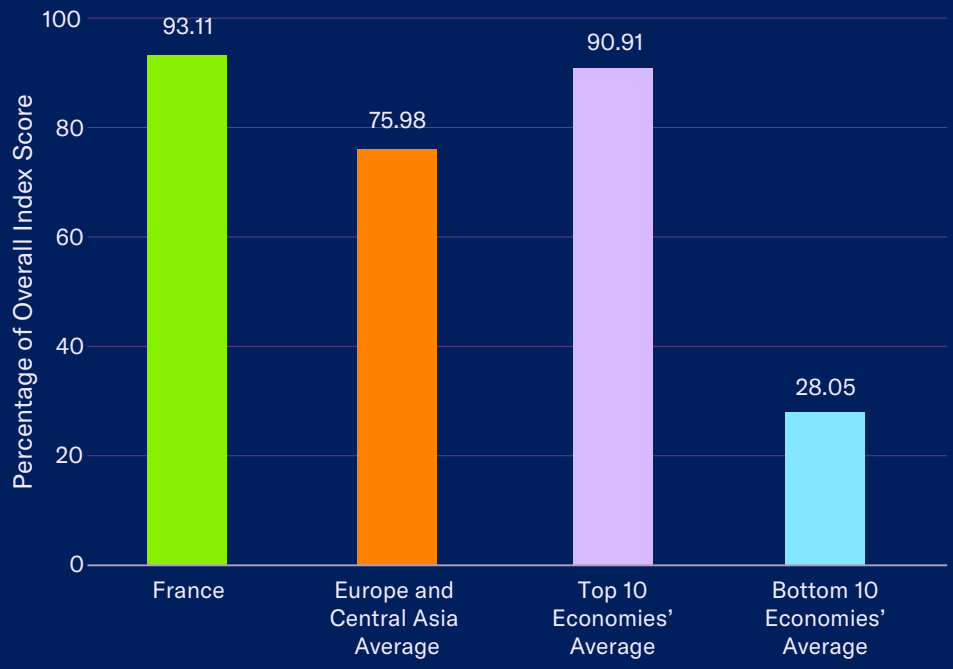
France

Rank
3/55

Category Scores



Overall Score in Comparison



France

Rank
3/55

Key Areas of Strength

- Under Law 2021-1382, copyright enforcement powers were expanded to allow HADOPI to take quicker action against mirror sites; establish a black list of repeat infringing hosts and websites; expedite disabling of access following judicial order; and introduce an expedited pathway for infringement of live sports broadcasting
- Generous R&D and IP specific tax incentives in place through an R&D tax credit and special patent box tax rate (with a maximum of 17%) on income derived from qualifying licensing income and/or the sale of the patent or patentable technology
- Injunctive relief available and in use through court orders for the disabling of infringing content online
- Since 2000, orphan Regulation has provided a world-leading 10-year term of orphan market exclusivity resulting in new biopharmaceutical R&D and development of new treatments and medicines for rare diseases
- Strong and sophisticated national IP environment

Key Areas of Weakness

- EU package of new pharmaceutical laws fundamentally weakens biopharmaceutical IP rights including RDP and orphan incentives
- New EU-wide compulsory licensing regime risks undermining patent rights in Europe
- Licensing agreements include registration requirements
- Regulation 2019/933 and existing SPC exemption for exports of biopharmaceuticals poses significant risk to France's and EU's research and IP based biopharma industry

Indicator	Score
Category 1: Patents Rights and Limitations	**8.25**
1. Term of protection	1.00
2. Patentability requirements	1.00
3. Patentability of CIIs	1.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.50
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	0.75
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	1.00
Category 2: Copyrights and Limitations	**6.49**
10. Term of protection	0.74
11. Exclusive rights	1.00
12. Expeditious legal remedies disabling access to infringing content online	1.00
13. Cooperative action against online piracy	1.00
14. Limitations and exceptions	1.00
15. TPM and DRM	1.00
16. Government use of licensed software	0.75
Category 3: Trademarks Rights and Limitations	**4.00**
17. Term of protection	1.00
18. Protection of well-known marks	1.00
19. Exclusive rights, trademarks	1.00
20. Frameworks against online sale of counterfeit goods	1.00
Category 4: Design Rights and Limitations	**2.00**
21. Industrial Design Term of Protection	1.00
22. Exclusive rights, industrial design rights	1.00
Category 5: Trade Secrets and the Protection of Confidential Information	**2.40**
23. Protection of trade secrets (Civil Remedies)	0.75
24. Protection of trade secrets (Criminal Sanctions)	0.75
25. Regulatory data protection term	0.90
Category 6: Commercialization of IP Assets	**5.25**
26. Barriers to market access	1.00
27. Barriers to technology transfer	1.00
28. Registration and disclosure requirements of licensing deals	0.50
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	1.00
Category 7: Enforcement	**6.56**
32. Physical counterfeiting rates	0.88
33. Software piracy rates	0.68
34. Civil and procedural remedies	1.00
35. Pre-established damages	1.00
36. Criminal standards	1.00
37. Effective border measures	1.00
38. Transparency and public reporting by Customs	1.00
Category 8: Systemic Efficiency	**4.75**
39. Coordination of IP rights enforcement	1.00
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
43. IP-intensive industries, national economic impact analysis	1.00
Category 9: Cutting-Edge Innovation	**2.65**
44. IP incentives for orphan medicinal product development	1.00
45. IP incentives for orphan medicinal product development, term of protection	0.90
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.75
Category 10: Membership and Ratification of International Treaties	**7.00**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
49. Patent Law Treaty and Patent Cooperation Treaty	1.00
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	1.00

Total Score: 49.35

Spotlight on the National IP Environment

Past Editions versus Current Score

France's overall score has decreased from 49.56 out of 53 indicators in the 13th edition to 49.35. This reflects a score decrease on indicators 25, 32, and 45.

Area of Note

In 2023, the European Commission published a package of proposed legislative changes to almost all facets of the biopharmaceutical market authorization process and related incentives. The Commission, Parliament, and Council have since put forward multiple proposals. Although the proposed reforms are intended to create a 21st-century life sciences landscape that fosters innovation, enhances access to innovative therapies for patients, and elevates Europe's competitiveness, many of the proposed changes would fundamentally weaken the EU's legal framework governing biopharmaceutical IP rights.

At the time of research, European institutions had agreed on a final package, and a legislative text was being finalized and expected to take effect soon after the Index publication. Under this finalized deal, IP rights related to regulatory data protection (RDP), orphan drugs, and patent protection — through an expansion of existing Bolar exemptions — would all be adversely affected. The impact of these proposals on specific Index indicator scores is detailed below. Some of these changes affect several categories of the Index and could affect multiple indicators, including, for example, changes to Bolar exemptions.

A Bolar exemption (or exception) allows biopharmaceutical follow-on applicants to begin testing and regulatory approval for their follow-on products without obtaining consent from a rights holder, in this case, the market authorization holder of a biopharmaceutical reference product. This type of exception originates in the United States, specifically in the 1984 Drug Price Competition and Patent Term Restoration Act (Hatch-Waxman Act). The rationale for these exclusivity exemptions is to ensure there is no undue delay in the market supply of follow-on products once the reference product's exclusivity expires. These exceptions are not intended to shorten or undermine rights holders' legitimately granted exclusivity periods.

The expansion of existing EU Bolar exemptions risks weakening IP exclusivity periods at the level of each EU Member State — including, for example, duly granted patent protection — by prematurely launching IP-rights-infringing generic or biosimilar products. The exact impact of this expansion will depend on the individual national characteristics of each EU Member State. The Index will continue to monitor these developments at the Member State level as the pharmaceutical package is implemented nationally.

Patent Rights and Limitations

6. Legislative criteria and use of compulsory licensing of patented products and technologies:
In December 2025, the European Council and European Parliament formally adopted a new cross-European compulsory licensing regime as a Regulation. While this agreement constitutes an improvement over preceding drafts — this includes, for instance, the exclusion of trade secrets and know-how — it remains unclear why the EU needs a cross-European compulsory licensing regime. Fundamentally, the proposals are based on the idea that the COVID-19 pandemic showed the need for a clearer and more 'effective' pan-EU compulsory licensing mechanism. But as this Index and rights holders argued, the actual evidence and experience from the pandemic show the opposite. Together with the proposed rollback of IP protections in the pharmaceutical reform package discussed above, this new compulsory licensing regime will further undermine biopharmaceutical IP rights in the EU. At the time of research, no finalized legal text had been published. The Index will continue to monitor these developments.

7. Patent term restoration for pharmaceutical products:
Since 2015, the European Commission has sought to recalibrate certain elements of patent term restoration for biopharmaceuticals, namely the Supplementary Protection Certificates (SPCs). Notably, Regulation 2019/933 created an SPC manufacturing and export exemption. The exemption allows companies to manufacture generic and biosimilar products in the EU during the SPC period for export to non-EU third economies and to stockpile them during the last six months of the SPC's validity for the domestic market. Because of this action and uncertainties as to the effectiveness of the notification system provided by the legislation, with multiple legal cases pending, the score for this indicator was reduced by 0.25 for all EU Member States in the eighth edition of the Index.

Unlike Regulation 2019/933 and the SPC exemption, proposals for creating a unitary SPC title and a new centralized process for granting and administering SPCs would be a positive addition to the EU's IP environment. In 2022, as part of the introduction of the Unitary Patent system and the Patent Court, the European Commission outlined several options for reforming the SPC system, including the introduction of a new centralized system for SPC application and examination. In 2023, the Commission released a formal legislative proposal for both a unitary SPC and a new centralized procedure for national applications, and the European Parliament subsequently responded to it. The Commission and Parliament should be congratulated for recognizing that a potential centralized procedure for SPC protection would provide legal, administrative, and financial efficiencies to all affected parties.

In this sense, the proposed legislation fills a gap and is a net positive. Unfortunately, fundamental aspects of the proposed procedure would insert a new level of uncertainty and potential delay into the patent term restoration process. For example, both the Commission's proposal and Parliament's response include a novel mechanism for SPC opposition. The purpose of the SPC system is to restore patent terms lost due to the unique and lengthy sanitary registration requirements for biopharmaceutical products. This restoration is for an already existing, duly granted, valid, and in-force patent. Consequently, by the time an SPC application is lodged, there will have already been plenty of opportunities for related parties to administratively or judicially challenge the validity of the underlying patent either regionally through the EPO, nationally (in a manner defined in each Member State), or through the Unified Patent Court.

As such, it seems unnecessary to add a novel layer of potential opposition. The most likely outcome is simply additional delays, bureaucracy, and costs imposed on applicants.

Moreover, the opposition and institutional setup of the system in the Commission proposal, entrusting the European Intellectual Property Office (EUIPO) with a role in SPC examination and invalidation proceedings for unitary SPCs, risks increasing legal uncertainty due to potential conflicting decisions between different jurisdictions, including the EPO, national courts, the CJEU, and UPC. At the time of research, no finalized legal text had been published. The Index will continue to monitor these developments.

Copyrights and Limitations

14. Scope of limitations and exceptions to copyrights and related rights:
As noted last year, the EU AI Act now provides a legislative framework governing the development and deployment of AI-based technologies in the EU. The first of its kind in the world, the Act defines different levels and types of AI deployment, with some activities prohibited, and other forms of deployment and systems regulated based on perceived risk levels. The European AI Office was created to oversee the implementation and enforcement of the EU AI Act.

In 2025, the European Commission, AI Office, and EUIPO all released new guidance documents addressing the intersection between copyright protection and the use and application of copyrighted works in AI. While these documents address some of the key challenges creators and rights holders face — most notably the *AI Code of Practice* and the EUIPO's *The Development of Generative Artificial Intelligence from a Copyright Perspective* — none of them carries legal weight. AI and machine learning are important areas of future economic activity, as advances in computational power and new technologies enable scientific research and innovation through the analysis of large volumes of data. Given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights. The Index will continue to monitor these developments in 2026.

Trade Secrets and the Protection of Confidential Information

25. Regulatory data protection (RDP) term:
As noted in previous editions, in 2023, the European Commission published proposed legislative changes to the EU's RDP regime. In December 2025, the Council and the European Parliament agreed on the final General Pharmaceutical Legislation. Article 10 of Directive 2004/27/EC (amending 2001/83/EC) has historically provided new pharmaceutical products with eight years of data exclusivity, two years of marketing exclusivity (in which generic and follow-on applicants are allowed to submit bio-equivalence studies), and one additional year of protection for significant new indications of existing products.

On this basis, all EU Member States have achieved the maximum available score of 1.00 on this indicator up until this edition of the Index. The General Pharmaceutical Legislation has weakened this term of protection. The final legislation provides eight years of data protection and one year of market protection, for a baseline of eight +one years. This reduces market protection from two years to one year, weakening the EU's RDP framework. The agreement also conditions the restoration of lost RDP terms on criteria such as conducting clinical trials in multiple EU Member States or seeking EU marketing authorization within 90 days of the first global submission. The deal includes an 11-year cap on the combined RDP. As a result, the score on this indicator has been reduced for all EU Member States included in the Index. The Index will continue to monitor these developments in 2026.

Incentives for Cutting-edge Innovation

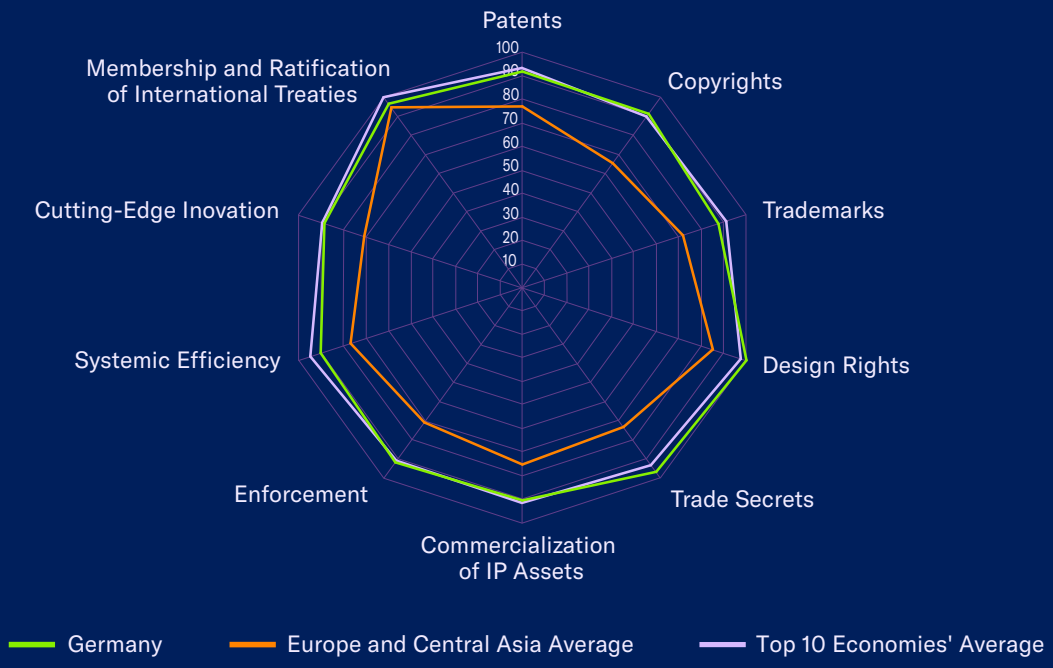
45. Special market exclusivity incentives for orphan medicinal product development, term of protection:
Since coming into force in 2000, Regulation (EC) No 141/2000 (the "EU Orphan Regulation") has provided innovators with a strong term of IP exclusivity. Specifically, Article 8 of the Regulation defines exclusivity as a baseline 10-year marketing exclusivity term, which may be extended by two years upon completion of additional pediatric studies. For over a quarter of a century, this Regulation has stood as an international example of how strong IP incentives can incentivize the R&D and innovation necessary to tackle some of the toughest health challenges in the world. The Regulation has directly resulted in more clinical research, product development, and medicines available to patients with rare diseases in the EU and beyond.

Despite this track record of success, the Regulation has been under review for an extended period, most recently as part of the pharmaceutical package. Like the term of protection relating to RDP, the finalized agreement between the Parliament, Council, and Commission has weakened the term of protection offered to innovators. While it is possible to obtain an 11-year period of protection for products "addressing a high unmet medical need," the baseline term of protection has been reduced from 10 to nine years. As a result, the score on this indicator has been reduced for all EU Member States included in the Index. The Index will continue to monitor these developments in 2026.

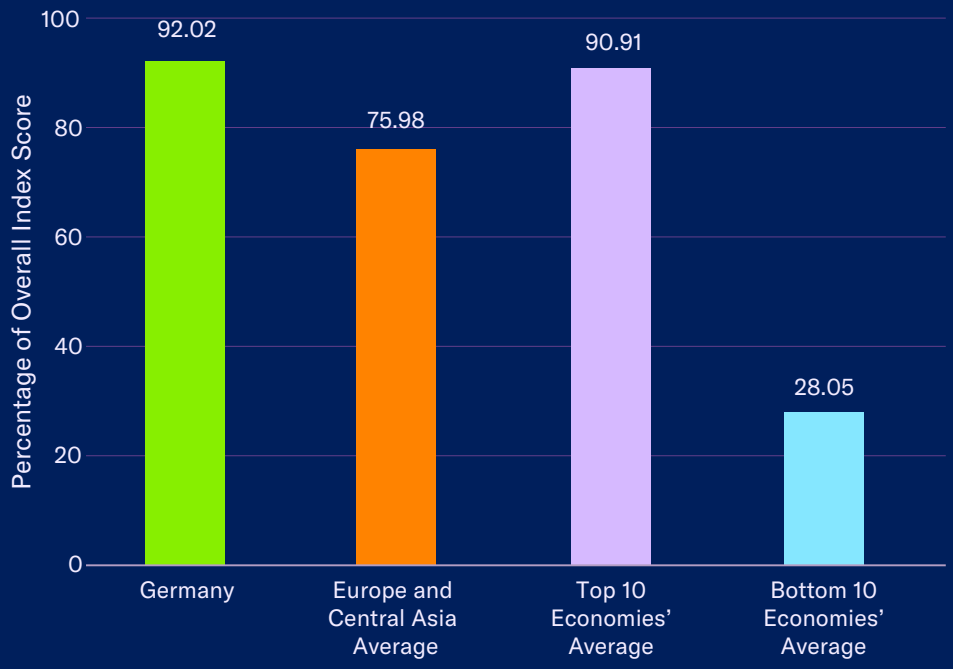
Germany

Rank
4/55

Category Scores



Overall Score in Comparison



Germany

Rank
4/55

Key Areas of Strength

- Additional R&D tax credits introduced in 2020
- Advanced and sophisticated national IP environment
- Sector specific IP rights in place
- Member of all major international PPH tracks through the national patent office and EPO
- Since 2000, Orphan Regulation has provided a world-leading 10-year term of orphan market exclusivity — resulting in new biopharmaceutical R&D and development of new treatments and medicines for rare diseases

Key Areas of Weakness

- EU package of new pharmaceutical laws fundamentally weakens biopharmaceutical IP rights including RDP and orphan incentives
- New EU-wide compulsory licensing regime risks undermining patent rights in Europe
- Regulation 2019/933 and existing SPC exemption for exports of biopharmaceuticals poses significant risk to Germany's and EU's research and IP based biopharma industry
- Patent Law Treaty signed but not ratified

Indicator	Score
Category 1: Patents Rights and Limitations	**8.25**
1. Term of protection	1.00
2. Patentability requirements	1.00
3. Patentability of CIIs	1.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.50
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	0.75
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	1.00
Category 2: Copyrights and Limitations	**6.38**
10. Term of protection	0.63
11. Exclusive rights	1.00
12. Expeditious legal remedies disabling access to infringing content online	1.00
13. Cooperative action against online piracy	1.00
14. Limitations and exceptions	0.75
15. TPM and DRM	1.00
16. Government use of licensed software	1.00
Category 3: Trademarks Rights and Limitations	**3.50**
17. Term of protection	1.00
18. Protection of well-known marks	1.00
19. Exclusive rights, trademarks	1.00
20. Frameworks against online sale of counterfeit goods	0.50
Category 4: Design Rights and Limitations	**2.00**
21. Industrial Design Term of Protection	1.00
22. Exclusive rights, industrial design rights	1.00
Category 5: Trade Secrets and the Protection of Confidential Information	**2.90**
23. Protection of trade secrets (Civil Remedies)	1.00
24. Protection of trade secrets (Criminal Sanctions)	1.00
25. Regulatory data protection term	0.90
Category 6: Commercialization of IP Assets	**5.42**
26. Barriers to market access	1.00
27. Barriers to technology transfer	1.00
28. Registration and disclosure requirements of licensing deals	1.00
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	0.67
Category 7: Enforcement	**6.42**
32. Physical counterfeiting rates	0.87
33. Software piracy rates	0.80
34. Civil and procedural remedies	1.00
35. Pre-established damages	0.75
36. Criminal standards	1.00
37. Effective border measures	1.00
38. Transparency and public reporting by Customs	1.00
Category 8: Systemic Efficiency	**4.50**
39. Coordination of IP rights enforcement	0.75
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
43. IP-intensive industries, national economic impact analysis	1.00
Category 9: Cutting-Edge Innovation	**2.65**
44. IP incentives for orphan medicinal product development	1.00
45. IP incentives for orphan medicinal product development, term of protection	0.90
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.75
Category 10: Membership and Ratification of International Treaties	**6.75**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
49. Patent Law Treaty and Patent Cooperation Treaty	0.75
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	1.00

Total Score: 48.77

Spotlight on the National IP Environment

Past Editions versus Current Score

Germany's overall score has decreased from 48.98 out of 53 indicators in the 13th edition to 48.77. This reflects a score decrease on indicators 25, 32, and 45.

Area of Note

In 2023, the European Commission published a package of proposed legislative changes to almost all facets of the biopharmaceutical market authorization process and related incentives. The Commission, Parliament, and Council have put forward multiple proposals. Although the proposed reforms are intended to create a 21st-century life sciences landscape that fosters innovation, enhances access to innovative therapies for patients, and elevates Europe's competitiveness, many of the proposed changes would do the opposite by fundamentally weakening the EU's legal framework relating to biopharmaceutical IP rights.

At the time of research, European institutions had agreed on a final package, and a legislative text was being finalized and expected to take effect soon after the Index publication. Under this finalized deal, IP rights related to regulatory data protection (RDP), orphan drugs, and patent protection — through an expansion of existing Bolar exemptions — would all be adversely affected. The impact of these proposals on specific Index indicator scores is detailed below. Some of these changes have an impact on several categories of the Index and could affect multiple indicators, including, for example, changes to Bolar exemptions.

A Bolar exemption (or exception) allows biopharmaceutical follow-on applicants to begin testing and regulatory approval for their follow-on products without obtaining consent from a rights holder, in this case, the market authorization holder of a biopharmaceutical reference product. This type of exception originates in the United States, specifically in the 1984 Drug Price Competition and Patent Term Restoration Act (Hatch-Waxman Act). The rationale for these exclusivity exemptions is to ensure there is no undue delay in the market supply of follow-on products once the reference product's exclusivity expires. These exceptions are not intended to shorten or undermine rights holders' legitimately granted exclusivity periods.

The expansion of existing EU Bolar exemptions risks weakening IP exclusivity periods at the level of each EU Member State — including, for example, duly granted patent protection — by prematurely launching IP-rights-infringing generic or biosimilar products. The exact impact of this expansion will depend on the individual national characteristics of each EU Member State. The Index will continue to monitor these developments at the Member State level as the pharmaceutical package is nationally implemented.

Patent Rights and Limitations

6. Legislative criteria and use of compulsory licensing of patented products and technologies:
In December 2025, the European Council and European Parliament formally adopted as Regulation, a new cross-European compulsory licensing regime. While this agreement constitutes an improvement over preceding drafts — this includes, for instance, the exclusion of trade secrets and know-how — it remains unclear why the EU needs a cross-European compulsory licensing regime. Fundamentally, the proposals are based on the idea that the COVID-19 pandemic showed the need for a clearer and more 'effective' pan-EU compulsory licensing mechanism. But as this Index and rights holders argued, the actual evidence and experience from the pandemic show the opposite. Together with the proposed rollback of IP protections in the pharmaceutical reform package discussed above, this new compulsory licensing regime will further undermine biopharmaceutical IP rights in the EU. At the time of research, no finalized legal text had been published. The Index will continue to monitor these developments.

7. Patent term restoration for pharmaceutical products:
Since 2015, the European Commission has sought to recalibrate certain elements of patent term restoration for biopharmaceuticals, namely the Supplementary Protection Certificates (SPCs). Notably, Regulation 2019/933 created an SPC manufacturing and export exemption. The exemption allows companies to manufacture generic and biosimilar products in the EU during the SPC period for export to third (non-EU) economies and to stockpile them during the last six months of the SPC's validity for the domestic market. As a result of this action, the score for this indicator was reduced by 0.25 across all EU Member States in the eighth edition of the Index. Unlike Regulation 2019/933 and the SPC exemption, proposals for a new centralized process for granting and administering SPCs would be a positive addition to the EU's IP environment.

In 2022, as part of the introduction of the Unitary Patent system and Patent Court, the European Commission outlined several options for reforming the SPC system, including a new centralized system for SPC protection and applications. In 2023, the Commission released a formal legislative proposal for both a unitary SPC and a new centralized procedure for other applications, and the European Parliament subsequently responded to it. The Commission and Parliament should be congratulated for recognizing that a potential centralized procedure for SPC protection would provide legal, administrative, and financial efficiencies to all affected parties. In this sense, the proposed legislation fills a gap and is a net positive.

Unfortunately, fundamental aspects of the proposed procedure would insert a new level of uncertainty and potential delay into the patent term restoration process. For example, both the Commission's proposal and Parliament's response include a novel mechanism for SPC opposition. The purpose of the SPC system is to restore patent term lost due to the unique and lengthy sanitary registration requirements for biopharmaceutical products. This restoration is for an already existing, duly granted, valid, and in-force patent. Consequently, by the time an SPC application is lodged, there will have already been plenty of opportunities for related parties to administratively or judicially challenge the validity of the underlying patent either regionally through the EPO, nationally (in a manner defined in each Member State), or through the Unified Patent Court. As such, it seems unnecessary to add a novel layer of potential opposition. The most likely outcome is simply additional delays, bureaucracy, and costs imposed on applicants. At the time of research, no finalized legal text had been published. The Index will continue to monitor these developments.

Copyrights and Limitations

14. Scope of limitations and exceptions to copyrights and related rights:
As noted last year, the AI Act now provides a legislative framework governing the development and deployment of AI-based technologies in the EU. The first of its kind in the world, the Act defines different levels and types of AI deployment, with some activities prohibited, and other forms of deployment and systems regulated based on perceived risk. The European AI Office has been created to coordinate and oversee the Act's enforcement.

In 2025, further developments occurred regarding the interaction between copyright protection and the use of AI. The European Commission, AI Office, and EUIPO all released new guidance documents. While these documents address some of the key challenges creators and rights holders face — most notably the *AI Code of Practice* and the EUIPO's *The Development of Generative Artificial Intelligence from a Copyright Perspective* — none of them carry any legal weight or impose any additional regulatory requirements on AI developers and platforms. AI and machine learning are important areas of future economic activity, as advances in computational power and new technologies enable scientific research and innovation through the analysis of large volumes of data. However, given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights.

It remains to be seen whether the AI Act and its subsequent implementation will provide rights holders with a meaningful avenue of enforcing their copyrights. In a separate development, litigation by rights holders against AI developers continued in Germany in 2025. The German collective management organization GEMA filed two separate lawsuits alleging copyright infringement, and an appeal was also filed in the landmark case *Kneschke v. LAION*, discussed in last year's Index. At the time of research, all cases were pending. The Index will continue to monitor these developments in 2026.

Trade Secrets and the Protection of Confidential Information

25. Regulatory data protection (RDP) term:
As noted in previous editions, in 2023, the European Commission published proposed legislative changes to the EU's RDP regime. In December 2025, the Council and the European Parliament agreed on the final General Pharmaceutical Legislation. Article 10 of Directive 2004/27/EC (amending 2001/83/EC) has historically provided new pharmaceutical products with eight years of data exclusivity, two years of marketing exclusivity (in which generic and follow-on applicants are allowed to submit bio-equivalence studies), and one additional year of protection for significant new indications of existing products.

On this basis, all EU Member States have, up until this edition of the Index, achieved the maximum available score of 1.00 on this indicator. The General Pharmaceutical Legislation has weakened this term of protection. The final legislation provides eight years of data protection and one year of market protection, for a baseline of eight + one years. This reduces market protection from two years to one year, weakening the EU's RDP framework. The agreement also conditions the restoration of lost RDP terms on criteria such as conducting clinical trials in multiple EU Member States or seeking EU marketing authorization within 90 days of the first global submission. The deal includes an 11-year cap on the combined RDP. As a result, the score on this indicator has been reduced for all EU Member States included in the Index. The Index will continue to monitor these developments in 2026.

Incentives for Cutting-edge Innovation

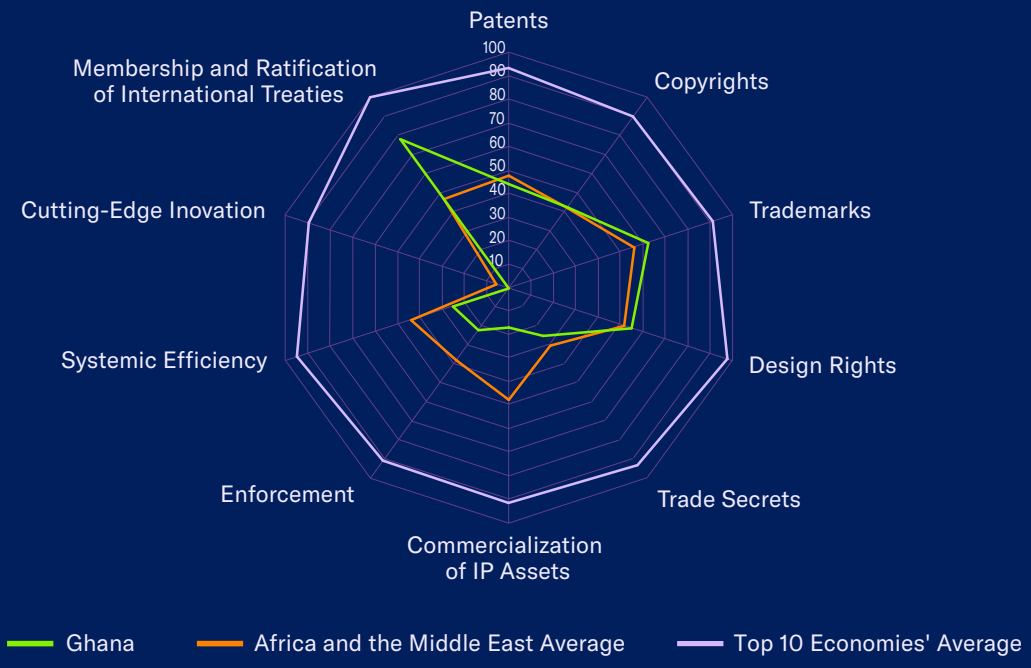
45. Special market exclusivity incentives for orphan medicinal product development, term of protection:
Since coming into force in 2000, Regulation (EC) No 141/2000 (the "EU Orphan Regulation") has provided innovators with a strong term of IP exclusivity. Specifically, Article 8 of the Regulation defines exclusivity as a baseline 10-year marketing exclusivity term, which may be extended by two years upon completion of additional pediatric studies. For over a quarter of a century, this Regulation has stood as an international example of how strong IP incentives can incentivize the R&D and innovation necessary to tackle some of the toughest health challenges in the world. The Regulation has directly resulted in more clinical research, product development, and medicines available to patients with rare diseases in the EU and beyond.

Despite this track record of success, the Regulation has been under review for an extended period, most recently as part of the pharmaceutical package. Like the term of protection relating to RDP, the finalized agreement between the Parliament, Council, and Commission has weakened the term of protection offered to innovators. While it is possible to obtain an 11-year period of protection for products "addressing a high unmet medical need," the baseline term of protection has been reduced from 10 to nine years. As a result, the score on this indicator has been reduced for all EU Member States included in the Index. The Index will continue to monitor these developments in 2026.

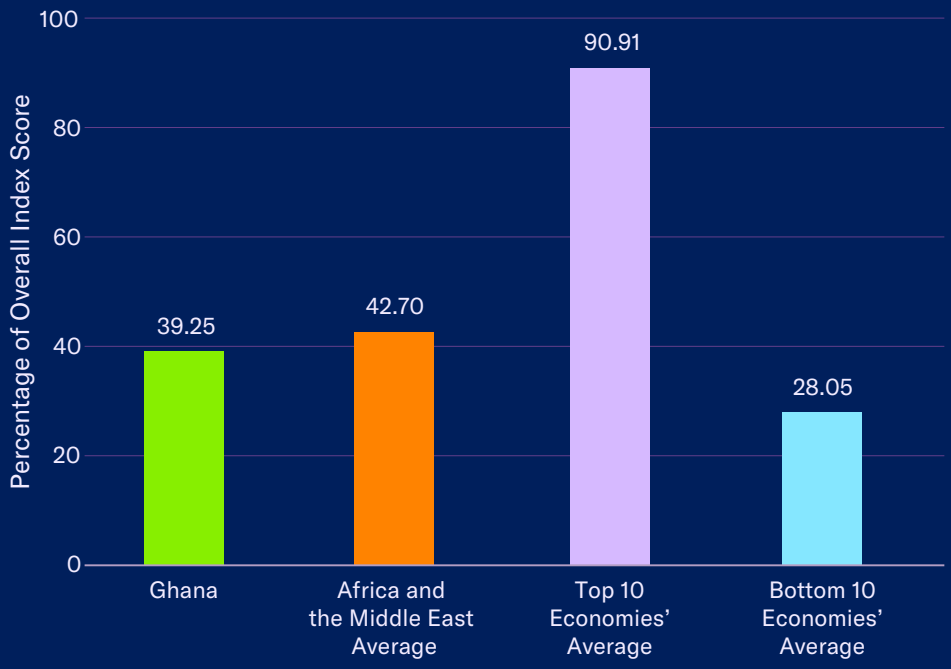
Ghana

Rank
39/55

Category Scores



Overall Score in Comparison



Ghana

Rank
39/55

Key Areas of Strength

- Member of African Regional Intellectual Property Organization (ARIPO)
- 2024 ARIPO-China National Intellectual Property Administration (CNIPA) PPH marks the first PPH for Ghana and other ARIPO parties
- Contracting party to most international IP treaties included in the Index; joined UPOV 1991 in 2021
- ARIPO patentability guidelines allow high-tech claims (both Swiss-style biopharmaceutical claims and CIIs)
- New Plant Variety Protection Act 2020
- Electronic Transactions Act 2008 includes definition and description of liability for service providers and intermediaries including potential court-ordered injunctive style relief
- WTO TRIPS Member

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Legal framework remains rudimentary for most IP rights, with many key IP rights and incentives unavailable
- Enforcement environment remains highly fraught with counterfeit and IP infringing goods widely available — physical and online
- High levels of counterfeit and substandard medicines
- Judicial enforcement is characterized by long delays

Indicator	Score
Category 1: Patents Rights and Limitations	**4.00**
1. Term of protection	1.00
2. Patentability requirements	0.50
3. Patentability of CIIs	0.25
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.50
9. Patent Opposition	0.75
Category 2: Copyrights and Limitations	**2.99**
10. Term of protection	0.74
11. Exclusive rights	0.50
12. Expeditious legal remedies disabling access to infringing content online	0.25
13. Cooperative action against online piracy	0.25
14. Limitations and exceptions	0.25
15. TPM and DRM	0.50
16. Government use of licensed software	0.50
Category 3: Trademarks Rights and Limitations	**2.50**
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.50
Category 4: Design Rights and Limitations	**1.10**
21. Industrial Design Term of Protection	0.60
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	**0.75**
23. Protection of trade secrets (Civil Remedies)	0.50
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.00
Category 6: Commercialization of IP Assets	**1.00**
26. Barriers to market access	0.50
27. Barriers to technology transfer	0.00
28. Registration and disclosure requirements of licensing deals	0.00
29. Direct Government intervention in setting licensing terms	0.00
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	0.00
Category 7: Enforcement	**1.32**
32. Physical counterfeiting rates	0.32
33. Software piracy rates	NA
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.25
36. Criminal standards	0.25
37. Effective border measures	0.25
38. Transparency and public reporting by Customs	0.00
Category 8: Systemic Efficiency	**1.25**
39. Coordination of IP rights enforcement	0.25
40. Consultation with stakeholders during IP policy formation	0.25
41. Educational campaigns and awareness raising	0.25
42. Targeted incentives for the creation and use of IP assets for SMEs	0.25
43. IP-intensive industries, national economic impact analysis	0.25
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**5.50**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.75
49. Patent Law Treaty and Patent Cooperation Treaty	0.75
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	0.00

Total Score: 20.41

Spotlight on the National IP Environment

Past Editions versus Current Score

Ghana's overall score has decreased from 20.53 out of 52 indicators in the 13th edition to 20.41. This reflects a score decrease on indicator 32.

Patent Rights and Limitations

2. Patentability requirements; and 3. Patentability of computer-implemented inventions (CIIs): Following the Extraordinary 15th Session of the Administrative Council of the African Regional Intellectual Property Organization (ARIPO) in early 2025, changes to the Harare Protocol on Patents and Industrial Design have now taken effect. These changes provide future applicants with greater procedural flexibility and more clearly defined timelines but also raise user fees. Unfortunately, these changes did not include more wholesale improvements to the patenting process. As noted in previous editions of the Index, both Ghana's Patent Act and the Harare Protocol lack clarity regarding the extent to which CIIs are considered patentable subject matter. Ghana's Patent Act Section 3(1) provides a broad and internationally acceptable standard of patentable subject matter: "an invention is patentable if it is new, involves an inventive step and is industrially applicable." Sections 1, 2, and 3 define the types of inventions that are excluded, of which CIIs are not explicitly excluded. Under Section 3, paragraph 10(h) of the Harare Protocol, "programs for computers" are explicitly excluded.

However, ARIPO's examination Guidelines state quite clearly that CIIs may be granted if there is a clear technical effect and a contribution to the prior art. In practice, however, ARIPO has historically processed very few CIIs patents.

For example, looking at WIPO patent statistics for ARIPO (data are not available for Ghana specifically) suggests that only a small number of patent applications (patent publications by technology) fall under the categories "Computer technology" and "IT methods for management." Between 1980 and 2017 (the latest year for which data is available), there were a total of 320 patent applications published under the categories "Computer technology" and "IT methods for management." This compares with 10,421 applications during this period, representing 3.07% of all published applications. Statistics for the number of patents actually granted are not available by technology for ARIPO. But in most jurisdictions, not all patents published are granted.

Given the fact that computer software and CIIs are at the heart of virtually all socio-economic activity from desktop PCs to smartphones, to artificial intelligence, to the Internet of Things, improving clarity on the patentability of CIIs in ARIPO and Ghana would be one of the easiest ways to help spur more local innovation, technological development and help drive investment and resources into developing new digital and ICT-based technologies in Ghana and contracting ARIPO states. The Index will continue to monitor these developments in 2026.

Copyrights and Limitations

11. Legal measures that provide necessary exclusive rights to prevent infringement of copyrights and related rights (including Web hosting, streaming, and linking); 12. Expeditious injunctive-style relief and disabling of infringing content online; 13. Availability of frameworks that promote cooperative action against online piracy: As noted in previous editions of the Index, copyright enforcement in Ghana has long been a challenge. Piracy and counterfeiting are endemic, both offline and online, and the existing legal framework remains rudimentary. The Copyright Act provides rights holders with standard exclusive rights, and it makes no reference to, or recognition of, the special challenges posed by online infringement. The Electronic Transactions Act 2008 includes a fairly comprehensive definition and description of liability for service providers and intermediaries. Also, it opens up the possibility for injunctive-style relief and a court-ordered disabling of access to infringing and illegal content.

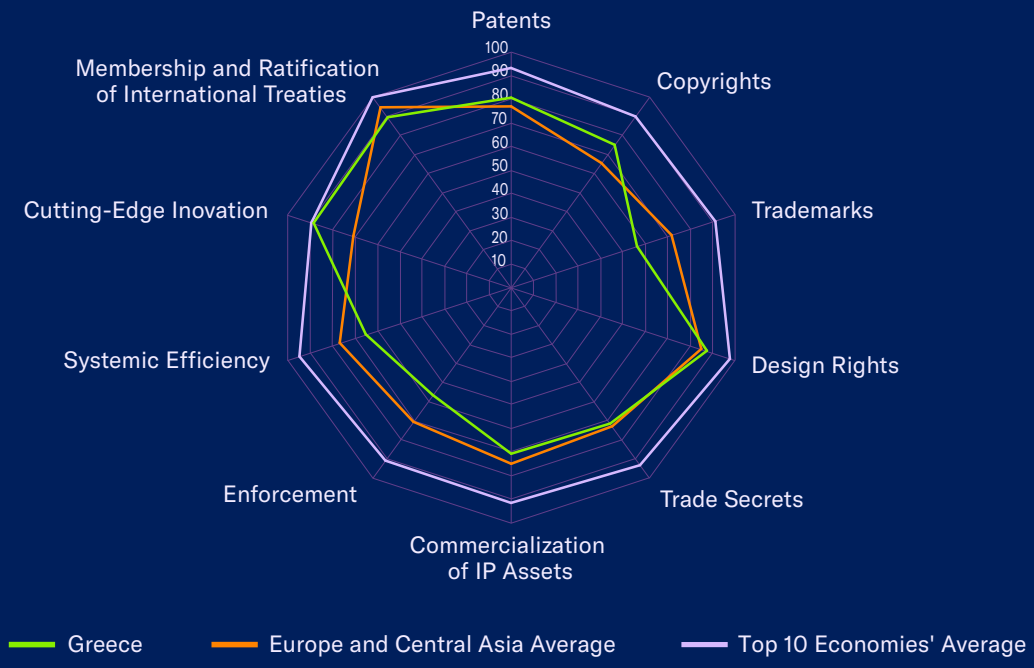
However, there is no evidence that either of these mechanisms is being made available to rights holders in a systematic and regularized fashion. A 2019 OECD case study of counterfeiting found that Ghana "has a high prevalence of counterfeit, pirated and substandard goods." The study identified specific problem areas related to the high prevalence of copyright-infringing goods, electronics, counterfeit consumer goods, and textiles.

The U.S. Government has also consistently noted the weak IP enforcement environment and widespread prevalence of counterfeit and pirated goods in Ghana. Consequently, in 2025, the Ghana Copyright Office and the National Film Authority (NFA) announced stricter enforcement measures against copyright infringement. The NFA said it would begin revoking broadcasting licenses for any Ghanaian entity found distributing unlicensed or copyright-infringing content. This action follows public criticism from several African filmmakers and creators, who say their content was being broadcast and made available to the public in Ghana without their permission. At the time of the research, it was unclear whether the authorities had acted and/or whether the infringing materials had been taken down. The Index will continue to monitor these developments in 2026.

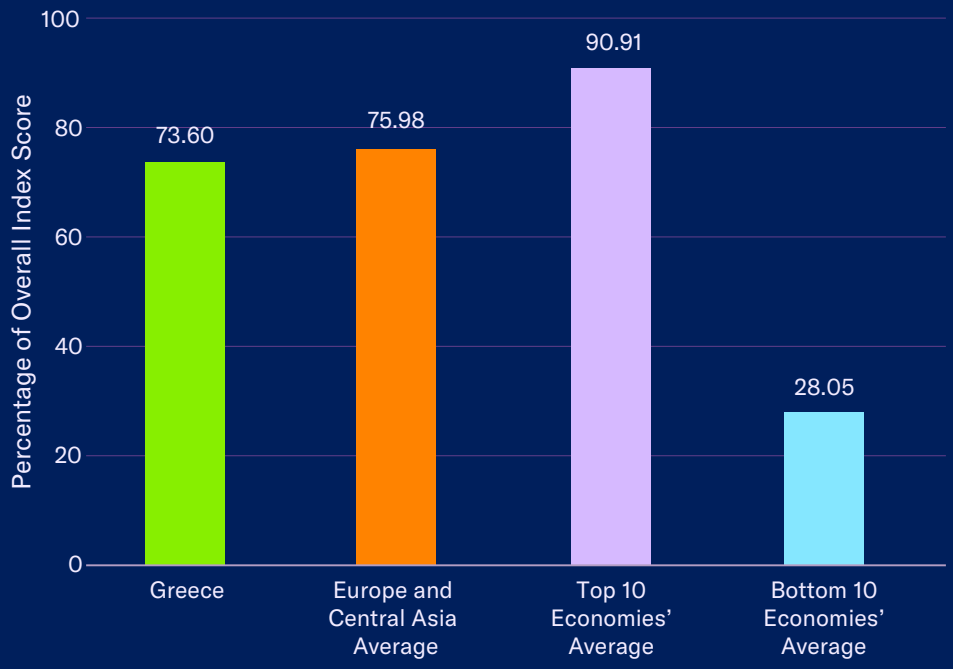
Greece

Rank
16/55

Category Scores



Overall Score in Comparison



Greece

Rank
16/55

Key Areas of Strength

- CDSM Directive transposed into Greek law through Law 4996/2022
- Continued enforcement through administrative relief and disabling of infringing websites including introduction of dynamic injunctions
- Relatively strong national IP environment — Greece benefits from EU membership and being a contracting party to the European Patent Convention
- Since 2000, Orphan Regulation has provided a world-leading 10-year term of orphan market exclusivity resulting in new biopharmaceutical R&D and development of new treatments and medicines for rare diseases
- Many sector-specific IP rights in place
- Membership of all major international PPH tracks through the EPO

Key Areas of Weakness

- EU package of new pharmaceutical laws fundamentally weakens biopharmaceutical IP rights including RDP and orphan incentives
- New EU-wide compulsory licensing regime risks undermining patent rights in Europe
- Historically Greece has been home to high levels of online piracy
- High rates of the use of unlicensed software relative to other EU and OECD Member States
- Regulation 2019/933 and existing SPC exemption for exports of biopharmaceuticals poses significant risk to Greece's and EU's research and IP-based biopharma industry
- Licensing agreements include registration requirements

Indicator	Score
Category 1: Patents Rights and Limitations	**7.25**
1. Term of protection	1.00
2. Patentability requirements	1.00
3. Patentability of CIIs	1.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.50
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.75
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	1.00
Category 2: Copyrights and Limitations	**5.24**
10. Term of protection	0.74
11. Exclusive rights	0.75
12. Expeditious legal remedies disabling access to infringing content online	1.00
13. Cooperative action against online piracy	1.00
14. Limitations and exceptions	0.75
15. TPM and DRM	0.75
16. Government use of licensed software	0.25
Category 3: Trademarks Rights and Limitations	**2.25**
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**1.75**
21. Industrial Design Term of Protection	1.00
22. Exclusive rights, industrial design rights	0.75
Category 5: Trade Secrets and the Protection of Confidential Information	**2.15**
23. Protection of trade secrets (Civil Remedies)	0.75
24. Protection of trade secrets (Criminal Sanctions)	0.50
25. Regulatory data protection term	0.90
Category 6: Commercialization of IP Assets	**4.25**
26. Barriers to market access	1.00
27. Barriers to technology transfer	0.50
28. Registration and disclosure requirements of licensing deals	0.25
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	1.00
Category 7: Enforcement	**3.97**
32. Physical counterfeiting rates	0.58
33. Software piracy rates	0.39
34. Civil and procedural remedies	0.50
35. Pre-established damages	0.25
36. Criminal standards	0.25
37. Effective border measures	1.00
38. Transparency and public reporting by Customs	1.00
Category 8: Systemic Efficiency	**3.25**
39. Coordination of IP rights enforcement	0.50
40. Consultation with stakeholders during IP policy formation	0.75
41. Educational campaigns and awareness raising	0.50
42. Targeted incentives for the creation and use of IP assets for SMEs	0.50
43. IP-intensive industries, national economic impact analysis	1.00
Category 9: Cutting-Edge Innovation	**2.65**
44. IP incentives for orphan medicinal product development	1.00
45. IP incentives for orphan medicinal product development, term of protection	0.90
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.75
Category 10: Membership and Ratification of International Treaties	**6.25**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
49. Patent Law Treaty and Patent Cooperation Treaty	0.75
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	1.00

Total Score: 39.01

Spotlight on the National IP Environment

Past Editions versus Current Score

Greece's overall score has increased from 38.46 out of 53 indicators in the 13th edition to 39.01. This reflects a score increase on indicators 11, 13 and 15 and a decrease on indicators 25 and 45.

Area of Note

In 2023, the European Commission published a package of proposed legislative changes to almost all facets of the biopharmaceutical market authorization process and related incentives. The Commission, Parliament, and Council have put forward multiple proposals. Although the proposed reforms are intended to create a 21st-century life sciences landscape that fosters innovation, enhances access to innovative therapies for patients, and elevates Europe's competitiveness, many of the proposed changes would do the opposite by fundamentally weakening the EU's legal framework relating to biopharmaceutical IP rights. At the time of research, European institutions had agreed on a final package, and a legislative text was being finalized and expected to take effect soon after Index publication. Under this finalized deal, IP rights related to regulatory data protection (RDP), orphan drugs, and patent protection — through an expansion of existing Bolar exemptions — would all be negatively affected. The impact of these proposals on specific Index indicator scores is detailed below.

Some of these changes affect several categories of the Index and could affect multiple indicators, including, for example, changes to Bolar exemptions. A Bolar exemption (or exception) allows biopharmaceutical follow-on applicants to begin testing and regulatory approval for their follow-on products without obtaining consent from a rights holder, in this case, the market authorization holder of a biopharmaceutical reference product.

This type of exception originates in the United States, specifically in the 1984 Drug Price Competition and Patent Term Restoration Act (Hatch-Waxman Act). The rationale for these exclusivity exemptions is to ensure there is no undue delay in the market supply of follow-on products once the reference product's exclusivity expires. These exceptions are not intended to reduce or undermine the exclusivity periods legitimately granted to rights holders.

The expansion of existing EU Bolar exemptions risks weakening IP exclusivity periods at the level of each EU Member State — including, for example, duly granted patent protection — by prematurely launching IP-rights-infringing generic or biosimilar products. The exact impact of this expansion will depend on the individual national characteristics of each EU Member State. The Index will continue to monitor these developments at the Member State level as the pharmaceutical package is nationally implemented.

Patent Rights and Limitations

6. Legislative criteria and use of compulsory licensing of patented products and technologies: In December 2025, the European Council and European Parliament formally adopted, as regulation, a new cross-European compulsory licensing regime. While this agreement constitutes an improvement over preceding drafts — this includes, for instance, the exclusion of trade secrets and know-how — it remains unclear why the EU needs a cross-European compulsory licensing regime. Fundamentally, the proposals are based on the idea that the COVID-19 pandemic showed the need for a clearer and more 'effective' pan-EU compulsory licensing mechanism.

But as this Index and rights holders argued, the actual evidence and experience from the pandemic show the opposite. Together with the proposed rollback of IP protections in the pharmaceutical reform package discussed above, this new compulsory licensing regime will further undermine biopharmaceutical IP rights in the EU. At the time of research, no finalized legal text had been published. The Index will continue to monitor these developments.

7. Patent term restoration for pharmaceutical products:
Since 2015, the European Commission has sought to recalibrate certain elements of patent term restoration for biopharmaceuticals, namely the Supplementary Protection Certificates (SPCs). Notably, Regulation 2019/933 created an SPC manufacturing and export exemption. The exemption allows companies to manufacture generic and biosimilar products in the EU during the SPC period for export to third (non-EU) economies and to stockpile them during the last six months of the SPC's validity for the domestic market. As a result of this action, the score for this indicator was reduced by 0.25 across all EU Member States in the eighth edition of the Index.

Unlike Regulation 2019/933 and the SPC exemption, proposals for a new centralized process for granting and administering SPCs would be a positive addition to the EU's IP environment. In 2022, as part of the introduction of the Unitary Patent system and Patent Court, the European Commission outlined several options for reforming the SPC system, including a new centralized system for SPC protection and applications. In 2023, the Commission released a formal legislative proposal for both a unitary SPC and a new centralized procedure for other applications, and the European Parliament subsequently responded to it.

The Commission and Parliament should be congratulated for recognizing that a potential centralized procedure for SPC protection would provide legal, administrative, and financial efficiencies to all affected parties.

In this sense, the proposed legislation fills a gap and is a net positive. Unfortunately, fundamental aspects of the proposed procedure would insert a new level of uncertainty and potential delay into the patent term restoration process. For example, both the Commission's proposal and Parliament's response include a novel mechanism for SPC opposition. The purpose of the SPC system is to restore patent term lost due to the unique and lengthy sanitary registration requirements for biopharmaceutical products. This restoration is for an already existing, duly granted, valid, and in-force patent. Consequently, by the time an SPC application is lodged, there will have already been plenty of opportunities for related parties to administratively or judicially challenge the validity of the underlying patent either regionally through the EPO, nationally (in a manner defined in each Member State), or through the Unified Patent Court. As such, it seems unnecessary to add a novel layer of potential opposition. The most likely outcome is simply additional delays, bureaucracy, and costs imposed on applicants. At the time of research, no finalized legal text had been published. The Index will continue to monitor these developments.

Copyrights and Limitations

11. Legal measures, which provide necessary exclusive rights that prevent infringement of copyrights and related rights (including web hosting, streaming, and linking); 12. Expeditious injunctive-style relief and disabling of infringing content online; 13. Availability of frameworks that promote cooperative action against online piracy; and 15. Technological protection measures (TPM) and digital rights management (DRM) legislation:
In 2025, there were important legislative changes to Greek copyright law. Under Law 5179/2025, relevant Greek enforcement authorities now have greater powers to both monitor and enforce copyright online. The most important amendments include expanded enforcement provisions; new and higher administrative fines for the distribution or accessing of copyright-infringing content online; an expedited and expanded enforcement track for dynamic injunctions; and stronger enforcement measures against illicit infringement enabling software and physical equipment. The Greek Government's actions build on previous reform initiatives discussed in the eighth and ninth editions of the Index. As a result of these efforts, the scores on indicators 11, 12, and 15 have increased by 0.25, 0.25, and 0.25, respectively.

14. Scope of limitations and exceptions to copyrights and related rights:
As noted last year, there is now a legislative framework governing the development and deployment of AI-based technologies in the EU, the EU AI Act. The first of its kind in the world, the Act defines different levels and types of AI deployment, with some activities prohibited and other forms of deployment and systems regulated based on perceived level of risk. The European AI Office was created to coordinate and oversee the implementation and enforcement of the Act.In 2025, further developments occurred regarding the interaction between copyright protection and the use of AI, with the European Commission, AI Office, and EUIPO releasing new guidance documents. While these documents address some of the key challenges creators and rights holders face — most notably the *AI Code of Practice* and the EUIPO's *The Development of Generative Artificial Intelligence from a Copyright Perspective* — none of them carry any legal weight or impose any additional regulatory requirements on AI developers and platforms. AI and machine learning are important areas of future economic activity, as advances in computational power and new technologies enable scientific research and innovation through the analysis of large volumes of data. However, given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights. It remains to be seen whether the EU AI Act and its subsequent implementation will provide rights holders with a meaningful avenue of enforcing their copyrights. The Index will continue to monitor these developments in 2026.

Trade Secrets and the Protection of Confidential Information

25. Regulatory data protection (RDP) term:
As noted in previous editions, in 2023, the European Commission published proposed legislative changes to the EU's RDP regime. In December 2025, the Council and the European Parliament agreed on the final General Pharmaceutical Legislation. Article 10 of Directive 2004/27/EC (amending 2001/83/EC) has historically provided new pharmaceutical products with eight years of data exclusivity, two years of marketing exclusivity (in which generic and follow-on applicants are allowed to submit bio-equivalence studies), and one additional year of protection for significant new indications of existing products. On this basis, all EU Member States have, up until this edition of the Index, achieved the maximum available score of 1.00 on this indicator. The General Pharmaceutical Legislation has weakened this term of protection.

The final legislation provides eight years of data protection and one year of market protection, for a baseline of eight + one years. This reduces market protection from two years to one year, weakening the EU's RDP framework. The agreement also conditions the restoration of lost RDP terms on criteria such as conducting clinical trials in multiple EU Member States or seeking EU marketing authorization within 90 days of the first global submission. The deal includes an 11-year cap on the combined RDP. As a result, the score on this indicator has been reduced for all EU Member States included in the Index. The Index will continue to monitor these developments in 2026.

Commercialization of IP Assets and Market Access

30. Tax incentives for the creation of IP assets:
Greek tax law provides both a generous R&D super deduction and IP-specific tax incentives in the form of a patent box. The R&D incentive consists of a 200% super deduction, which can be claimed on qualifying expenditure carried out during an entity's normal business activities. The patent box regime is based on a pre-defined tax deferral of up to three years. Qualifying entities can exempt relevant applicable taxes on income derived from products and services based on patented technology. In late 2024, legislative amendments (Law 5162/2024) further strengthened these incentives by expanding the super deduction and extending the income exemption period for qualifying patent-derived income.

Incentives for Cutting-edge Innovation

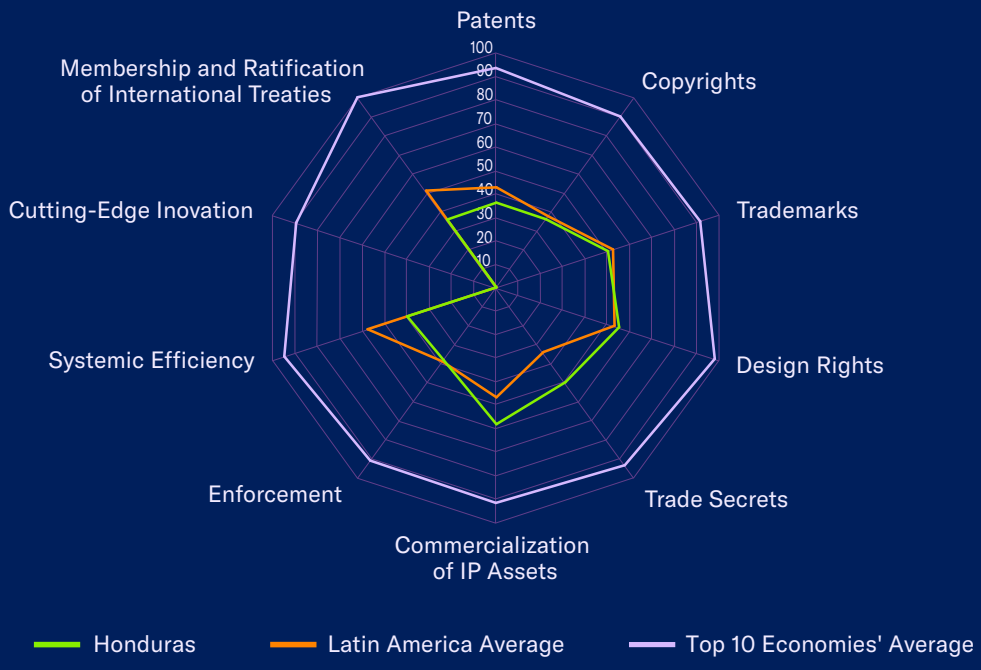
45. Special market exclusivity incentives for orphan medicinal product development, term of protection:
Since coming into force in 2000, Regulation (EC) No 141/2000 (the "EU Orphan Regulation") has provided innovators with a strong term of IP exclusivity. Specifically, Article 8 of the Regulation defines exclusivity as a baseline 10-year marketing exclusivity term, which may be extended by two years upon completion of additional pediatric studies. For over a quarter of a century, this Regulation has stood as an international example of how strong IP incentives can incentivize the R&D and innovation necessary to tackle some of the toughest health challenges in the world. The Regulation has directly resulted in more clinical research, product development, and medicines available to patients with rare diseases in the EU and beyond.

Despite this track record of success, the Regulation has been under review for an extended period, most recently as part of the pharmaceutical package. Like the term of protection relating to RDP, the finalized agreement between the Parliament, Council, and Commission has weakened the term of protection offered to innovators. While it is possible to obtain an 11-year period of protection for products "addressing a high unmet medical need," the baseline term of protection has been reduced from 10 to nine years. As a result, the score on this indicator has been reduced for all EU Member States included in the Index. The Index will continue to monitor these developments in 2026.

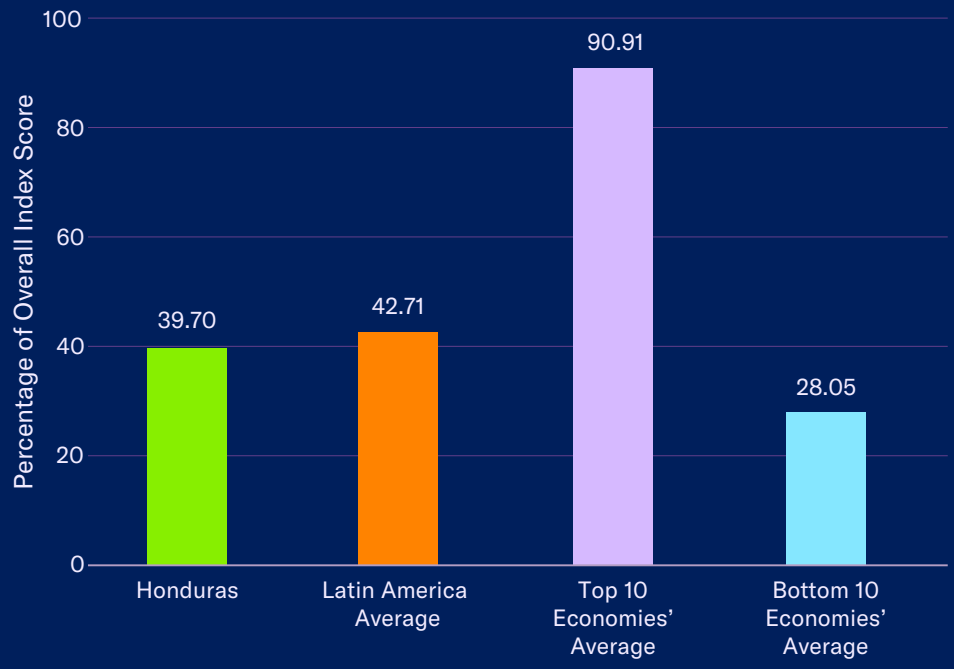
Honduras

Rank
38/55

Category Scores



Overall Score in Comparison



Honduras

Rank
38/55

Key Areas of Strength

- CAFTA membership fundamentally improved national IP environment
- Plant variety protection in place
- No evidence of active government intervention in technology transfer or licensing

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Patentability standards outside international norms – key problem areas include second use claims for biopharmaceuticals and patent protection for CIIs
- Uncertainty over access to statutory period of RDP: implementing regulations (*Acuerdo* No. 024-2018) provide broad basis for overriding exclusivity
- Challenging enforcement environment — particularly for online and digital content
- Infringement of copyright through signal piracy, online, and web-based streaming is highly pervasive and constitutes a major source of illegal content — not effectively addressed by government
- Industry estimated rates of software piracy among highest in the Latin American region at 75%
- Signal piracy and theft among highest in Latin America: total pirated or unreported market in Honduras estimated at 50% of total number of potential end-users

Indicator	Score
Category 1: Patents Rights and Limitations	**3.25**
1. Term of protection	1.00
2. Patentability requirements	0.25
3. Patentability of CIIs	0.25
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.50
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.00
9. Patent Opposition	0.25
Category 2: Copyrights and Limitations	**2.51**
10. Term of protection	0.76
11. Exclusive rights	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.00
13. Cooperative action against online piracy	0.25
14. Limitations and exceptions	0.50
15. TPM and DRM	0.50
16. Government use of licensed software	0.25
Category 3: Trademarks Rights and Limitations	**2.00**
17. Term of protection	1.00
18. Protection of well-known marks	0.25
19. Exclusive rights, trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**1.10**
21. Industrial Design Term of Protection	0.60
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	**1.50**
23. Protection of trade secrets (Civil Remedies)	0.50
24. Protection of trade secrets (Criminal Sanctions)	0.50
25. Regulatory data protection term	0.50
Category 6: Commercialization of IP Assets	**3.50**
26. Barriers to market access	1.00
27. Barriers to technology transfer	0.50
28. Registration and disclosure requirements of licensing deals	0.50
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	0.00
Category 7: Enforcement	**2.68**
32. Physical counterfeiting rates	0.43
33. Software piracy rates	0.25
34. Civil and procedural remedies	0.50
35. Pre-established damages	0.50
36. Criminal standards	0.50
37. Effective border measures	0.50
38. Transparency and public reporting by Customs	0.00
Category 8: Systemic Efficiency	**2.00**
39. Coordination of IP rights enforcement	0.75
40. Consultation with stakeholders during IP policy formation	0.25
41. Educational campaigns and awareness raising	0.50
42. Targeted incentives for the creation and use of IP assets for SMEs	0.50
43. IP-intensive industries, national economic impact analysis	0.00
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**2.50**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.00
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	1.00

Total Score: 21.04

Spotlight on the National IP Environment

Past Editions versus Current Score

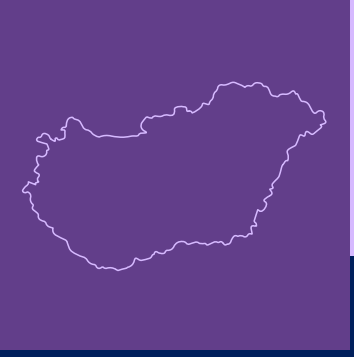
Honduras' overall score has decreased from 21.05 out of 53 indicators in the 13th edition to 21.04. This reflects a score decrease on indicator 32.

Copyrights and Limitations

11. Legal measures, which provide necessary exclusive rights that prevent infringement of copyrights and related rights (including Web hosting, streaming, and linking); and
15. Technological protection measures (TPM) and Digital rights management (DRM) legislation:
Developments in 2025 highlighted the challenges rights holders continue to face from copyright infringement and signal piracy in Honduras. In a positive move, in late 2024, the Special Prosecutor's Office for Intellectual Property and Computer Security (FEPROSI) indicted a local business for offering circumvention devices. Together with the National Telecommunications Commission (CONATEL), FEPROSI should be commended for taking action on this issue. However, much more needs to be done.

As noted in previous editions of the Index, satellite and cable signal piracy in Honduras is high and has remained so for years, as in many parts of Central America and the Caribbean. In 2019, the Latin American industry association ALIANZA (*AlianzaContra la Piratería de Televisión Paga en América Latina*) released findings from a study estimating rates of signal piracy and theft in Latin America. The study found that the pirated or unreported market in Honduras was estimated at 50% of the total number of potential end-users.

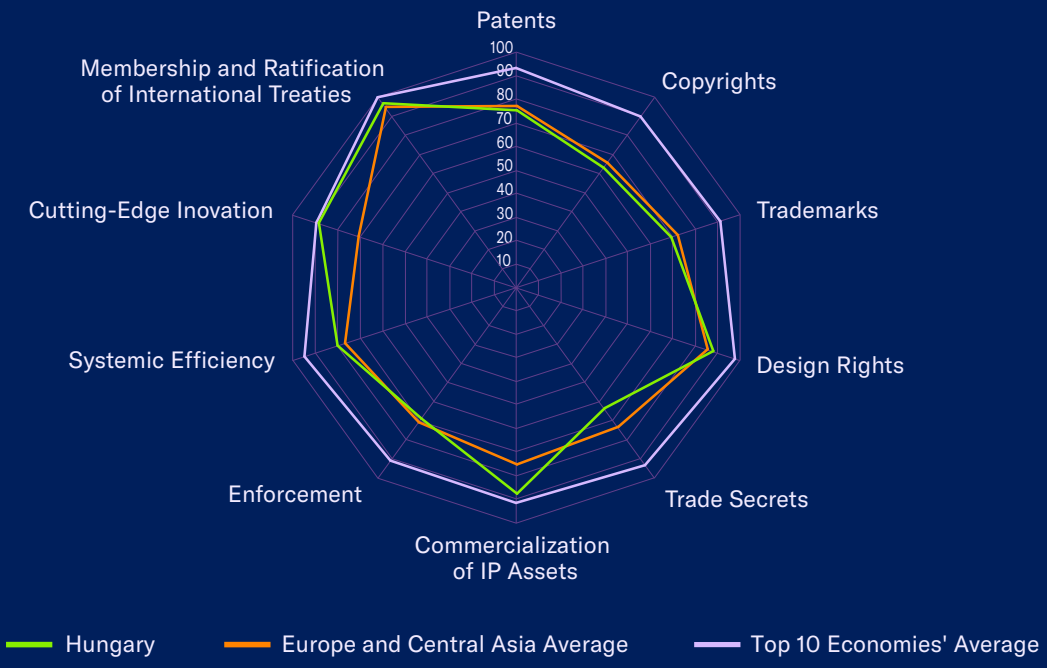
Of the 19 Latin American economies sampled, Honduras' estimated rate of signal piracy was virtually the same as the top three signal piracy markets of Nicaragua (52%), Guatemala (51%), and Bolivia (51%), and double the estimated pirated rate in Argentina and Brazil. This has not changed in 2025. A new study on online piracy released by CETLA (the Latin American Telecommunications Studies Center) found that signal piracy and the use of circumvention devices, such as pirated IPTV boxes, continue to be significant problems in Honduras. The study found that Honduras continues to have the highest estimated rate of pirated IPTV boxes of the 12 Latin American economies included in the study. Signal and copyright piracy have remained high in Honduras despite both the U.S. Government and affected rights holders highlighting this issue and engaging with the Government of Honduras for years. The Index will continue to monitor these developments in 2026.



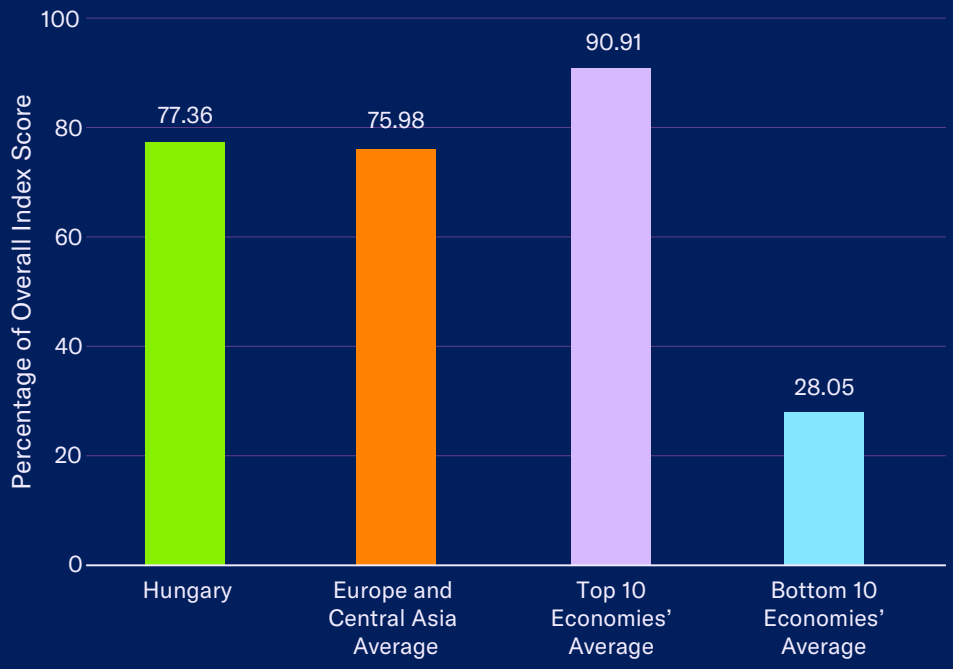
Hungary

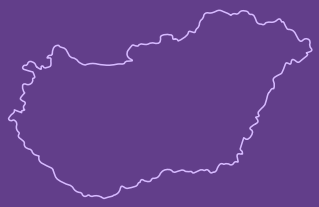
Rank
14/55

Category Scores



Overall Score in Comparison





Hungary

Rank
14/55

Key Areas of Strength

- Transposed the EU Trade Secrets Directive into Hungarian Law through Act LIV of 2018 on the Protection of Trade Secrets
- Generous R&D and IP specific tax incentives in place
- Since 2000, Orphan Regulation has provided a world-leading 10-year term of orphan market exclusivity resulting in new biopharmaceutical R&D and development of new treatments and medicines for rare diseases
- Fairly strong and sophisticated IP system conferred through EU membership
- Sector specific IP rights in place

Key Areas of Weakness

- EU package of new pharmaceutical laws fundamentally weakens biopharmaceutical IP rights including RDP and orphan incentives
- New EU-wide compulsory licensing regime risks undermining patent rights in Europe
- 2020 compulsory license issued for drug remdesivir
- Regulation 2019/933 and existing SPC exemption for exports of biopharmaceuticals poses significant risk to Hungary's and EU's research and IP based biopharma industry
- Challenging enforcement environment, particularly with regards to online and digital content
- Consultation mechanisms on IP policies are in place, but time offered to make submissions is relatively short

Indicator	Score
Category 1: Patents Rights and Limitations	**6.75**
1. Term of protection	1.00
2. Patentability requirements	0.75
3. Patentability of CIIs	0.75
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.50
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.75
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	1.00
Category 2: Copyrights and Limitations	**4.38**
10. Term of protection	0.63
11. Exclusive rights	0.50
12. Expeditious legal remedies disabling access to infringing content online	0.75
13. Cooperative action against online piracy	0.75
14. Limitations and exceptions	0.75
15. TPM and DRM	0.50
16. Government use of licensed software	0.50
Category 3: Trademarks Rights and Limitations	**2.75**
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.75
20. Frameworks against online sale of counterfeit goods	0.50
Category 4: Design Rights and Limitations	**1.75**
21. Industrial Design Term of Protection	1.00
22. Exclusive rights, industrial design rights	0.75
Category 5: Trade Secrets and the Protection of Confidential Information	**1.90**
23. Protection of trade secrets (Civil Remedies)	0.75
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.90
Category 6: Commercialization of IP Assets	**5.25**
26. Barriers to market access	1.00
27. Barriers to technology transfer	0.75
28. Registration and disclosure requirements of licensing deals	1.00
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	1.00
Category 7: Enforcement	**4.82**
32. Physical counterfeiting rates	0.68
33. Software piracy rates	0.64
34. Civil and procedural remedies	0.50
35. Pre-established damages	0.50
36. Criminal standards	0.50
37. Effective border measures	1.00
38. Transparency and public reporting by Customs	1.00
Category 8: Systemic Efficiency	**4.00**
39. Coordination of IP rights enforcement	1.00
40. Consultation with stakeholders during IP policy formation	0.75
41. Educational campaigns and awareness raising	0.75
42. Targeted incentives for the creation and use of IP assets for SMEs	0.50
43. IP-intensive industries, national economic impact analysis	1.00
Category 9: Cutting-Edge Innovation	**2.65**
44. IP incentives for orphan medicinal product development	1.00
45. IP incentives for orphan medicinal product development, term of protection	0.90
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.75
Category 10: Membership and Ratification of International Treaties	**6.75**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.75
49. Patent Law Treaty and Patent Cooperation Treaty	1.00
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	1.00

Total Score: 41.00

Spotlight on the National IP Environment

Past Editions versus Current Score

Hungary's overall score has decreased from 41.20 out of 53 indicators in the 13th edition to 41.00. This reflects a score decrease on indicators 25 and 45.

Area of Note

In 2023, the European Commission published a package of proposed legislative changes to almost all facets of the biopharmaceutical market authorization process and related incentives. Multiple proposals have been put forward by the Commission, Parliament, and Council. Although the proposed reforms are intended to create a 21st-century life sciences landscape that fosters innovation, enhances access to innovative therapies for patients, and elevates Europe's competitiveness, many of the proposed changes would do the opposite by fundamentally weakening the EU's legal framework for biopharmaceutical IP rights.

At the time of research, European institutions had agreed on a final package, and a legislative text was being finalized and expected to take effect soon after Index publication. Under this finalized deal, IP rights related to regulatory data protection (RDP), orphan drugs, and patent protection — through an expansion of existing Bolar exemptions — would all be negatively affected. The impact of these proposals on specific Index indicator scores is detailed below. Some of these changes affect several categories of the Index and could affect multiple indicators, including, for example, changes to Bolar exemptions.

A Bolar exemption (or exception) allows biopharmaceutical follow-on applicants to begin testing and regulatory approval for their follow-on products without obtaining consent from a rights holder, in this case, the market authorization holder of a biopharmaceutical reference product. This type of exception originates in the United States, specifically in the 1984 Drug Price Competition and Patent Term Restoration Act (Hatch-Waxman Act).

The rationale for these exclusivity exemptions is to ensure there is no undue delay in the market supply of follow-on products once the reference product's exclusivity expires. These exceptions are not intended to shorten or undermine rights holders' legitimately granted exclusivity periods. The expansion of existing EU Bolar exemptions risks weakening IP exclusivity periods at the level of each EU Member State — including, for example, duly granted patent protection — by prematurely launching IP-rights-infringing generic or biosimilar products. The exact impact of this expansion will depend on the individual national characteristics of each EU Member State. The Index will continue to monitor these developments at the Member State level as the pharmaceutical package is nationally implemented.

Patent Rights and Limitations

6. Legislative criteria and use of compulsory licensing of patented products and technologies: In December 2025, the European Council and European Parliament formally adopted, as regulation, a new cross-European compulsory licensing regime. While this agreement constitutes an improvement over preceding drafts — this includes, for instance, the exclusion of trade secrets and know-how — it remains unclear why the EU needs a cross-European compulsory licensing regime.

Fundamentally, the proposals are based on the idea that the COVID-19 pandemic showed the need for a clearer and more 'effective' pan-EU compulsory licensing mechanism. But as this Index and rights holders argued, if anything, the actual evidence and experience from the pandemic show the complete opposite.

Together with the proposed rollback of IP protections in the pharmaceutical reform package discussed above, this new compulsory licensing regime will further undermine biopharmaceutical IP rights in the EU. At the time of research, no finalized legal text had been published. The Index will continue to monitor these developments.

7. Patent term restoration for pharmaceutical products:
Since 2015, the European Commission has sought to recalibrate certain elements of patent term restoration for biopharmaceuticals, namely the Supplementary Protection Certificates (SPCs). Notably, Regulation 2019/933 created an SPC manufacturing and export exemption. The exemption allows companies to manufacture generic and biosimilar products in the EU during the SPC period for export to third (non-EU) economies, and to stockpile them during the last six months of the SPC's validity for the domestic market. As a result of this action, the score for this indicator was reduced by 0.25 across all EU Member States in the eighth edition of the Index.

Unlike Regulation 2019/933 and the SPC exemption, proposals for a new centralized process for granting and administering SPCs would be a positive addition to the EU's IP environment. In 2022, as part of the introduction of the Unitary Patent system and the Patent Court, the European Commission outlined several options for reforming the SPC system, including a new centralized system for SPC protection and applications. In 2023, the Commission released a formal legislative proposal for both a unitary SPC and a new centralized procedure for other applications, and the European Parliament subsequently responded to it.

The Commission and Parliament should be congratulated for recognizing that a potential centralized procedure for SPC protection would provide legal, administrative, and financial efficiencies to all affected parties.

In this sense, the proposed legislation fills a gap and is a net positive. Unfortunately, fundamental aspects of the proposed procedure would insert a new level of uncertainty and potential delay into the patent term restoration process. For example, both the Commission's proposal and Parliament's response include a novel mechanism for SPC opposition. The purpose of the SPC system is to restore patent term lost due to the unique and lengthy sanitary registration requirements for biopharmaceutical products. This restoration is for an already existing, duly granted, valid, and in-force patent. As a result, by the time an SPC application is submitted, there will have been numerous opportunities for interested parties to challenge the validity of the underlying patent. This can occur either regionally through the EPO, nationally in accordance with the procedures defined in each Member State, or through the Unified Patent Court. As such, it seems unnecessary to add a novel layer of potential opposition. The most likely outcome is simply additional delays, bureaucracy, and costs imposed on applicants. At the time of research, no finalized legal text had been published. The Index will continue to monitor these developments.

Copyrights and Limitations

14. Scope of limitations and exceptions to copyrights and related rights:
As noted last year, there is now a legislative framework governing the development and deployment of AI-based technologies in the EU, the AI Act. The first of its kind in the world, the Act defines different levels and types of AI deployment, with some activities prohibited and other forms of deployment and systems regulated based on perceived level of risk. The European AI Office has been created to coordinate and oversee the implementation and enforcement of the Act.

In 2025, further developments occurred regarding the interaction between copyright protection and the use and application of AI. The European Commission, AI Office, and EUIPO all released new guidance documents. While these documents address some of the key challenges creators and rights holders face — most notably the *AI Code of Practice* and the EUIPO's *The Development of Generative Artificial Intelligence from a Copyright Perspective* — none of them carry any legal weight or impose any additional regulatory requirements on AI developers and platforms. AI and machine learning are important areas of future economic activity, as advances in computational power and new technologies enable scientific research and innovation through the analysis of large volumes of data. However, given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights. It remains to be seen whether the AI Act and its subsequent implementation will provide rights holders with a meaningful avenue of enforcing their copyrights. The Index will continue to monitor these developments in 2026.

Trade Secrets and the Protection of Confidential Information

25. Regulatory data protection (RDP) term:
As noted in previous editions, in 2023, the European Commission published proposed legislative changes to the EU's RDP regime. In December 2025, the Council and the European Parliament agreed on the final General Pharmaceutical Legislation. Article 10 of Directive 2004/27/EC (amending 2001/83/EC) has historically provided new pharmaceutical products with eight years of data exclusivity, two years of marketing exclusivity (in which generic and follow-on applicants are allowed to submit bio-equivalence studies), and one additional year of protection for significant new indications of existing products.

On this basis, all EU Member States have, up until this edition of the Index, achieved the maximum available score of 1.00 on this indicator. The General Pharmaceutical Legislation has weakened this term of protection. The final legislation provides eight years of data protection and one year of market protection, for a baseline of eight + one years. This reduces market protection from two years to one year, weakening the EU's RDP framework. The agreement also conditions the restoration of lost RDP terms on criteria such as conducting clinical trials in multiple EU Member States or seeking EU marketing authorization within 90 days of the first global submission. The deal includes an 11-year cap on the combined RDP. As a result, the score on this indicator has been reduced for all EU Member States included in the Index. The Index will continue to monitor these developments in 2026.

Incentives for Cutting-edge Innovation

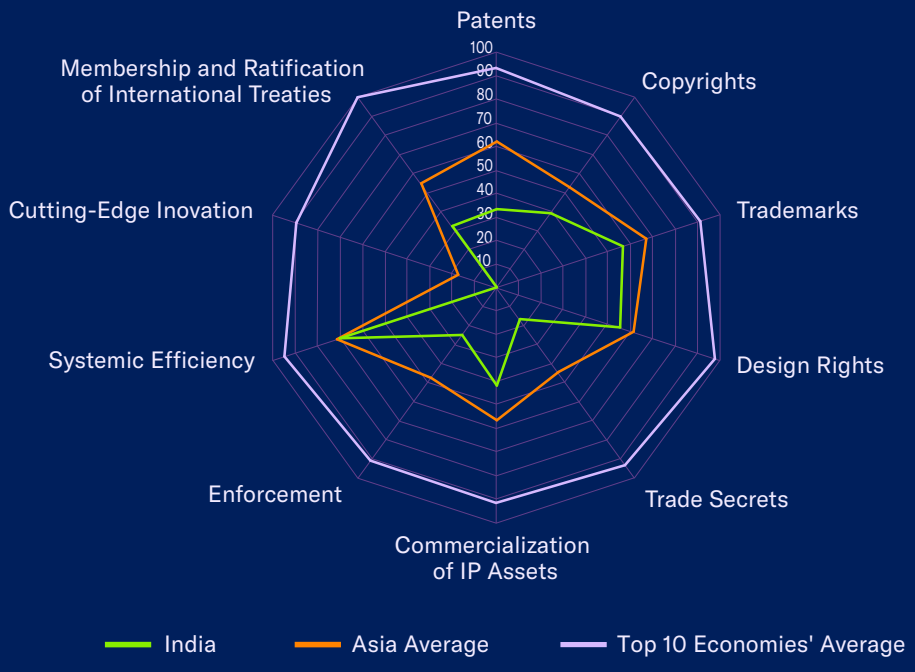
45. Special market exclusivity incentives for orphan medicinal product development, term of protection:
Since coming into force in 2000, Regulation (EC) No 141/2000 (the "EU Orphan Regulation") has provided innovators with a strong term of IP exclusivity. Specifically, Article 8 of the Regulation defines exclusivity as a baseline 10-year marketing exclusivity term, which may be extended by two years upon completion of additional pediatric studies. For over a quarter of a century, this Regulation has stood as an international example of how strong IP incentives can incentivize the R&D and innovation necessary to tackle some of the toughest health challenges in the world. The Regulation has directly resulted in more clinical research, product development, and medicines available to patients with rare diseases in the EU and beyond.

Despite this track record of success, the Regulation has been under review for an extended period, most recently as part of the pharmaceutical package. Like the term of protection relating to RDP, the finalized agreement between the Parliament, Council, and Commission has weakened the term of protection offered to innovators. While it is possible to obtain an 11-year period of protection for products "addressing a high unmet medical need," the baseline term of protection has been reduced from 10 to nine years. As a result, the score on this indicator has been reduced for all EU Member States included in the Index. The Index will continue to monitor these developments in 2026.

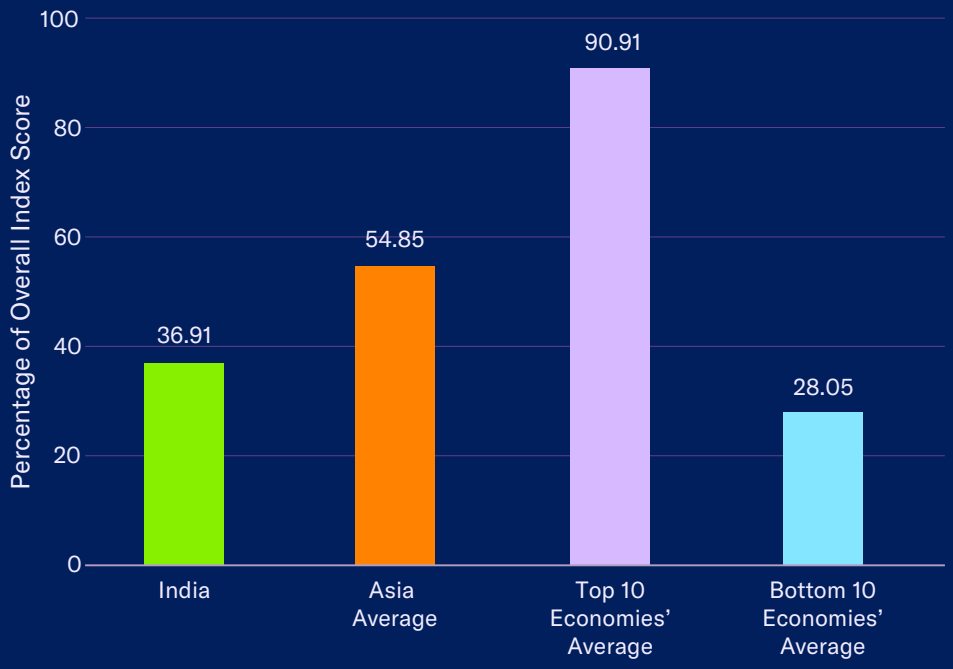
India

Rank
43/55

Category Scores



Overall Score in Comparison



India

Rank
43/55

Key Areas of Strength

- Updated 2024 Patent Rules improve existing pre-grant opposition procedure and compliance requirements under Form 27
- Continued efforts on copyright piracy through issuing of 'dynamic' injunction orders
- 2019 Precedential case law on online trademark infringement and damages
- PPH program with the JPO is a positive step
- Generous R&D and IP based tax incentives
- Global leader on targeted administrative incentives for the creation and use of IP assets for SMEs
- Strong awareness raising efforts on negative impact of piracy and counterfeiting
- Capacity building and number of examiners increased

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- 2021 dissolution of the Intellectual Property Appellate Board combined with the long-standing issue of an under-resourced and over-stretched judiciary raises serious concerns about rights holders ability to enforce their IP rights in India and resolve IP-related disputes
- Barriers to licensing and technology transfer including strict registration requirements
- Limited framework for the protection of biopharmaceutical IP rights
- Patentability requirements outside international standards
- No RDP available or patent term restoration for biopharmaceuticals
- Lengthy pre-grant opposition proceedings
- Previously used compulsory licensing for commercial and non-emergency situations
- Limited participation in international treaties
- No patent linkage or effective patent enforcement mechanism in place

Indicator	Score
Category 1: Patents Rights and Limitations	**2.99**
1. Term of protection	1.00
2. Patentability requirements	0.00
3. Patentability of CIIs	0.75
4. Plant variety protection	0.74
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.50
9. Patent Opposition	0.00
Category 2: Copyrights and Limitations	**2.72**
10. Term of protection	0.47
11. Exclusive rights	0.50
12. Expeditious legal remedies disabling access to infringing content online	1.00
13. Cooperative action against online piracy	0.25
14. Limitations and exceptions	0.00
15. TPM and DRM	0.25
16. Government use of licensed software	0.25
Category 3: Trademarks Rights and Limitations	**2.25**
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.25
20. Frameworks against online sale of counterfeit goods	0.50
Category 4: Design Rights and Limitations	**1.10**
21. Industrial Design Term of Protection	0.60
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	**0.50**
23. Protection of trade secrets (Civil Remedies)	0.25
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.00
Category 6: Commercialization of IP Assets	**2.50**
26. Barriers to market access	0.25
27. Barriers to technology transfer	0.50
28. Registration and disclosure requirements of licensing deals	0.00
29. Direct Government intervention in setting licensing terms	0.25
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	1.00
Category 7: Enforcement	**1.75**
32. Physical counterfeiting rates	0.33
33. Software piracy rates	0.42
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.25
36. Criminal standards	0.25
37. Effective border measures	0.25
38. Transparency and public reporting by Customs	0.00
Category 8: Systemic Efficiency	**3.50**
39. Coordination of IP rights enforcement	0.25
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	1.00
43. IP-intensive industries, national economic impact analysis	0.25
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**2.25**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	0.25

Total Score: 19.56

Spotlight on the National IP Environment

Past Editions versus Current Score

India's overall score has increased from 19.32 out of 53 indicators in the 13th edition to 19.56. This reflects a score decrease on indicator 32 and an increase on indicator 53.

Patent Rights and Limitations

2. Patentability requirements; and 3. Patentability of computer-implemented inventions (CIIs): As has been noted in previous editions of the Index, rights holders in India face many basic challenges in registering and protecting patent-eligible subject matter. To begin with, Indian patent law imposes an additional requirement for patentability that goes beyond the standard novelty, inventive step, and industrial applicability requirements. Under Section 3(d) of the Indian Patent Act, there is an additional "fourth hurdle" regarding inventive steps and enhanced efficacy that limits patentability for certain types of pharmaceutical inventions and chemical compounds. Several court cases have established an interpretation of Indian patent law whereby Section 3(d) can only be fulfilled if the patent applicant can show that the subject matter of the patent application has an improved therapeutic efficacy compared with the structurally closest compound as published before the patent application had been filed (regardless of whether or not a patent application on the earlier compound was filed in India).

This interpretation and related case law generally deny patentees protection for aspects that extend significantly beyond what is explicitly disclosed in the patent application. Compounds that are covered by a claimed chemical formula but are not explicitly mentioned in the patent may not be considered protected.

The result is that, over the years, many inventions have either been denied patent protection in the first place or had their protection revoked before expiration. This happened again in 2025, when the Indian patent office revoked the granted protection for the heart medication Entresto.

Similarly, the environment for protecting CIIs in India has historically been marred by uncertainty. The Patent Act excludes "a mathematical or business method or a computer program per se or algorithms" as patentable subject matter. Old guidance documents, including the Indian patent manual, did not clarify the extent to which CIIs were patentable. Over the last decade, new patent guidelines have been published to address this situation. Of particular note are the 2017 Guidelines for Examination of Computer-Related Inventions (CRIs), which significantly improved the patenting environment for CIIs in India. Unlike previous drafts, the finalized Guidelines included no requirement for hardware innovation. On this basis, the score on Indicator 3 increased by 0.50 in the sixth edition of the Index.

In 2025, the Controller General released a new, updated set of Guidelines. Like their 2017 predecessor, these guidelines do not condition or link the patentability of CIIs to hardware. The 2017 Guidelines have had a positive effect on CII patenting in India. Patent statistics from WIPO for India show a considerable increase in both the number of patent applications (patent publications by technology) and the number of patents granted under the categories "Computer technology" and "IT methods for management." In the 10-year period before the issuance of the 2017 Guidelines (2008-2017), the average was 3,225 applications and 307 patents granted per year under the categories "Computer technology" and "IT methods for management."

In the six years following the issuance of these Guidelines (2018-2023), the yearly averages increased to 5,729 and 1,269, respectively. As a percentage, this was an increase of 77.65% in CII patent applications and over 400% in patents granted. This shows the positive impact policy changes can have. The Index will continue to monitor these developments in 2026.

Copyrights and Limitations

14. Scope of limitations and exceptions to copyrights and related rights:
Like many other Index economies, the use of machine learning and AI-based technologies and applications is increasing in India. In the last few years, the Indian government has responded with several new initiatives to establish an appropriate legal and policy environment for the use and application of these technologies. This includes, for example, the development of a Digital India Act, which would provide a clear legal framework for AI and other digital technologies. This continued in 2025 with the Ministry of Electronics and Information Technology releasing the document "Report on AI Governance Guidelines Development" for public consultation early in the year.

As noted in the Index, AI and machine learning are important areas of future economic activity, as advances in computational power and new technologies enable scientific research and innovation through the analysis of large volumes of data. However, there are real concerns about how the development, application, and use of these technologies will affect creators and rights holders worldwide. The draft Report recognizes these challenges and the gaps in the current legal framework and policy discussion. Given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights. The Index will continue to monitor these developments in 2026.

Membership and Ratification of International Treaties

53. At least one post-TRIPS FTA with substantive IP provisions and chapters in line with international best practices:
Over the last few years, India has concluded several important FTAs. As noted in the Index last year, after more than 15 years of discussions and 21 rounds of negotiations, India and the European Free Trade Association (EFTA) signed a Trade and Economic Partnership Agreement (TEPA) in 2024. In 2025, the British and Indian governments announced the conclusion of a Comprehensive Economic and Trade Agreement (CETA).

A positive feature of this Agreement — like the one with EFTA last year — is that it includes a dedicated IP chapter, Chapter 13 "Intellectual Property Rights." As noted in the Index, this is not always the case; many 21st-century post-TRIPS FTAs do not include a dedicated IP chapter or skirt meaningful IP provisions altogether. Positively, this chapter includes many important modern IP provisions aligned with international best practices, as identified in the Index, including those related to online piracy, border enforcement, and judicial remedies. Such standards, if adopted and fully implemented in India, would improve India's national IP environment. Unfortunately, many of the Agreement's positive aspects have been diminished by carve-outs and exceptions. For example, regarding border enforcement, Article 13.92 requires contracting parties to grant customs officials *ex officio* authority to seize suspected IP-infringing goods. Yet Article 13.87 explicitly excludes goods in transit from any enforcement efforts.

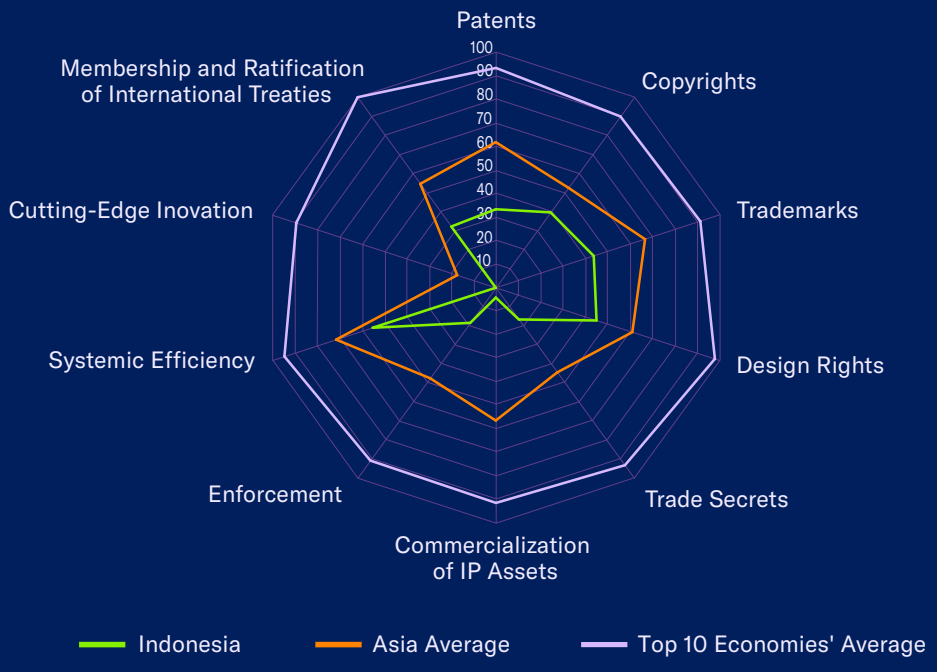
More broadly, the treaty does not mention or cover important 21st-century IP rights and standards, such as patent term restoration due to registration and regulatory delays — both in general and for biopharmaceutical products specifically — or regulatory data protection for clinical test data submitted as part of the pharmaceutical market approval process and sanitary registration. Likewise, Article 13.103, which requires a notice-and-takedown mechanism for online infringement, lacks detail on the specific rights and responsibilities of online service providers. As noted in the Index, while Indian courts have become world leaders in providing injunctive relief and orders disabling online access to copyright-infringing content, the existing notification mechanism, as defined in the Copyright Act, suffers from several structural deficiencies, including the requirement of a court order. Historically, this indicator has been scored based on whether an economy is a signatory to, and has ratified or acceded to, a modern post-TRIPS FTA that includes substantive IP provisions in line with international best practices, as identified in the Index. As such, this indicator has not accounted for the allocation of partial scores in cases where a post-TRIPS FTA includes only a limited number of substantive IP provisions, consistent with international best practices and identified in the Index.

To better account for the growing number of post-TRIPS FTAs that include some substantive IP provisions identified in the Index, this edition of the Index will introduce the option to achieve a partial score. Scores can now range from 0, 0.25, 0.5, 0.75, and 1. Like all other indicators in this category, score allocation will still be evenly divided between the signature and ratification or accession to an international treaty. As a result of the change in the scoring methodology, the score for this indicator increased by 0.25.

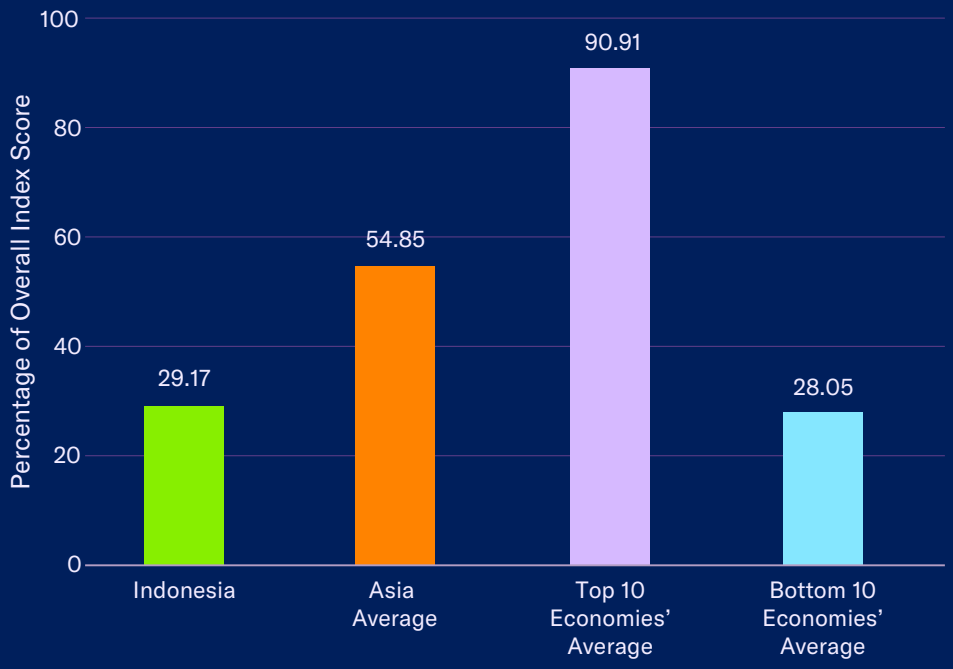
Indonesia

Rank
51/55

Category Scores



Overall Score in Comparison



Indonesia

Rank
51/55

Key Areas of Strength

- 2024 patent amendments eliminate heightened efficacy requirement targeting biopharmaceutical products
- Omnibus Job Creation Bill modifies general technology transfer and localization requirement of 2016 Patent Act to include importation
- Continued strong efforts by Directorate General of Intellectual Property to improve enforcement environment
- PPH in place with JPO
- Administrative relief available for copyright infringement online
- Good cabinet-level coordination and coordinating framework for IP enforcement

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Expansive criteria for compulsory licensing and government use provisions; most recent compulsory license issued in 2021
- Significant barriers in place for licensing and commercialization of IP assets including technology transfer
- Biopharmaceutical patentability standards outside international norms
- Challenging copyright environment with high levels of piracy as administrative measures do not address mirror and linking sites
- Limited participation in international IP treaties

Indicator	Score
Category 1: Patents Rights and Limitations	**3.00**
1. Term of protection	1.00
2. Patentability requirements	0.00
3. Patentability of CIIs	0.25
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.50
9. Patent Opposition	0.25
Category 2: Copyrights and Limitations	**2.77**
10. Term of protection	0.52
11. Exclusive rights	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.75
13. Cooperative action against online piracy	0.50
14. Limitations and exceptions	0.25
15. TPM and DRM	0.25
16. Government use of licensed software	0.25
Category 3: Trademarks Rights and Limitations	**1.75**
17. Term of protection	1.00
18. Protection of well-known marks	0.25
19. Exclusive rights, trademarks	0.25
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**0.90**
21. Industrial Design Term of Protection	0.40
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	**0.50**
23. Protection of trade secrets (Civil Remedies)	0.25
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.00
Category 6: Commercialization of IP Assets	**0.25**
26. Barriers to market access	0.00
27. Barriers to technology transfer	0.00
28. Registration and disclosure requirements of licensing deals	0.00
29. Direct Government intervention in setting licensing terms	0.00
30. IP as an economic asset	0.25
31. Tax incentives for the creation of IP assets	0.00
Category 7: Enforcement	**1.29**
32. Physical counterfeiting rates	0.37
33. Software piracy rates	0.17
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.00
36. Criminal standards	0.25
37. Effective border measures	0.25
38. Transparency and public reporting by Customs	0.00
Category 8: Systemic Efficiency	**2.75**
39. Coordination of IP rights enforcement	1.00
40. Consultation with stakeholders during IP policy formation	0.75
41. Educational campaigns and awareness raising	0.25
42. Targeted incentives for the creation and use of IP assets for SMEs	0.50
43. IP-intensive industries, national economic impact analysis	0.25
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**2.25**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	0.25

Total Score: 15.46

Spotlight on the National IP Environment

Past Editions versus Current Score

Indonesia's overall score has increased from 15.20 out of 53 indicators in the 13th edition to 15.46. This reflects a score increase on indicators 32 and 53.

Patent Rights and Limitations

2. Patentability requirements:
As discussed last year, in 2024, there were important developments to the patenting environment in Indonesia with new patent amendments enacted and signed into law. These amendments may include significant changes to patentability requirements. Specifically, the amendments have eliminated the heightened efficacy requirement targeting biopharmaceutical products, which had outlawed second-use claims and so-called incremental innovation. Making second-use inventions eligible for patent protection is a positive development that better aligns Indonesia with international standards. The Index will monitor the extent to which rights holders are able to secure protection for qualifying second-use claims.

6. Legislative criteria and use of compulsory licensing of patented products and technologies:
As noted last year, the amendments to the Patent Law discussed above also included changes to relevant articles relating to compulsory licensing and government use. Overall, the legislative changes have not improved the compulsory licensing regime; rights holders are still subject to significant risk that the Indonesian authorities will suspend their duly granted exclusivity.

Notably, Article 84A, which vests considerable authority to override duly granted patent rights in the national competition authorities (the Business Competition Supervisory Commission, KPPU). Specifically, the article states that the standard process for considering and issuing a compulsory license can be exempted if the KPPU finds "the implementation of a patent is proven to have resulted in monopolistic practices and/or unfair business competition." It remains unclear how any duly granted patent could not, as a matter of course, result in a time-limited and legally sanctioned monopoly: that is the whole rationale underlying all forms of registered IP rights, including patents.

Should this article stand as written, it would potentially undermine and all but nullify all granted patent rights in Indonesia. Indonesia has a long history of using compulsory licensing as a health policy tool. Since the mid-2000s, the government has issued several "government use" compulsory licenses that override existing biopharmaceutical patents, primarily for hepatitis and HIV drugs and, more recently, for COVID-19 treatments. Undermining IP protection through the active use of compulsory licensing hollows out the national IP environment and incentives for future biopharmaceutical innovation. Critically, the negative effect will be the same for Indonesian and foreign innovators.

Design Rights and Limitations

21. Industrial design term of protection:
Article 5 of the Industrial Design Law provides a10-year term of protection for registered designs. While positive, this is notably less than the 25-year term benchmark used by the Index. As noted last year, the Directorate General of Intellectual Property (DGIP) and the Government proposed amendments to the Design Law, including an increase in the term of protection to up to 15 years. Such an increase in the term of protection for registered designs will result in a score increase on this indicator. At the time of research, the People's Consultative Assembly was still examining the bill. The Index will continue to monitor these developments in 2026.

Membership and Ratification of International Treaties

53. At least one post-TRIPS FTA with substantive IP provisions and chapters in line with international best practices:
As noted in the Index, Indonesia has, over the last several years, concluded negotiations in several political and economic partnerships. In 2023, U.S.-Indonesia relations were elevated to a "Comprehensive Strategic Partnership." Around the same time, the Japanese and Indonesian foreign ministers announced the successful renegotiation of the Japan-Indonesia Economic Partnership Agreement, adding a new amending Protocol to the Agreement. In 2025, these efforts continued with the conclusion of a new FTA with Canada, the Canada-Indonesia Comprehensive Economic Partnership Agreement (CEPA). At the time of the research, the Agreement was still being ratified and had not taken effect.

A positive feature of this Agreement is that it includes a dedicated IP chapter, Chapter 14 "Intellectual Property." As noted in the Index, this is not always the case; many 21st-century post-TRIPS FTAs do not include a dedicated IP chapter or skirt meaningful IP provisions altogether. This chapter includes many important modern IP provisions aligned with international best practices, as identified in the Index, that would improve Indonesia's national IP environment. These include: a commitment to join the Singapore Treaty on the Law of Trademarks and the Hague Agreement Concerning the International Registration of Industrial Designs; improve existing laws relating to the protection of copyright through stronger TPMs and DRMs; and ensure that border officials have clear *ex officio* authority to take action against IP-infringing goods, including goods in transit.

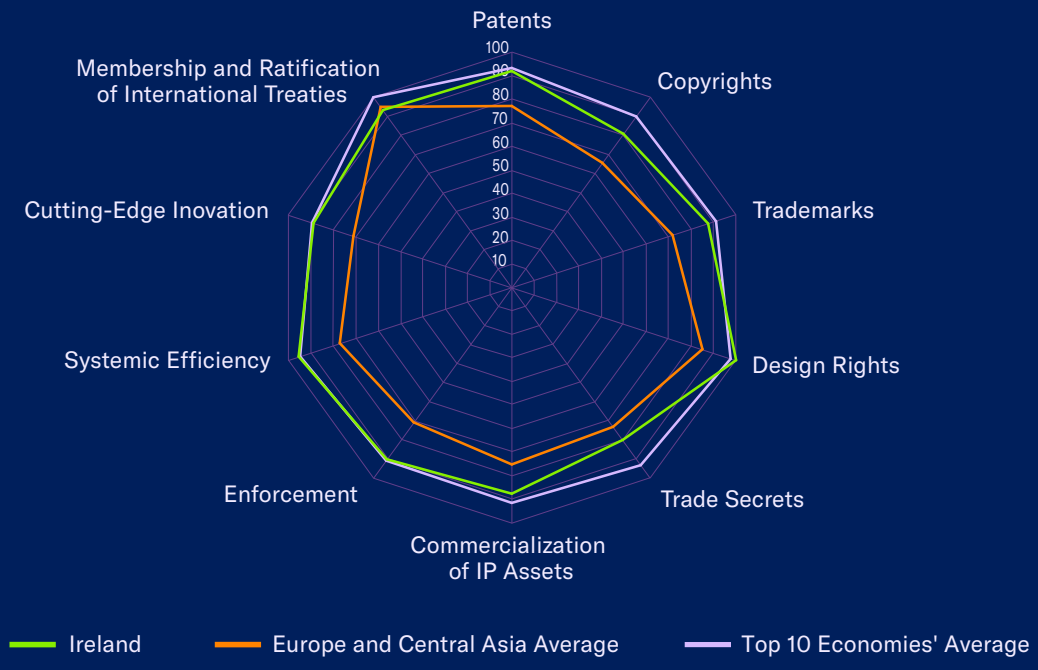
Unfortunately, the Agreement does not mention or address important 21st-century IP rights and standards, such as patent term restoration for registration and regulatory delays, in general or for biopharmaceutical products specifically. Under Articles 14.53 and 14.54, a defined 10-year term of regulatory data protection for submitted test data as part of a market approval and registration process is available only to agricultural products, not to biopharmaceuticals. There is also no elimination of the requirement to register licensing agreements with the Indonesian authorities for most major IP rights, including patents and trademarks. The Agreement simply states that this requirement should not be "excessive or discriminatory." Historically, this indicator has been scored based on whether an economy is a signatory to, and has ratified or acceded to, a modern post-TRIPS FTA that includes substantive IP provisions in line with international best practices, as identified in the Index. As such, this indicator has not accounted for the allocation of partial scores in cases where a post-TRIPS FTA includes only a limited number of substantive IP provisions, consistent with international best practices and identified in the Index.

To better address the growing number of post-TRIPS FTAs that contain substantive intellectual property (IP) provisions identified in the Index, starting from this edition onward, it will be possible to achieve a partial score. This score can range from 0, 0.25, 0.5, 0.75, to 1. Like all other indicators in this category, score allocation will still be evenly divided between the signature and ratification or accession to an international treaty. As a result of the change in the scoring methodology, the score for this indicator increased by 0.25.

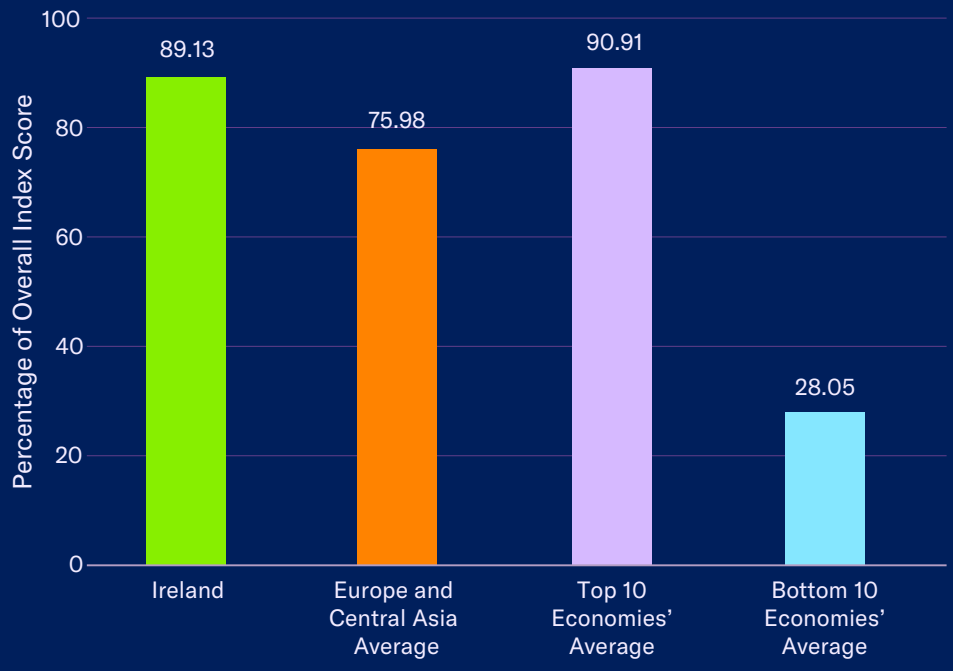
Ireland

Rank
8/55

Category Scores



Overall Score in Comparison



Ireland

Rank
8/55

Key Areas of Strength

- Transposed EU Directive 2019/790 on Copyright and Related Rights in the DCDSM Directive into law
- Transposed of EU Trade Secrets Directive through EU (Protection of Trade Secrets) Regulations 2018 (No 188 of 2018) into law
- Generous R&D and IP specific tax incentives
- Since 2000, Orphan Regulation has provided a world-leading 10-year term of orphan market exclusivity – resulting in new biopharmaceutical R&D and development of new treatments and medicines for rare diseases
- Judicial mechanism for notifying online copyright infringers and disabling access to infringing content online
- Strong and advanced IP system with robust protection of all major IP rights including sector-specific protection

Key Areas of Weakness

- EU package of new pharmaceutical laws fundamentally weakens biopharmaceutical IP rights including RDP and orphan incentives
- New EU-wide compulsory licensing regime risks undermining patent rights in Europe
- Licensing agreements include registration requirements
- Regulation 2019/933 and existing SPC exemption for exports of biopharmaceuticals poses significant risk to Ireland's and EU's research and IP based biopharma industry

Indicator	Score
Category 1: Patents Rights and Limitations	**8.25**
1. Term of protection	1.00
2. Patentability requirements	1.00
3. Patentability of CIIs	1.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.50
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	0.75
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	1.00
Category 2: Copyrights and Limitations	**5.63**
10. Term of protection	0.63
11. Exclusive rights	0.75
12. Expeditious legal remedies disabling access to infringing content online	1.00
13. Cooperative action against online piracy	1.00
14. Limitations and exceptions	0.75
15. TPM and DRM	0.75
16. Government use of licensed software	0.75
Category 3: Trademarks Rights and Limitations	**3.50**
17. Term of protection	1.00
18. Protection of well-known marks	1.00
19. Exclusive rights, trademarks	1.00
20. Frameworks against online sale of counterfeit goods	0.50
Category 4: Design Rights and Limitations	**2.00**
21. Industrial Design Term of Protection	1.00
22. Exclusive rights, industrial design rights	1.00
Category 5: Trade Secrets and the Protection of Confidential Information	**2.40**
23. Protection of trade secrets (Civil Remedies)	1.00
24. Protection of trade secrets (Criminal Sanctions)	0.50
25. Regulatory data protection term	0.90
Category 6: Commercialization of IP Assets	**5.25**
26. Barriers to market access	1.00
27. Barriers to technology transfer	1.00
28. Registration and disclosure requirements of licensing deals	0.50
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	1.00
Category 7: Enforcement	**6.31**
32. Physical counterfeiting rates	0.85
33. Software piracy rates	0.71
34. Civil and procedural remedies	1.00
35. Pre-established damages	1.00
36. Criminal standards	0.75
37. Effective border measures	1.00
38. Transparency and public reporting by Customs	1.00
Category 8: Systemic Efficiency	**4.75**
39. Coordination of IP rights enforcement	1.00
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
43. IP-intensive industries, national economic impact analysis	1.00
Category 9: Cutting-Edge Innovation	**2.65**
44. IP incentives for orphan medicinal product development	1.00
45. IP incentives for orphan medicinal product development, term of protection	0.90
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.75
Category 10: Membership and Ratification of International Treaties	**6.50**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
49. Patent Law Treaty and Patent Cooperation Treaty	1.00
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	0.50
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	1.00

Total Score: 47.24

Spotlight on the National IP Environment

Past Editions versus Current Score

Ireland's overall score has decreased from 47.44 out of 53 indicators in the 13th edition to 47.24. This reflects a score decrease on indicators 25 and 45.

Area of Note

In 2023, the European Commission published a package of proposed legislative changes to almost all facets of the biopharmaceutical market authorization process and related incentives. The Commission, Parliament, and Council have put forward multiple proposals. Although the proposed reforms are intended to create a 21st-century life sciences landscape that fosters innovation, enhances access to innovative therapies for patients, and elevates Europe's competitiveness, many of the proposed changes would do the opposite by fundamentally weakening the EU's legal framework governing biopharmaceutical IP rights.

At the time of research, European institutions had agreed on a final package, and a legislative text was being finalized and expected to take effect soon after Index publication. Under this finalized deal, IP rights related to regulatory data protection (RDP), orphan drugs, and patent protection — through an expansion of existing Bolar exemptions — would all be negatively affected. The impact of these proposals on specific Index indicator scores is detailed below. Some of these changes affect several categories of the Index and could affect multiple indicators, including, for example, changes to Bolar exemptions.

A Bolar exemption (or exception) allows biopharmaceutical follow-on applicants to begin testing and regulatory approval for their follow-on products without obtaining consent from a rights holder, in this case, the market authorization holder of a biopharmaceutical reference product.

This type of exception originates in the United States, specifically in the 1984 Drug Price Competition and Patent Term Restoration Act (Hatch-Waxman Act). The rationale for these exclusivity exemptions is to ensure there is no undue delay in the market supply of follow-on products once the reference product's exclusivity expires. These exceptions are not intended to shorten or undermine rights holders' legitimately granted exclusivity periods. The expansion of existing EU Bolar exemptions risks weakening IP exclusivity periods at the level of each EU Member State — including, for example, duly granted patent protection — by prematurely launching IP-rights-infringing generic or biosimilar products. The exact impact of this expansion will depend on the individual national characteristics of each EU Member State. The Index will continue to monitor these developments at the Member State level as the pharmaceutical package is nationally implemented.

Patent Rights and Limitations

6. Legislative criteria and use of compulsory licensing of patented products and technologies:
In December 2025, the European Council and European Parliament formally adopted, as regulation, a new cross-European compulsory licensing regime. While this agreement constitutes an improvement over preceding drafts — this includes, for instance, the exclusion of trade secrets and know-how — it remains unclear why the EU needs a cross-European compulsory licensing regime. Fundamentally, the proposals are based on the idea that the COVID-19 pandemic showed the need for a clearer and more 'effective' pan-EU compulsory licensing mechanism. But as this Index and rights holders argued, if anything, the actual evidence and experience from the pandemic show the complete opposite. Together with the proposed rollback of IP protections in the pharmaceutical reform package discussed above, this new compulsory licensing regime will further undermine biopharmaceutical IP rights in the EU. At the time of research, no finalized legal text had been published. The Index will continue to monitor these developments.

7. Patent term restoration for pharmaceutical products:
Since 2015, the European Commission has sought to recalibrate certain elements of patent term restoration for biopharmaceuticals, namely the Supplementary Protection Certificates (SPCs). Notably, Regulation 2019/933 created an SPC manufacturing and export exemption. The exemption allows companies to manufacture generic and biosimilar products in the EU during the SPC period for export to third (non-EU) economies and to stockpile them during the last six months of the SPC's validity for the domestic market. As a result of this action, the score for this indicator was reduced by 0.25 across all EU Member States in the eighth edition of the Index.

Unlike Regulation 2019/933 and the SPC exemption, proposals for a new centralized process for granting and administering SPCs would be a positive addition to the EU's IP environment. In 2022, as part of the introduction of the Unitary Patent system and Patent Court, the European Commission outlined several options for reforming the SPC system, including a new centralized system for SPC protection and applications. In 2023, the Commission released a formal legislative proposal for both a unitary SPC and a new centralized procedure for other applications, and the European Parliament subsequently responded to it. The Commission and Parliament should be congratulated for recognizing that a potential centralized procedure for SPC protection would provide legal, administrative, and financial efficiencies to all affected parties. In this sense, the proposed legislation fills a gap and is a net positive.

Unfortunately, fundamental aspects of the proposed procedure would insert a new level of uncertainty and potential delay into the patent term restoration process. For example, both the Commission's proposal and Parliament's response include a novel mechanism for SPC opposition. The purpose of the SPC system is to restore patent term lost due to the unique and lengthy sanitary registration requirements for biopharmaceutical products. This restoration is for an already existing, duly granted, valid, and in-force patent. Consequently, by the time an SPC application is lodged, there will have already been plenty of opportunities for related parties to administratively or judicially challenge the validity of the underlying patent either regionally through the EPO, nationally (in a manner defined in each Member State), or through the Unified Patent Court. As such, it seems unnecessary to add a novel layer of potential opposition. The most likely outcome is simply additional delays, bureaucracy, and costs imposed on applicants. At the time of research, no finalized legal text had been published. The Index will continue to monitor these developments.

Copyrights and Limitations

In June 2025, the Irish Government published draft amendments to the Copyright Act, the Copyright and Related Rights (Amendment) Bill 2025. The draft legislation is in response to the incorrect transposition of older EU legislation from 2006, identified in two separate court judgements by the CJEU and Irish High Court in 2020 and 2021, respectively. The bill addresses royalty payments for sound recordings. These changes do not affect Ireland's score on any Index indicators under Category 2: Copyrights and Limitations.

14. Scope of limitations and exceptions to copyrights and related rights:
As noted last year, there is now a legislative framework governing the development and deployment of AI-based technologies in the EU, the EU AI Act. The first of its kind in the world, the Act defines different levels and types of AI deployment, with some activities prohibited, and other forms of deployment and systems regulated according to the perceived level of risk. The European AI Office has been created to coordinate and oversee the implementation and enforcement of the Act.

In 2025, further developments occurred regarding the interaction between copyright protection and the use of AI, with the European Commission, AI Office, and EUIPO all releasing new guidance documents. While these documents address some of the key challenges creators and rights holders face — most notably the AI Code of Practice and the EUIPO's *The Development of Generative Artificial Intelligence from a Copyright Perspective* — none of them carry any legal weight or impose any additional regulatory requirements on AI developers and platforms.

AI and machine learning are important areas of future economic activity, as advances in computational power and new technologies enable scientific research and innovation through the analysis of large volumes of data. However, given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights. It remains to be seen whether the AI Act and its subsequent implementation will provide rights holders with a meaningful avenue of enforcing their copyrights. In a separate development, in the spring of 2025, the Irish Government announced that new legislation (the "Regulation of Artificial Intelligence Bill") to implement the EU AI Act would be introduced in 2026. The Index will continue to monitor these developments in 2026.

Trade Secrets and the Protection of Confidential Information

25. Regulatory data protection (RDP) term:
As noted in previous editions, in 2023, the European Commission published proposed legislative changes to the EU's RDP regime. In December 2025, the Council and the European Parliament agreed on the final General Pharmaceutical Legislation. Article 10 of Directive 2004/27/EC (amending 2001/83/EC) has historically provided new pharmaceutical products with eight years of data exclusivity, two years of marketing exclusivity (in which generic and follow-on applicants are allowed to submit bio-equivalence studies), and one additional year of protection for significant new indications of existing products. On this basis, all EU Member States have, up until this edition of the Index, achieved the maximum available score of 1.00 on this indicator. The General Pharmaceutical Legislation has weakened this term of protection. The final legislation provides eight years of data protection and one year of market protection, for a baseline of eight + one years. This reduces market protection from two years to one year, weakening the EU's RDP framework.

The agreement also conditions the restoration of lost RDP terms on criteria such as conducting clinical trials in multiple EU Member States or seeking marketing authorization in the EU within 90 days of the first global submission. The deal includes an 11-year cap on the combined RDP. As a result, the score on this indicator has been reduced for all EU Member States included in the Index. The Index will continue to monitor these developments in 2026.

Incentives for Cutting-edge Innovation

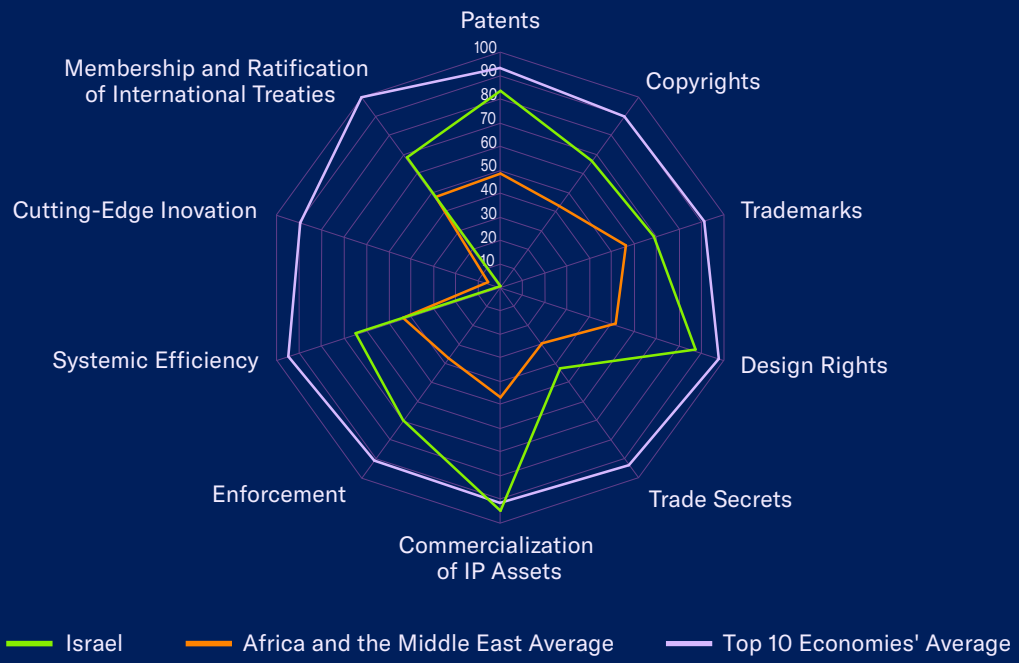
45. Special market exclusivity incentives for orphan medicinal product development, term of protection:
Since coming into force in 2000, Regulation (EC) No 141/2000 (the "EU Orphan Regulation") has provided innovators with a strong term of IP exclusivity. Specifically, Article 8 of the Regulation defines exclusivity as a baseline 10-year marketing exclusivity term, which may be extended by two years upon completion of additional pediatric studies. For over a quarter of a century, this Regulation has stood as an international example of how strong IP incentives can incentivize the R&D and innovation necessary to tackle some of the toughest health challenges in the world. The Regulation has directly resulted in more clinical research, product development, and medicines available to patients with rare diseases in the EU and beyond.

Despite this track record of success, the Regulation has been under review for an extended period, most recently as part of the pharmaceutical package. Like the term of protection relating to RDP, the finalized agreement between the Parliament, Council, and Commission has weakened the term of protection offered to innovators. While it is possible to obtain an 11-year period of protection for products "addressing a high unmet medical need," the baseline term of protection has been reduced from 10 to nine years. As a result, the score on this indicator has been reduced for all EU Member States included in the Index. The Index will continue to monitor these developments in 2026.

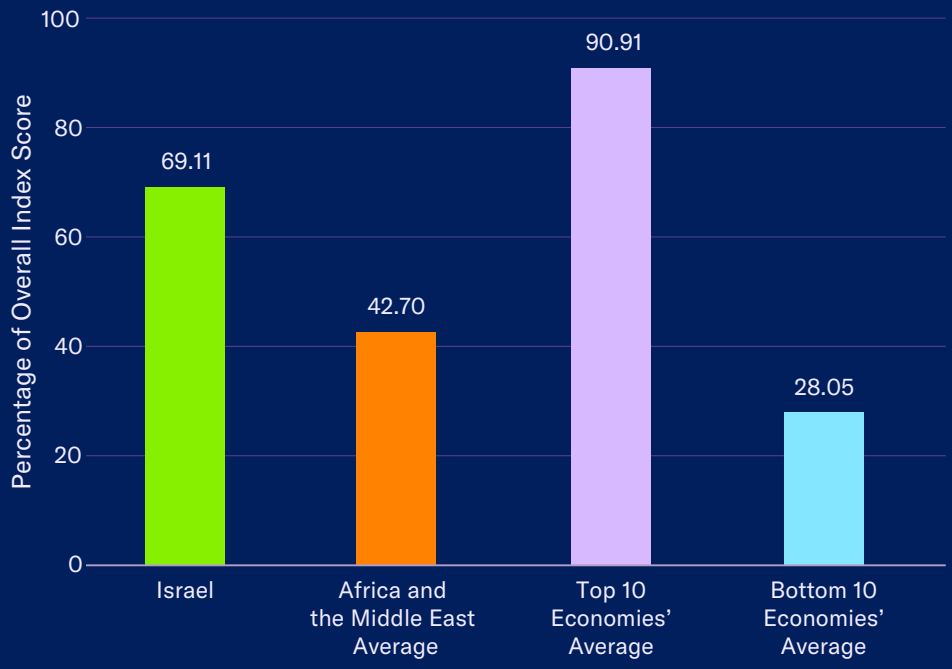
Israel

Rank
19/55

Category Scores



Overall Score in Comparison



Israel

Rank
19/55

Key Areas of Strength

- 2019 copyright amendments strengthened enforcement against online infringement and introduced possibility of injunctive style relief
- Global leader on technology transfer and international licensing activity; no administrative or regulatory barriers in place
- Generous R&D and IP specific tax incentives in place
- Israeli Patent Office active participant in all major PPH tracks
- Life sciences IP rights reform efforts have considerably strengthened Israel's IP environment
- Industrial design law passed in 2017
- Joined Hague Agreement in 2019

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Renewed discussions in 2025 on proposed Patent Law amendments introducing a manufacturing, export, and stockpiling exemption to the current patent term restoration regime
- Compulsory license issued in response to COVID-19 pandemic
- Current pre-grant patent opposition proceedings create long delays to patent prosecution
- Unclear if current RDP term applies to large molecule products
- More limited participation in international treaties than other high-income OECD economies

Indicator	Score
Category 1: Patents Rights and Limitations	**7.50**
1. Term of protection	1.00
2. Patentability requirements	1.00
3. Patentability of CIIs	1.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.50
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	1.00
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	0.00
Category 2: Copyrights and Limitations	**4.63**
10. Term of protection	0.63
11. Exclusive rights	0.75
12. Expeditious legal remedies disabling access to infringing content online	0.75
13. Cooperative action against online piracy	0.50
14. Limitations and exceptions	1.00
15. TPM and DRM	0.00
16. Government use of licensed software	1.00
Category 3: Trademarks Rights and Limitations	**2.75**
17. Term of protection	1.00
18. Protection of well-known marks	0.75
19. Exclusive rights, trademarks	0.75
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**1.75**
21. Industrial Design Term of Protection	1.00
22. Exclusive rights, industrial design rights	0.75
Category 5: Trade Secrets and the Protection of Confidential Information	**1.30**
23. Protection of trade secrets (Civil Remedies)	1.00
24. Protection of trade secrets (Criminal Sanctions)	0.00
25. Regulatory data protection term	0.30
Category 6: Commercialization of IP Assets	**5.75**
26. Barriers to market access	1.00
27. Barriers to technology transfer	1.00
28. Registration and disclosure requirements of licensing deals	1.00
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	1.00
Category 7: Enforcement	**4.95**
32. Physical counterfeiting rates	0.72
33. Software piracy rates	0.73
34. Civil and procedural remedies	0.75
35. Pre-established damages	0.75
36. Criminal standards	0.75
37. Effective border measures	0.75
38. Transparency and public reporting by Customs	0.50
Category 8: Systemic Efficiency	**3.25**
39. Coordination of IP rights enforcement	0.50
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	0.25
42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
43. IP-intensive industries, national economic impact analysis	0.75
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**4.75**
47. WIPO Internet Treaties	0.50
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
49. Patent Law Treaty and Patent Cooperation Treaty	0.75
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	0.00

Total Score: 36.63

Spotlight on the National IP Environment

Past Editions versus Current Score

Israel's overall score has increased from 36.62 out of 53 indicators in the 13th edition to 36.63. This reflects a score increase on indicator 32.

Patent Rights and Limitations

In early 2025, the Israeli Patent Office introduced "Memorandum of the Patent Law (Amendment No. 15), 5785- 2025" to change the Patent Law. The proposed amendments seek to change existing practices relating to grace periods; the introduction of a new provisional filing system; new limitations on divisional applications; and other important changes, including a new name for the Patent Office, the IP Registration Office. Unfortunately, the proposed changes do not address one of the biggest fundamental patent challenges that rights holders have faced for years through Israel's existing patent opposition procedures.

Israeli patent law provides for a pre-grant form of opposition to pending patent applications. The Israeli Patent Office conducts the examination of a patent application's eligibility for registration within a time frame of 18 months from the filing date, upon which the application is published online for public scrutiny. Once published, a three-month period begins during which third parties may file an opposition to the patent application. Upon filing a notification of opposition, a period of 13 months is granted to the opposing party to submit the causes, arguments, and supporting evidence for the opposition, and to respond to both parties. Thus, the examination of a patent application can be extended by an additional 16 months, excluding the reexamination and/or judicial hearings.

As the Index has repeatedly noted, regardless of the merits of any opposition filing, these generous timelines impose a significant burden and delay on the patent prosecution process in Israel. In late 2016, the Ministry of Justice and the Patent Office recognized these deficiencies. They issued a public call for comments and suggestions on their plan to review the existing pre-grant system and shorten the generous timelines. In 2021, the Ministry issued a new public consultation and proposed regulatory amendments. While not in final draft regulatory form, these amendments overall recognized the excessive time taken in Israeli patent opposition proceedings and the need for clearer procedural demarcations and limits on their duration.

In 2022, the Patent Office hosted a follow-up roundtable discussion with relevant stakeholders. However, three years later, no final regulations have been published, and no further legislative action has been taken. Other patent offices around the world have recognized the need to shorten the time allotted for opposition procedures. For example, in 2016, the EPO instituted the 'Early Certainty' initiative, aiming to cut opposition timelines to 15 months. Reducing the length of opposition proceedings in Israel would be a positive development and mark a potential shift and recognition by Israeli policymakers of the costs the pre-grant system imposes on inventors and Israeli consumers. Instituting such changes would result in an increase in this indicator's score. The Index will continue to monitor these developments in 2026.

7. Patent term restoration for pharmaceutical products:
Up until 2014, Israel did not offer patent restoration for pharmaceutical products. In 2014, following lengthy discussions with the USTR regarding Israel's Special 301 status and the development of a Memorandum of Understanding with the U.S. Government, the Israeli Knesset amended the Patent Law to introduce a five-year maximum restoration term. In 2021, the Israeli Ministry of Justice published draft amendments to the Patent Law, 'The Patents Law (Amendment No. 14) (Increasing the Competitiveness of the Israeli Economy), 5721-2021.' The proposed amendments seek to introduce a manufacturing, export, and stockpiling exemption to the current term restoration regime. The law is explicitly based on a similar exemption introduced by the European Commission under Regulation 2019/933, which has been operational in the EU since 2019. In the Israeli case, the exemption allows for the manufacture and export of a product for which a term of restoration has been granted. Manufacturing stockpiling is also allowed to begin within six months of any granted patent term restoration expiring. Until late 2024, the Israeli Parliament, the Knesset, kept the proposed amendments inactive. In 2025, lawmakers held new hearings and debated the bill in the Knesset's Constitution, Law, and Justice Committee.

This is a highly negative development and comes five years after the Israeli Government's 2020 authorization of a compulsory license for the antiviral drug lopinavir/ritonavir These negative developments undermine the substantive progress made over the last 20 years to strengthen Israel's national IP environment for biopharmaceuticals and become a global biopharmaceutical leader in R&D. Thirty years ago, the innovative research-based biopharmaceutical sector consisted mainly of research organizations and early-stage companies focused on licensing out technologies, with little development and commercialization of biopharmaceuticals and biomedical technologies in Israel.

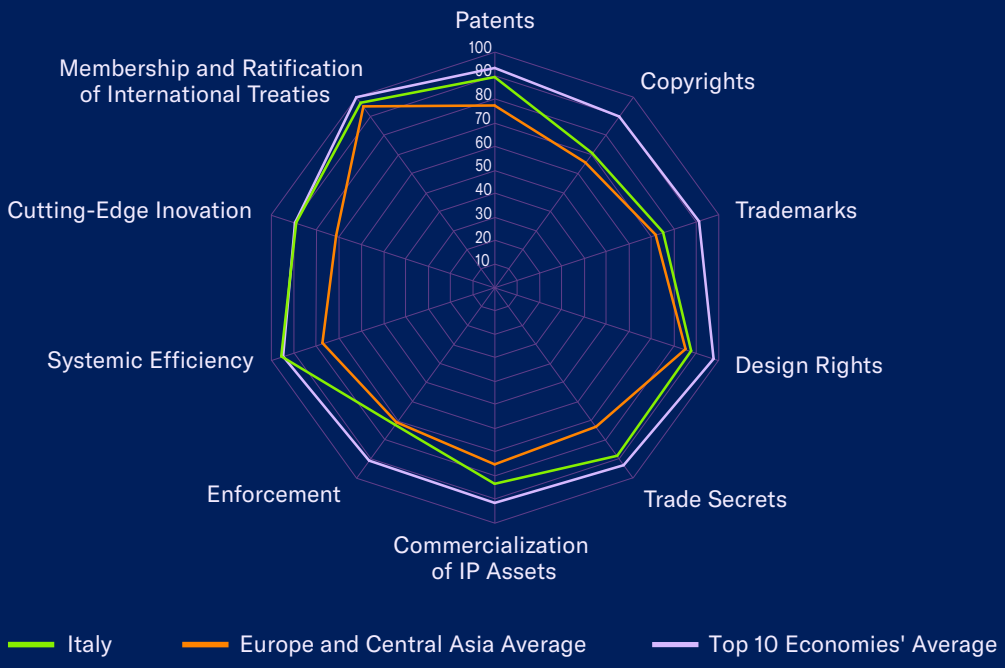
Since the IP policy reforms, biopharmaceutical foreign direct investment into Israel has surged, and, importantly, the reforms have not had a negative impact on the domestic generics industry. Contrary to common perceptions, providing a supportive environment for innovative activities in the life sciences (including a robust IP regime) has not hurt Israel's generic drugs industry, including its national champion Teva. Israel has fought hard to strengthen its national IP environment. The introduction of a manufacturing and export exemption to the existing patent term restoration regime would be a significant setback.

From the eighth edition of the Index onwards, the methodology for calculating this indicator's score has been revised. This indicator now consists of two distinct variables: first, the existence of a term of patent restoration for pharmaceutical products due to the prolonged research, development, and regulatory approval periods for such products; and second the existence of any exemptions, waivers, or similar carve-outs on the full and effective use of such a term of restoration, including for industrial policy purposes. Of the available score for this indicator, 0.75 is allocated to the existing term of protection, compared with the current baseline rate of a five-year term restoration used in the U.S., EU, and Japan. The remaining 0.25 is allocated based on a given economy providing any exemptions, waivers, or similar carve-outs on the full and effective use of such a term of restoration, including for industrial policy purposes. At the time of the research, the proposed Israeli Patent Law amendments had not been enacted. Should these legislative changes take place, Israel's score on this indicator will be reduced from 1 to 0.75.

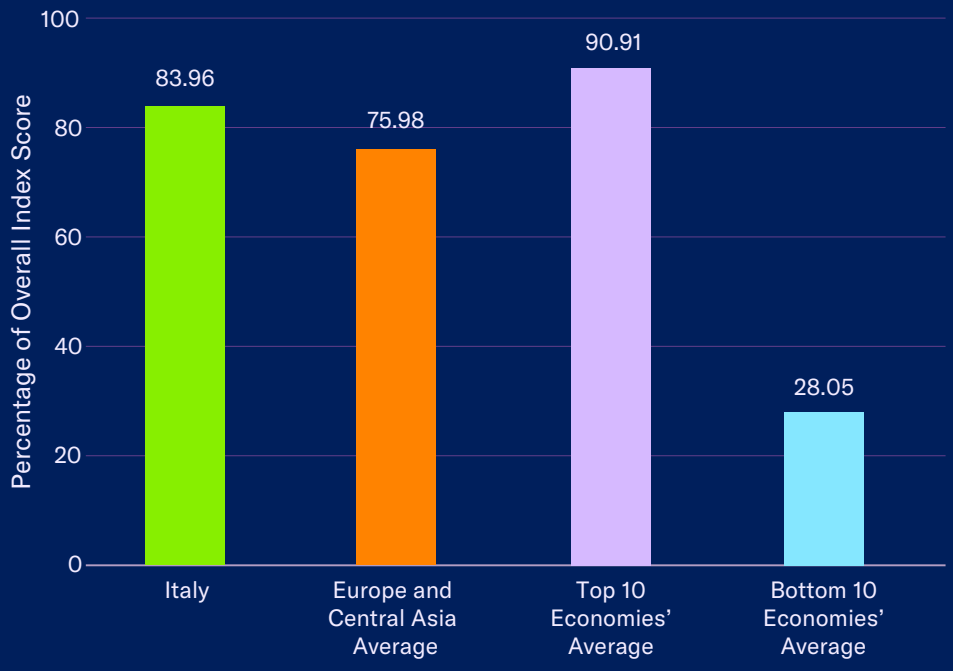
Italy

Rank
12/55

Category Scores



Overall Score in Comparison



Italy

Rank
12/55

Key Areas of Strength

- Transposed EU Directive 2019/790 on Copyright and Related Rights CDSM Directive into law
- Generous R&D and IP specific tax incentives in place
- Since 2000, Orphan Regulation has provided a world-leading 10-year term of orphan market exclusivity resulting in new biopharmaceutical R&D and development of new treatments and medicines for rare diseases
- Major life sciences IP rights in place
- Administrative and judicial mechanisms for addressing online copyright infringement
- Public consultation during policy formation and efforts to raise awareness of IP importance present
- Fairly advanced national IP framework

Key Areas of Weakness

- EU package of new pharmaceutical laws fundamentally weakens biopharmaceutical IP rights including RDP and orphan incentives
- New EU-wide compulsory licensing regime risks undermining patent rights in Europe
- Licensing agreements include registration requirements
- Regulation 2019/933 and existing SPC exemption for exports of biopharmaceuticals poses significant risk to Italy's and EU's research and IP based biopharma industry

Indicator	Score
Category 1: Patents Rights and Limitations	**8.00**
1. Term of protection	1.00
2. Patentability requirements	0.75
3. Patentability of CIIs	1.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.50
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	0.75
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	1.00
Category 2: Copyrights and Limitations	**4.91**
10. Term of protection	0.66
11. Exclusive rights	0.50
12. Expeditious legal remedies disabling access to infringing content online	1.00
13. Cooperative action against online piracy	1.00
14. Limitations and exceptions	0.50
15. TPM and DRM	0.50
16. Government use of licensed software	0.75
Category 3: Trademarks Rights and Limitations	**3.00**
17. Term of protection	1.00
18. Protection of well-known marks	0.75
19. Exclusive rights, trademarks	0.75
20. Frameworks against online sale of counterfeit goods	0.50
Category 4: Design Rights and Limitations	**1.75**
21. Industrial Design Term of Protection	1.00
22. Exclusive rights, industrial design rights	0.75
Category 5: Trade Secrets and the Protection of Confidential Information	**2.65**
23. Protection of trade secrets (Civil Remedies)	1.00
24. Protection of trade secrets (Criminal Sanctions)	0.75
25. Regulatory data protection term	0.90
Category 6: Commercialization of IP Assets	**5.00**
26. Barriers to market access	1.00
27. Barriers to technology transfer	0.75
28. Registration and disclosure requirements of licensing deals	0.50
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	1.00
Category 7: Enforcement	**5.04**
32. Physical counterfeiting rates	0.72
33. Software piracy rates	0.57
34. Civil and procedural remedies	0.75
35. Pre-established damages	0.50
36. Criminal standards	0.50
37. Effective border measures	1.00
38. Transparency and public reporting by Customs	1.00
Category 8: Systemic Efficiency	**4.75**
39. Coordination of IP rights enforcement	1.00
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
43. IP-intensive industries, national economic impact analysis	1.00
Category 9: Cutting-Edge Innovation	**2.65**
44. IP incentives for orphan medicinal product development	1.00
45. IP incentives for orphan medicinal product development, term of protection	0.90
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.75
Category 10: Membership and Ratification of International Treaties	**6.75**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
49. Patent Law Treaty and Patent Cooperation Treaty	0.75
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	1.00

Total Score: 44.50

Spotlight on the National IP Environment

Past Editions versus Current Score

Italy's overall score has decreased from 44.70 out of 53 indicators in the 13th edition to 44.50. This reflects a score decrease on indicators 25 and 45.

Area of Note

In 2023, the European Commission published a package of proposed legislative changes to almost all facets of the biopharmaceutical market authorization process and related incentives. The Commission, Parliament, and Council have put forward multiple proposals. Although the proposed reforms are intended to create a 21st-century life sciences landscape that fosters innovation, enhances access to innovative therapies for patients, and elevates Europe's competitiveness, many of the proposed changes would do the opposite by fundamentally weakening the EU's legal framework governing biopharmaceutical IP rights.

During the research, European institutions reached an agreement on a final package and finalized a legislative text, which was expected to take effect soon after the Index's publication. Under this finalized deal, IP rights related to regulatory data protection (RDP), orphan drugs, and patent protection — through an expansion of existing Bolar exemptions — would all be negatively affected. The impact of these proposals on specific Index indicator scores is detailed below. Some of these changes affect several categories of the Index and could affect multiple indicators, including, for example, changes to Bolar exemptions.

A Bolar exemption (or exception) allows biopharmaceutical follow-on applicants to begin the testing and regulatory approval processes for their follow-on products without acquiring consent from a rights holder, in this case, the market authorization holder of a biopharmaceutical reference product. This type of exception originates in the United States, specifically in the 1984 Drug Price Competition and Patent Term Restoration Act (Hatch-Waxman Act). The purpose of these exclusivity exemptions is to prevent delays in the market availability of follow-on products after the reference product's exclusivity period ends; these exceptions are not designed to shorten or undermine the exclusivity periods that are legitimately granted to rights holders.

The expansion of existing EU Bolar exemptions risks weakening IP exclusivity periods at the level of each EU Member State — including, for example, duly granted patent protection — by prematurely launching IP-rights-infringing generic or biosimilar products. The exact impact of this expansion will depend on the individual national characteristics of each EU Member State. The Index will continue to monitor these developments at the Member State level as the pharmaceutical package is nationally implemented.

Patent Rights and Limitations

6. Legislative criteria and use of compulsory licensing of patented products and technologies:
In December 2025, the European Council and European Parliament formally adopted, as regulation, a new cross-European compulsory licensing regime. While this agreement constitutes an improvement over preceding drafts — this includes, for instance, the exclusion of trade secrets and know-how — it remains unclear why the EU needs a cross-European compulsory licensing regime. Fundamentally, the proposals are based on the idea that the COVID-19 pandemic showed the need for a clearer and more 'effective' pan-EU compulsory licensing mechanism. But as this Index and rights holders argued, if anything, the actual evidence and experience from the pandemic show the complete opposite. Together with the proposed rollback of IP protections in the pharmaceutical reform package discussed above, this new compulsory licensing regime will further undermine biopharmaceutical IP rights in the EU. At the time of research, no finalized legal text had been published. The Index will continue to monitor these developments.

7. Patent term restoration for pharmaceutical products:
Since 2015, the European Commission has sought to recalibrate certain elements of patent term restoration for biopharmaceuticals, namely the Supplementary Protection Certificates (SPCs). Notably, Regulation 2019/933 created an SPC manufacturing and export exemption. The exemption allows companies to manufacture generic and biosimilar products in the EU during the SPC period for export to third (non-EU) economies and to stockpile them during the last six months of the SPC's validity for the domestic market. As a result of this action, the score for this indicator was reduced by 0.25 across all EU Member States in the eighth edition of the Index.

Unlike Regulation 2019/933 and the SPC exemption, proposals for a new centralized process for granting and administering SPCs would be a positive addition to the EU's IP environment. In 2022, as part of the introduction of the Unitary Patent system and the Patent Court, the European Commission outlined several options for reforming the SPC system, including a new centralized system for SPC protection and applications. In 2023, the Commission released a formal legislative proposal for both a unitary SPC and a new centralized procedure for other applications, and the European Parliament subsequently responded to it. The Commission and Parliament should be congratulated for recognizing that a potential centralized procedure for SPC protection would provide legal, administrative, and financial efficiencies to all affected parties.

In this sense, the proposed legislation fills a gap and is a net positive. Unfortunately, fundamental aspects of the proposed procedure would insert a new level of uncertainty and potential delay into the patent term restoration process. For example, both the Commission's proposal and Parliament's response include a novel mechanism for SPC opposition. The purpose of the SPC system is to restore patent term lost due to the unique and lengthy sanitary registration requirements for biopharmaceutical products. This restoration is for an already existing, duly granted, valid, and in-force patent. Consequently, by the time an SPC application is lodged, there will have already been plenty of opportunities for related parties to administratively or judicially challenge the validity of the underlying patent either regionally through the EPO, nationally (in a manner defined in each Member State), or through the Unified Patent Court. As such, it seems unnecessary to add a novel layer of potential opposition. The most likely outcome is simply additional delays, bureaucracy, and costs imposed on applicants. At the time of research, no finalized legal text had been published. The Index will continue to monitor these developments.

Copyrights and Limitations

11. Legal measures which provide necessary exclusive rights that prevent infringement of copyrights and related rights (including Web hosting, streaming, and linking); and
12. Expeditious injunctive-style relief and disabling of infringing content online:
In 2025, Italy expanded the use of its "Piracy Shield" program. The program seeks to disable access to copyright-infringing content within 30 minutes of a processed request. As noted in last year's Index, the Italian Communications Regulatory Authority (AGCOM) first launched the "Piracy Shield" program in 2024 in response to live sports piracy and copyright infringement via IPTV set-top boxes. That year, media reports suggested that access to several content delivery networks had been disabled. Subsequent public testimony by Giacomo Lasorella, head of AGCOM, explained that this occurred because both illicit and legal content were hosted through the same online access point.

As noted throughout the Index, Italy has historically been among the weakest EU Member States in terms of effective copyright enforcement. Estimates on copyright piracy have traditionally been high. An analysis from the mid-2010s by the Sturza Institute estimated that music piracy was around 50% and film piracy was just under 40%. In response, there has been a significant increase in enforcement activities in the past five years due to the introduction and active use of injunctive-style relief mechanisms. Legislative changes and a strong body of EU- and Italy-level case law now empower AGCOM to receive complaints from rights holders and to order the removal of copyright-infringing content. The agency's legal remit now includes the power to ask ISPs to implement notice and stay-down measures; the issuing of preliminary injunctions that disable access to infringing websites within three days upon receiving notification from the rights holder (including 'dynamic injunctions' that address alias sites); enforcement on social platforms and telephone or instant messaging platforms; and the issuing of administrative fines worth from EUR10,000 up to 2% of an accused entity's prior year turnover.

At the same time, rates of online piracy have also decreased. For example, in 2023 the EUIPO found in the study *Online copyright infringement in the European Union: films, music, publications, software and TV (2017-2022)* — which measured on a standardized basis the total number of pirated accesses per internet user for film, music and TV — online piracy had dropped in Italy from almost 10 accesses per Internet user in March 2017 to four accesses in late 2022. While this bounced back slightly to over five accesses at the end of 2022, it is still a substantial long-term reduction in overall piracy levels. Italy's overall score on this category of the Index has increased from 56.83% of the total available score in 2016 (the fourth edition of the Index) to 70.14% in this edition. That is a notable and significant achievement. The Index will continue to monitor these developments in 2026.

14. Scope of limitations and exceptions o copyrights and related rights:
As noted last year, the EU AI Act now provides a legislative framework governing the development and deployment of AI-based technologies in the EU. The first of its kind in the world, the Act defines different levels and types of AI deployment, with some activities prohibited, and other forms of deployment and systems regulated based on perceived levels of risk. In 2025, the European AI Office was established to coordinate and oversee the implementation and enforcement of copyright protections for the use and application of AI.

Furthermore, new guidance documents are being released by the European Commission, the AI Office, and the EUIPO. While these documents address some of the key challenges creators and rights holders face — most notably the *AI Code of Practice* and the EUIPO's *The Development of Generative Artificial Intelligence from a Copyright Perspective* — none of them carry any legal weight or impose any additional regulatory requirements on AI developers and platforms. AI and machine learning are important areas of future economic activity, as advances in computational power and new technologies enable scientific research and innovation through the analysis of large volumes of data. Considering the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights. This ensures that rights holders can effectively enforce their rights. It remains to be seen whether the AI Act and its subsequent implementation will provide rights holders with a meaningful avenue of enforcing their copyrights.

In a separate development, in early 2025, the Italian Senate approved Bill 1146/2024 "Provisions and Delegations to the Government Concerning Artificial Intelligence." While the bill reflects the principles of the EU AI Act, it also includes additional details and regulations for specific economic sectors. This includes health care, scientific research, professional services, law, and public administration, among others. With respect to copyright exceptions, a draft Article 70-septies (amending the Copyright Law) explicitly allows AI systems to utilize text and data mining exceptions transposed from the 2019 CDSM in relation to "reproductions and extractions from works or other materials contained on the Internet or in databases to which one has legitimate access." At the time of the research, it remained unclear whether the purpose of this draft legislation was to expand the existing text and data mining exceptions framework. The bill is currently being debated in the Italian Parliament's lower house, the Chamber of Deputies.

Trade Secrets and the Protection of Confidential Information

25. Regulatory data protection (RDP) term: As noted in previous editions, in 2023, the European Commission published proposed legislative changes to the EU's RDP regime. In December 2025, the Council and the European Parliament agreed on the final General Pharmaceutical Legislation. Article 10 of Directive 2004/27/EC (amending 2001/83/EC) has historically provided new pharmaceutical products with eight years of data exclusivity, two years of marketing exclusivity (in which generic and follow-on applicants are allowed to submit bio-equivalence studies), and one additional year of protection for significant new indications of existing products.

On this basis, all EU Member States have, up until this edition of the Index, achieved the maximum available score of 1.00 on this indicator. The General Pharmaceutical Legislation has weakened this term of protection. The final legislation provides eight years of data protection and one year of market protection, for a baseline of eight + one years. This reduces market protection from two years to one year, weakening the EU's RDP framework. The agreement also conditions the restoration of lost RDP terms on criteria such as conducting clinical trials in multiple EU Member States or seeking EU marketing authorization within 90 days of the first global submission. The deal includes an 11-year cap on the combined RDP. As a result, the score on this indicator has been reduced for all EU Member States included in the Index. The Index will continue to monitor these developments in 2026.

Incentives for Cutting-edge Innovation

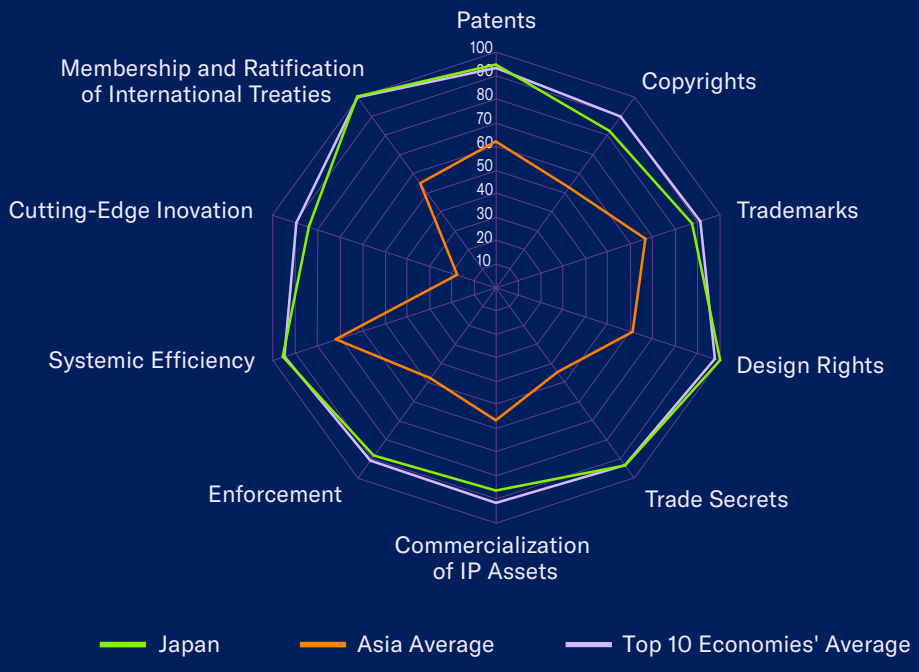
45. Special market exclusivity incentives for orphan medicinal product development, term of protection:
Since coming into force in 2000, Regulation (EC) No 141/2000 (the "EU Orphan Regulation") has provided innovators with a strong term of IP exclusivity. Specifically, Article 8 of the Regulation defines exclusivity as a baseline 10-year marketing exclusivity term, which may be extended by two years upon completion of additional pediatric studies. For over a quarter of a century, this Regulation has stood as an international example of how strong IP incentives can incentivize the R&D and innovation necessary to tackle some of the toughest health challenges in the world. The Regulation has directly resulted in more clinical research, product development, and medicines available to patients with rare diseases in the EU and beyond.

Despite this track record of success, the Regulation has been under review for an extended period, most recently as part of the pharmaceutical package. Like the term of protection relating to RDP, the finalized agreement between the Parliament, Council and Commission has weakened the term of protection offered to innovators. While it is possible to obtain 11 years of protection for products "addressing a high unmet medical need," the baseline term of protection has been reduced from 10 to nine years. As a result, the score on this indicator has been reduced for all EU Member States included in the Index. The Index will continue to monitor these developments in 2026.

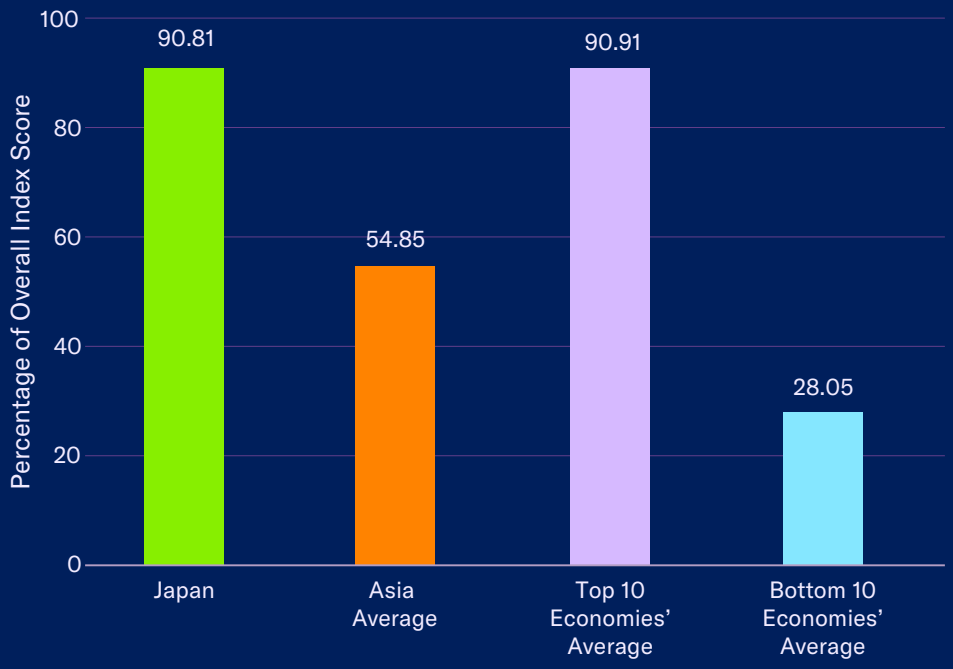
Japan

Rank
7/55

Category Scores



Overall Score in Comparison



Japan

Rank
7/55

Key Areas of Strength

- 2019 and 2020 copyright amendments increase term of protections and strengthen TPM laws, copyright environment, and enforcement
- Design Act amendments came into effect in 2020, which included an increase in the term of protection
- Global leader with respect to targeted administrative incentives for the creation and use of IP assets for SMEs
- Economic Partnership Agreement with EU includes a substantial IP chapter
- Since mid-2010s, Japan has provided an extended data exclusivity period (referred to as 're-examination' period) of 10 years for designated orphan drugs
- Japan has signed and acceded to all international IP treaties included in the Index
- Strong, sophisticated national IP environment in place with relevant IP rights and protection available for all major IP rights categories

Key Areas of Weakness

- Concerns over the protection of biopharmaceutical patent rights following approval of several follow-on drugs in 2020 by the Japanese drug regulatory authority
- No IP specific tax incentives in place such as a patent box regime
- Remedies against online copyright infringement remain under-developed compared to other OECD economies

Indicator	Score
Category 1: Patents Rights and Limitations	**8.50**
1. Term of protection	1.00
2. Patentability requirements	1.00
3. Patentability of CIIs	1.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.50
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	1.00
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	1.00
Category 2: Copyrights and Limitations	**5.74**
10. Term of protection	0.74
11. Exclusive rights	1.00
12. Expeditious legal remedies disabling access to infringing content online	0.50
13. Cooperative action against online piracy	0.50
14. Limitations and exceptions	1.00
15. TPM and DRM	1.00
16. Government use of licensed software	1.00
Category 3: Trademarks Rights and Limitations	**3.50**
17. Term of protection	1.00
18. Protection of well-known marks	1.00
19. Exclusive rights, trademarks	1.00
20. Frameworks against online sale of counterfeit goods	0.50
Category 4: Design Rights and Limitations	**2.00**
21. Industrial Design Term of Protection	1.00
22. Exclusive rights, industrial design rights	1.00
Category 5: Trade Secrets and the Protection of Confidential Information	**2.80**
23. Protection of trade secrets (Civil Remedies)	1.00
24. Protection of trade secrets (Criminal Sanctions)	1.00
25. Regulatory data protection term	0.80
Category 6: Commercialization of IP Assets	**5.17**
26. Barriers to market access	1.00
27. Barriers to technology transfer	1.00
28. Registration and disclosure requirements of licensing deals	0.75
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	0.67
Category 7: Enforcement	**6.17**
32. Physical counterfeiting rates	0.83
33. Software piracy rates	0.84
34. Civil and procedural remedies	0.75
35. Pre-established damages	0.75
36. Criminal standards	1.00
37. Effective border measures	1.00
38. Transparency and public reporting by Customs	1.00
Category 8: Systemic Efficiency	**4.75**
39. Coordination of IP rights enforcement	1.00
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	1.00
43. IP-intensive industries, national economic impact analysis	0.75
Category 9: Cutting-Edge Innovation	**2.50**
44. IP incentives for orphan medicinal product development	1.00
45. IP incentives for orphan medicinal product development, term of protection	0.50
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	1.00
Category 10: Membership and Ratification of International Treaties	**7.00**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
49. Patent Law Treaty and Patent Cooperation Treaty	1.00
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	1.00

Total Score: 48.13

Spotlight on the National IP Environment

Past Editions versus Current Score

Japan's overall score remains unchanged at 48.13 out of 53 indicators.

Patent Rights and Limitations

5. Pharmaceutical-related patent enforcement and resolution mechanism:
As reported last year, the Japanese Ministry of Health, Labour and Welfare (MHLW) is considering introducing a more formalized review process for patents and intellectual property (IP) exclusivity as part of the market registration for medicines. At the time of research, the MHLW had not publicly released a formal proposal, and the details of said proposed process remain unclear.

Based on the conclusions of a study group convened in 2024, the Ministry of Health, Labor and Welfare is considering setting up an expert committee to assist the ministry in determining whether a follow-on product approval application infringes any valid patent in force. While they have not yet put forward a formal proposal, such a system would not support the early judicial resolution of patent disputes. As this Index has stated, linking the approval of follow-on biopharmaceutical products to the exclusivity status of a reference product is an effective way to balance the protection of pharmaceutical exclusivity with the early market entry of follow-on generic products. Such linkage ensures that any disputes are resolved before the marketing of a follow-on product. This grants innovators a fair opportunity to secure a return on their long-term, high-risk R&D investment by ensuring they can effectively use their legally granted exclusivity. Still, it also limits potential damages for generic manufacturers, as no potentially infringing product is ever launched or approved for market. Patients also benefit from the increased certainty, as they avoid the risk of having to change treatments depending on the outcome of a post-marketing lawsuit.

In the last five years, pharmaceutical rights holders have faced growing uncertainty about how effectively they can enforce their exclusivity and IP rights in Japan. Specifically, following the conclusion of a patent invalidation action filed with the Japan Patent Office (JPO) in 2019, the MHLW approved several generic follow-on products in 2020 for a reference product. This occurred even though the JPO had upheld several of the innovator's claims and rights in the patent invalidation action. Following the approval, the rights holder-initiated patent infringement proceedings against the approved generic products. Industry reports suggest that this was not an isolated example and that the MHLW has, in the intervening years, approved several more follow-on products despite the reference products being under IP exclusivity. Once a follow-on product has been approved for market, it is automatically eligible for inclusion in Japan's national pharmaceutical formulary and, by extension, available to Japanese patients.

There is a high potential cost to any national IP system that is unable to resolve biopharmaceutical patent infringement disputes before a product is marketed and to provide effective interim relief. In this respect, biopharmaceutical products are unique as they involve not only the potential infringing party and the rights holder, but also patients whose health and well-being depend on the products in question.

Consequently, the introduction of a potentially infringing product onto the marketplace puts both patients and follow-on manufacturers at risk. In short, such a situation creates significant uncertainty for innovators and generic manufacturers alike and could result in products prescribed to Japanese patients that must ultimately be withdrawn from the market based on the outcome of any pending litigation. As the MHLW moves forward with developing its reform proposals, the Index suggests considering the introduction of a modern patent enforcement and resolution mechanism. The introduction of a clearly defined and formalized linkage mechanism in Japan would improve the biopharmaceutical IP environment and could increase the score on this indicator. The Index will continue to monitor these developments in 2026.

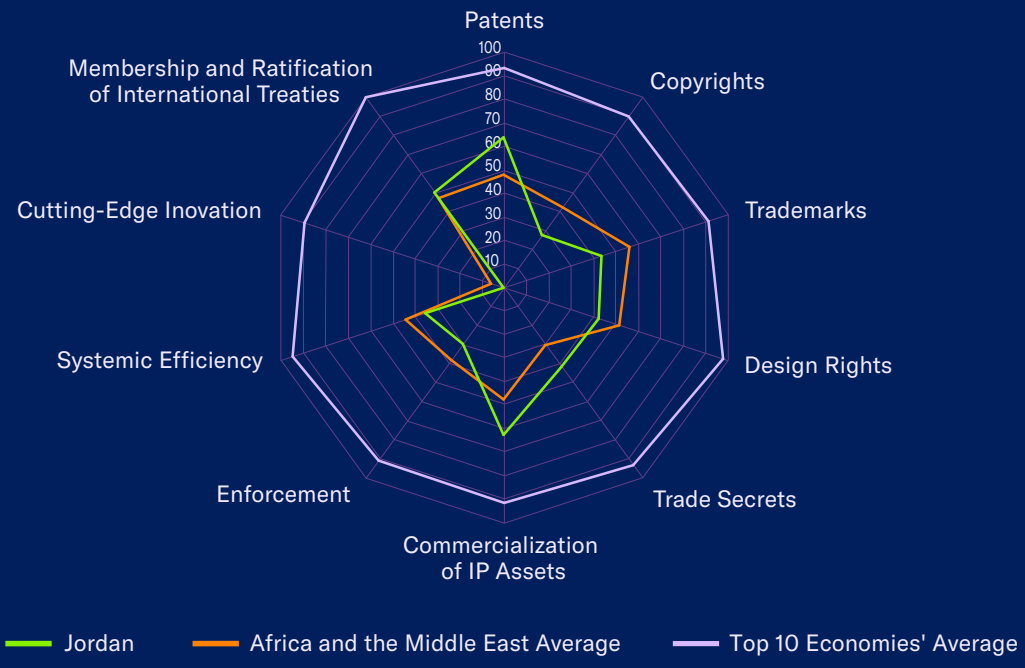
Commercialization of IP Assets and Market Access

31. Tax incentives for the creation of IP assets: Japan offers a range of general R&D tax credits and additional incentives for specific industries and areas of technology development, including the Internet of Things and 5G cellular networks. The credit ranges from 25% to 45% of the qualifying tax liability. Unlike a growing number of economies around the world, Japan has historically not offered IP-asset-specific innovation or patent box incentives. This has now changed. In 2025, the government introduced a new "Innovation Box Tax System" incentive for IP-derived income, offering a 30% income deduction on qualifying IP income. However, this is not a general incentive available to IP income from all technologies and patent arts, as it is limited to income from patents and copyrights related to AI technologies. While AI technologies, computational advancements, and machine learning are essential for future economic growth, to maximize any intellectual property (IP) incentives' positive economic impact, they must be accessible to all technologies and inventions. As a result, no additional score for Japan has been allocated under this indicator.

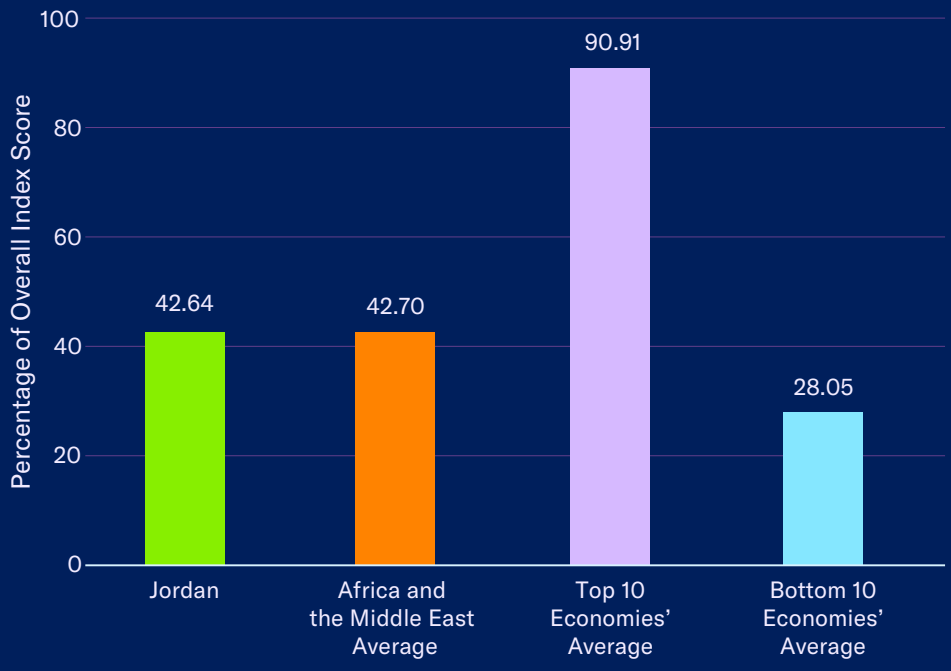
Jordan

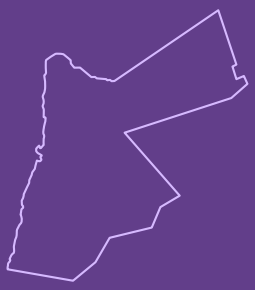
Rank
35/55

Category Scores



Overall Score in Comparison





Jordan

Rank
35/55

Key Areas of Strength

- New incentives for the creation and use of IP assets for SMEs
- Basic legal framework for major IP rights
- Sector-specific IP rights introduced as part of 2001 U.S. FTA

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- No R&D or IP specific tax incentives in place
- High levels of copyright infringement, particularly online
- Uncertainty as to the actual availability of the full term of RDP protection; eligibility contingent on global launch and registration in Jordan within 18 months
- Uncertainty over availability of patents for CIIs

Indicator	Score
Category 1: Patents Rights and Limitations	**5.75**
1. Term of protection	1.00
2. Patentability requirements	0.50
3. Patentability of CIIs	0.25
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	1.00
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	1.00
8. Membership of a Patent Prosecution Highway	0.00
9. Patent Opposition	0.00
Category 2: Copyrights and Limitations	**1.94**
10. Term of protection	0.44
11. Exclusive rights	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.00
13. Cooperative action against online piracy	0.00
14. Limitations and exceptions	0.50
15. TPM and DRM	0.50
16. Government use of licensed software	0.25
Category 3: Trademarks Rights and Limitations	**1.75**
17. Term of protection	1.00
18. Protection of well-known marks	0.25
19. Exclusive rights, trademarks	0.25
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**0.85**
21. Industrial Design Term of Protection	0.60
22. Exclusive rights, industrial design rights	0.25
Category 5: Trade Secrets and the Protection of Confidential Information	**1.25**
23. Protection of trade secrets (Civil Remedies)	0.50
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.50
Category 6: Commercialization of IP Assets	**3.75**
26. Barriers to market access	1.00
27. Barriers to technology transfer	0.50
28. Registration and disclosure requirements of licensing deals	1.00
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.25
31. Tax incentives for the creation of IP assets	0.00
Category 7: Enforcement	**2.06**
32. Physical counterfeiting rates	0.36
33. Software piracy rates	0.45
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.25
36. Criminal standards	0.25
37. Effective border measures	0.50
38. Transparency and public reporting by Customs	0.00
Category 8: Systemic Efficiency	**1.75**
39. Coordination of IP rights enforcement	0.25
40. Consultation with stakeholders during IP policy formation	0.25
41. Educational campaigns and awareness raising	0.50
42. Targeted incentives for the creation and use of IP assets for SMEs	0.25
43. IP-intensive industries, national economic impact analysis	0.50
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**3.50**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.00
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	1.00

Total Score: 22.60

Spotlight on the National IP Environment

Past Editions versus Current Score

Jordan's overall score has increased from 22.35 out of 53 indicators in the 13th edition to 22.60. This reflects a score increase on indicator 42.

Systemic Efficiency

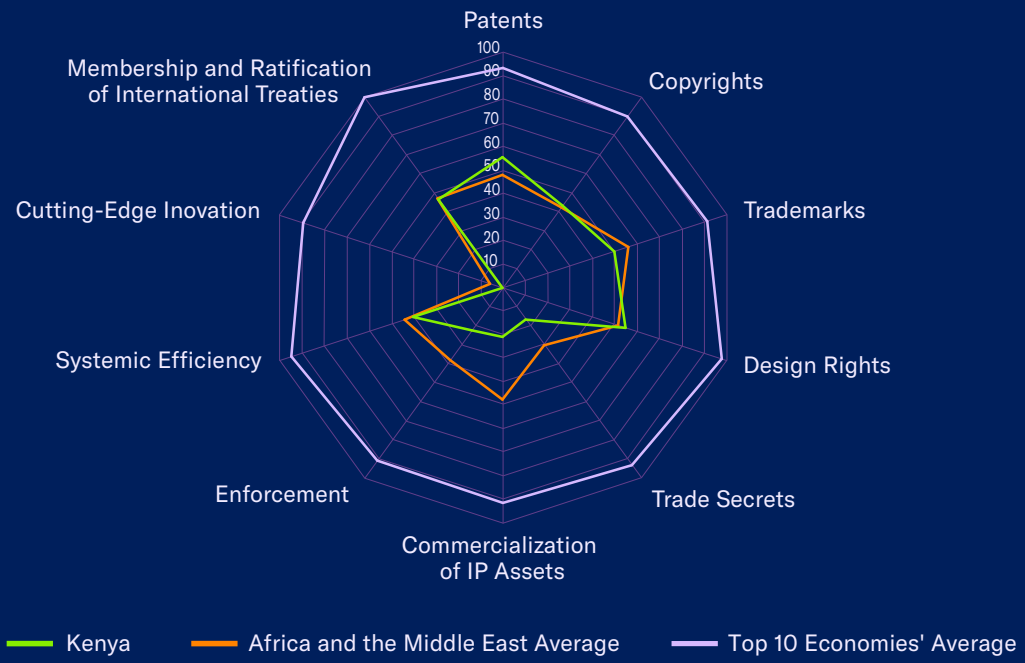
42. Targeted Incentives for the creation and use of IP assets for SMEs:
Jordan has historically not offered SMEs specific IP incentives. The Industrial Property Protection Directorate (part of the Ministry of Industry, Trade, and Supply) has not provided SMEs with reduced IP registration fees (reduced fees are only available to individuals), nor has it implemented any fast-track IP registration or examination initiatives or targeted technical assistance programs. This may now be changing. Over the past few years, there has been a greater focus on SMEs in both general national economic policy and IP-specific programs. To begin with, growing the contribution of SMEs to national economic output is a core part of Jordan's latest "National Industrial Policy (2024-2028)." Similarly, and while not IP-specific, since 2017 Jordan has focused on improving SMEs' access to finance and investment through the "Innovative Startups & SMES Fund," a partnership between Jordan's Central Bank and the Government, supported by the World Bank.

In terms of more IP-specific policies, Jordan currently has a growing number of on-the-ground technical IP support programs through its network of Technology and Innovation Support Centers (TISCs). These centers offer researchers and institutions technical support and expertise on the registration and commercialization of IP assets. WIPO first developed the TISC concept in the late 2000s. As of 2025, there were nearly 1,700 support centers in 93 economies worldwide, including 17 in Jordan. While most Jordanian TISCs are concentrated at universities and research institutes, providing support services primarily to academic staff and researchers, there are also several centers housed in business-facing organizations, such as the Amman Chamber of Industry. Over the past two years, the Ministry of Trade and the Industrial Property Protection Directorate have designed targeted outreach campaigns for female entrepreneurs and small businesses in the biopharmaceutical sector. Finally, Jordan is part of the latest IP Management Clinic Program for small businesses, kicked off at the Arab SMEs Summit in late 2024, with the operational phase taking place throughout 2025. The Program has been developed and is being coordinated by WIPO and the UN's Economic and Social Commission for Western Asia. As a result of this positive activity, the score on this indicator increased by 0.25.

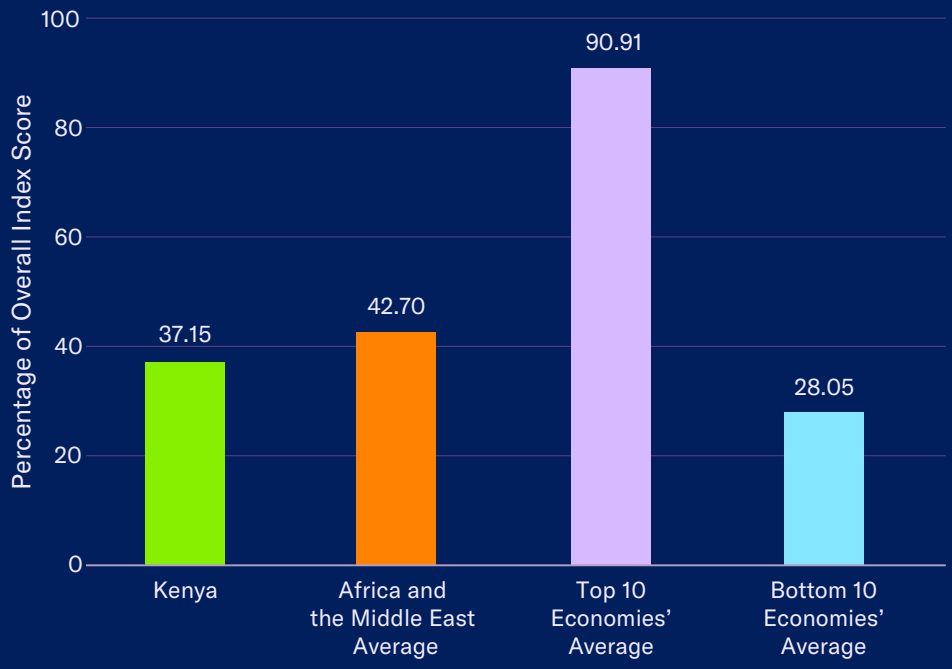
Kenya

Rank
42/55

Category Scores



Overall Score in Comparison



Kenya

Rank
42/55

Key Areas of Strength

- 2024 ARIPO-China National Intellectual Property Administration (CNIPA) PPH – first PPH for Kenya and other ARIPO parties
- 2021 Anti-Counterfeit Amendment Regulations allow rights holders to register their rights with Anti Counterfeit Authority
- 2020 Anti Counterfeit Act amendments strengthen enforcement powers
- 2019 copyright amendments strengthened protection of copyright in Kenya
- Basic IP framework in place, including several sector-specific rights
- Dedicated IP bodies and enforcement agencies
- Recent efforts to improve knowledge and frameworks for proper use and commercialization of IP assets

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Data Protection (General) Regulations 2021 do not provide clarity on potential data localization
- Barriers in place for licensing and technology transfer
- No R&D or IP specific tax incentives in place
- Weak and backlogged judicial system with notable deficiencies in criminal enforcement
- Important gaps in copyright protection and enforcement, particularly in the digital space
- Legislative and resource barriers to border enforcement

Indicator	Score
Category 1: Patents Rights and Limitations	**5.00**
1. Term of protection	1.00
2. Patentability requirements	0.50
3. Patentability of CIIs	0.25
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.50
9. Patent Opposition	0.75
Category 2: Copyrights and Limitations	**3.03**
10. Term of protection	0.53
11. Exclusive rights	0.50
12. Expeditious legal remedies disabling access to infringing content online	0.25
13. Cooperative action against online piracy	0.25
14. Limitations and exceptions	0.50
15. TPM and DRM	0.50
16. Government use of licensed software	0.50
Category 3: Trademarks Rights and Limitations	**2.00**
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.25
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**1.10**
21. Industrial Design Term of Protection	0.60
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	**0.50**
23. Protection of trade secrets (Civil Remedies)	0.25
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.00
Category 6: Commercialization of IP Assets	**1.25**
26. Barriers to market access	0.50
27. Barriers to technology transfer	0.25
28. Registration and disclosure requirements of licensing deals	0.00
29. Direct Government intervention in setting licensing terms	0.00
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	0.00
Category 7: Enforcement	**1.56**
32. Physical counterfeiting rates	0.30
33. Software piracy rates	0.26
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.00
36. Criminal standards	0.25
37. Effective border measures	0.25
38. Transparency and public reporting by Customs	0.25
Category 8: Systemic Efficiency	**2.00**
39. Coordination of IP rights enforcement	0.50
40. Consultation with stakeholders during IP policy formation	0.25
41. Educational campaigns and awareness raising	0.50
42. Targeted incentives for the creation and use of IP assets for SMEs	0.25
43. IP-intensive industries, national economic impact analysis	0.50
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**3.25**
47. WIPO Internet Treaties	0.50
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.75
49. Patent Law Treaty and Patent Cooperation Treaty	0.75
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	0.25

Total Score: 19.69

Spotlight on the National IP Environment

Past Editions versus Current Score

Kenya's overall score has increased from 19.44 out of 53 indicators in the 13th edition to 19.69. This reflects a score increase on indicator 53.

Area of Note

In early 2025, Kenya's cabinet announced plans to merge three of the major government IP agencies — the Kenya Industrial Property Institute, the Anti-Counterfeit Authority, and the Kenya Copyright Board — into a single, unified national IP office. The proposal echoes similar ideas in a 2020 draft IP bill released by the Industrial Property Institute. At the time of research, no formal merger had taken place. The Index will continue to monitor these developments in 2026.

Patent Rights and Limitations

2. Patentability requirements; and 3. Patentability of computer-implemented inventions (CIIs):
In early 2025, the Extraordinary 15th Session of the Administrative Council of the African Regional Intellectual Property Organization (ARIPO) adopted changes to the Hare Protocol on Patents and Industrial design, which have now taken effect. These changes provide future applicants with greater procedural flexibility and more clearly defined timelines but also raise user fees. Unfortunately, the changes did not bring about more wholesale improvements to the patenting process. As past editions of the Index have noted, both Kenya's Patent Act and the Harare Protocol lack clarity on the extent to which CIIs qualify as patentable subject matter.

In Kenya, the Industrial Property Act and Kenya Industrial Property Institute's (KIPI) *Guideline for the examination of Patents, Utility Models, and Industrial Designs* are silent on the patentability of CIIs. Section 21(3) of the Industrial Property Act excludes as patentable subject matter "discoveries, scientific theories and mathematical methods…schemes, rules or methods for doing business, performing purely mental acts or playing games…[and the] mere presentation of information." The *Guideline* simply states that "'methods of doing business' is an exclusion of importance. Methods of bookkeeping, trading stocks and shares, etc., are generally not patentable." Similarly, under Section 3, paragraph 10(h) of the Harare Protocol, "programs for computers" are explicitly excluded. ARIPO's examination guidelines state that if there is a clear technical effect and a contribution to the prior art, they may grant CIIs.

However, in practice, very few CII patents have been processed in either Kenya or through ARIPO. For example, WIPO patent statistics show that only a small number of patent applications (patent publications by technology) have been under the categories "Computer technology" and "IT methods for management." Data for Kenya are available only for 1980-1989, during which only four patent applications were published in the categories "Computer technology" and "IT methods for management." This compares to a total of 959 total applications during this time period. Data for ARIPO also suggests that CIIs and ICT-related patents are relatively few. Between 1980 and 2017, they published a total of 320 patent applications under the categories "Computer technology" and "IT methods for management."

This compares with 10,421 applications during this period, representing 3.07% of all published applications. Statistics for the number of patents actually granted are not available by technology for Kenya or ARIPO. But in most jurisdictions, not all patents published are granted.

Computer software and computer-implemented inventions (CIIs) are central to nearly all socio-economic activities in the 21st century, from desktop PCs and smartphones to artificial intelligence and the Internet of Things. Clarifying the patentability of CIIs in ARIPO and Kenya would be a straightforward way to foster local innovation and technological development. This improvement could also encourage investment and resources to develop new digital and ICT-based technologies in Kenya and other ARIPO contracting states. The Index will continue to monitor these developments in 2026.

Copyrights and Limitations

14. Scope of limitations and exceptions to copyrights and related rights:
Like many other Index economies, Kenya is developing new government policies on AI-based technologies and applications. Following a brief consultation in early 2025, the government launched the *Kenya Artificial Intelligence Strategy 2025-2030* in March. As noted in the Index, AI and machine learning are important areas of future economic activity, as advances in computational power and new technologies enable scientific research and innovation through the analysis of large volumes of data. However, there are real concerns about how the development, application, and use of these technologies will affect creators and rights holders worldwide. The *Strategy* document is silent on IP issues, specifically on the interaction between AI and copyright protection.

Given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights. The Index will continue to monitor these developments in 2026.

Trade Secrets and the Protection of Confidential Information; and Membership and Ratification of International Treaties

25. Regulatory data protection (RDP) term; and 53. At least one post-TRIPS FTA with substantive IP provisions and chapters in line with international best practices:
As noted in last year's Index, Kenya concluded a Comprehensive Economic Partnership Agreement (CEPA) with the UAE in 2024. At the time of the Index's publication, the finalized Kenya-UAE CEPA had not been made publicly available and could not be assessed. The Agreement has since been published and can now be benchmarked in this year's Index. The UAE-Kenya CEPA includes a dedicated IP chapter. This is a positive feature of the agreement, which reflects a recognition of the importance of IP-intensive industries and the centrality of IP rights to future trade and economic development in all economies. As has been noted in the Index, this is not always the case. Many 21st-century post-TRIPS FTAs do not include a dedicated IP chapter or otherwise skirt meaningful provisions on IP rights. Unfortunately, the UAE-Kenya CEPA does not meet the standards of a modern post-TRIPS FTA, as the IP chapter lacks substantive IP provisions aligned with international best practices, as identified in the Index. Much of the IP chapter (Chapter 13) is linked to rights defined and specified in TRIPS. When signed in 1994, the TRIPS Agreement represented an unprecedented commitment and recognition of minimum global IP standards. But 30 years on from Marrakesh, TRIPS is outdated and no longer encompasses all the standards and protections a modern, innovation-based economy needs.

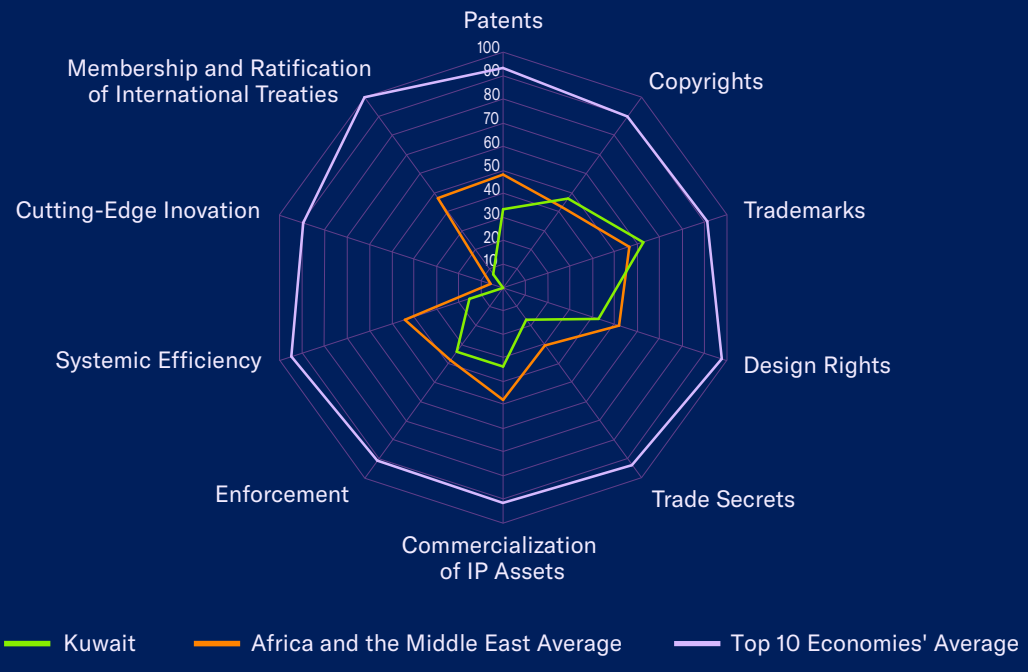
Still, one noteworthy and highly positive feature of the UAE-Kenya CEPA is the inclusion of a defined term of regulatory data protection for biopharmaceuticals. Under Section G, Article 13.33, the agreement contains a clearly defined RDP term of five years for submitted clinical test data as part of sanitary registration for a new medicinal product. Until now, Kenya has not had a defined period for RDP. Historically, this indicator has been scored based on whether an economy is a signatory to, and has ratified or acceded to, a modern post-TRIPS FTA that includes substantive IP provisions in line with international best practices, as identified in the Index. As such, this indicator has not accounted for the allocation of partial scores in cases where a post-TRIPS FTA includes only a limited number of substantive IP provisions, consistent with international best practices and identified in the Index.

To take better account of the increasing number of post-TRIPS FTAs that include some substantive IP provisions identified in the Index, from this edition of the Index onward, it will be possible to achieve a partial score ranging from 0, 0.25, 0.5, 0.75, and 1. Like all other indicators in this category, score allocation will still be evenly divided between the signature and ratification or accession to an international treaty. As a result of the change in the scoring methodology, the score for indicator 53 has increased by 0.25. The introduction of a five-year term of regulatory data protection, as defined in the CEPA, would be a significant and positive development in Kenya and would result in a score increase on indicator 25. The Index will continue to monitor these developments in 2026.

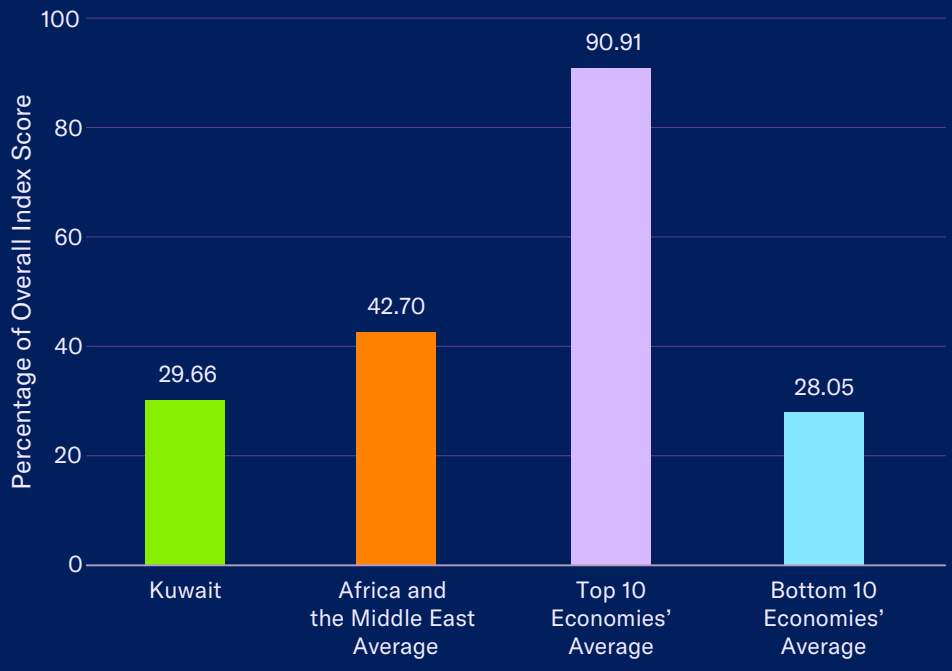
Kuwait

Rank
50/55

Category Scores



Overall Score in Comparison



Kuwait

Rank
50/55

Key Areas of Strength

- New targeted incentives for the creation and use of IP assets for SMEs
- Administrative IP enforcement option led to the disabling of access to thousands of websites offering counterfeit and IP infringing goods
- Basic IP framework in place
- Participant in regional patent and trademark harmonization efforts through GCC

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Uncertainty over future of GCC patent and whether regional patenting route will continue to exist
- Most sector-specific rights missing
- Barriers in place for licensing and technology transfer
- No R&D or IP specific tax incentives in place
- Limited participant in international treaties

Indicator	Score
Category 1: Patents Rights and Limitations	**3.00**
1. Term of protection	1.00
2. Patentability requirements	0.50
3. Patentability of CIIs	0.25
4. Plant variety protection	0.00
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.00
9. Patent Opposition	0.25
Category 2: Copyrights and Limitations	**3.28**
10. Term of protection	0.53
11. Exclusive rights	0.50
12. Expeditious legal remedies disabling access to infringing content online	0.75
13. Cooperative action against online piracy	0.00
14. Limitations and exceptions	0.50
15. TPM and DRM	0.50
16. Government use of licensed software	0.50
Category 3: Trademarks Rights and Limitations	**2.50**
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.50
Category 4: Design Rights and Limitations	**0.85**
21. Industrial Design Term of Protection	0.60
22. Exclusive rights, industrial design rights	0.25
Category 5: Trade Secrets and the Protection of Confidential Information	**0.50**
23. Protection of trade secrets (Civil Remedies)	0.25
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.00
Category 6: Commercialization of IP Assets	**2.00**
26. Barriers to market access	0.00
27. Barriers to technology transfer	0.50
28. Registration and disclosure requirements of licensing deals	0.50
29. Direct Government intervention in setting licensing terms	0.50
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	0.00
Category 7: Enforcement	**2.34**
32. Physical counterfeiting rates	0.41
33. Software piracy rates	0.43
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.25
36. Criminal standards	0.25
37. Effective border measures	0.50
38. Transparency and public reporting by Customs	0.25
Category 8: Systemic Efficiency	**0.75**
39. Coordination of IP rights enforcement	0.00
40. Consultation with stakeholders during IP policy formation	0.25
41. Educational campaigns and awareness raising	0.25
42. Targeted incentives for the creation and use of IP assets for SMEs	0.25
43. IP-intensive industries, national economic impact analysis	0.00
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**0.50**
47. WIPO Internet Treaties	0.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.00
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	0.00

Total Score: 15.72

Spotlight on the National IP Environment

Past Editions versus Current Score

Kuwait's overall score has increased from 15.47 out of 53 indicators in the 13th edition to 15.72. This reflects a score increase on indicator 42.

Systemic Efficiency

42. Targeted Incentives for the creation and use of IP assets for SMEs:
Kuwait has historically not had an abundance of educational campaigns, awareness-raising activities, or IP incentives for SMEs. The Kuwaiti Society for the Protection of Intellectual Property Rights (KIPA), a publicly sanctioned body, together with the National Library, is the main governmental body responsible for IP awareness-raising activities. Over the years, both have organized several awareness-raising events and workshops on the importance of IP rights. Still, these have not been part of a more systematic Government campaign targeting small businesses. Similarly, neither Kuwaiti IP authorities nor the GCC Patent Office have offered SMEs any reduced fees for registering trademark or patent applications. The number of specific technical support programs provided to SMEs by the Kuwaiti IP authorities has always been low. This may now be changing.

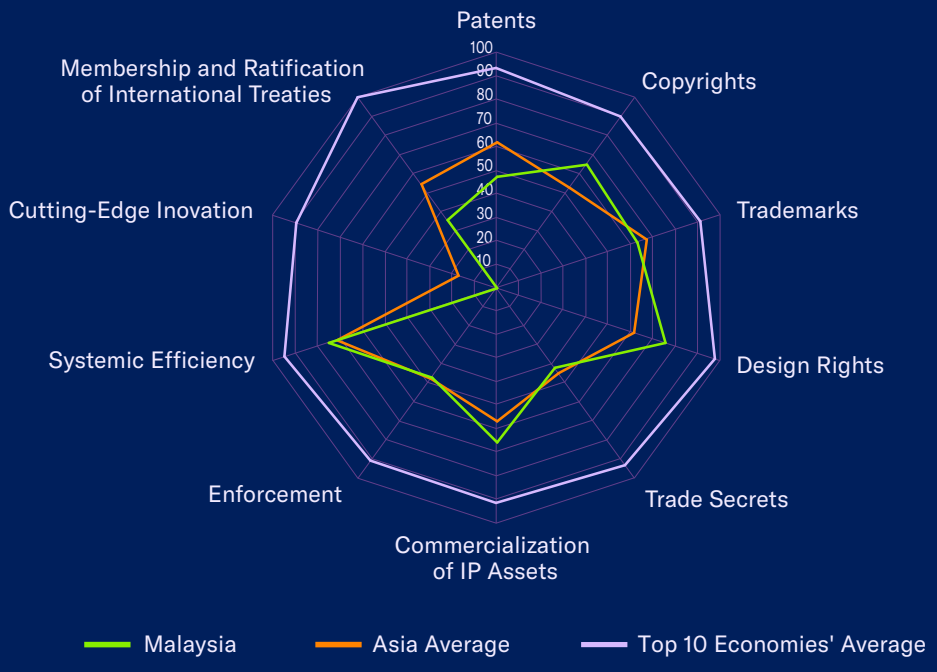
In the last few years, organizations have increased both general IP awareness initiatives and specific programs that provide technical support for SMEs. Although it has existed since 2011, the Kuwait-based Intellectual Property Training Center (part of the GCC) has expanded its activities beyond internal training programs for GCC and Member State IP office staff to include larger events and public initiatives, including for small businesses. For example, in early 2025, the Center organized a seminar and workshop on IP and AI. It co-hosted a public lecture with Kuwait University on the centrality of IP rights to the GCC. In July, the Ministry of Education announced that, together with the Center, it would increase awareness-raising activities in public education about the socio-economic importance of IP rights.

As noted in previous editions of the Index, the growth and development of SMEs and IP-based industries are key parts of the *New Kuwait 2035 Vision* national development plan. One of the seven pillars of the plan includes the development of thousands of new small businesses. Central to these efforts is a dedicated government agency, the Kuwait National Fund for Small and Medium Enterprise Development. The Fund has primarily focused on enabling access to finance and launching new businesses, while also supporting and sponsoring specific IP training programs over the past year. For example, in late 2024, the Fund sponsored Kuwaiti small-business participation in the Intellectual Property Entrepreneurship Program in Saudi Arabia. Kuwait is also part of the latest IP Management Clinic Program for small businesses, kicked off at the Arab SMEs Summit in late 2024, with the operational phase taking place throughout 2025. The Program has been developed and coordinated by WIPO and the UN's Economic and Social Commission for Western Asia. As a result of this positive activity, the score on this indicator increased by 0.25.

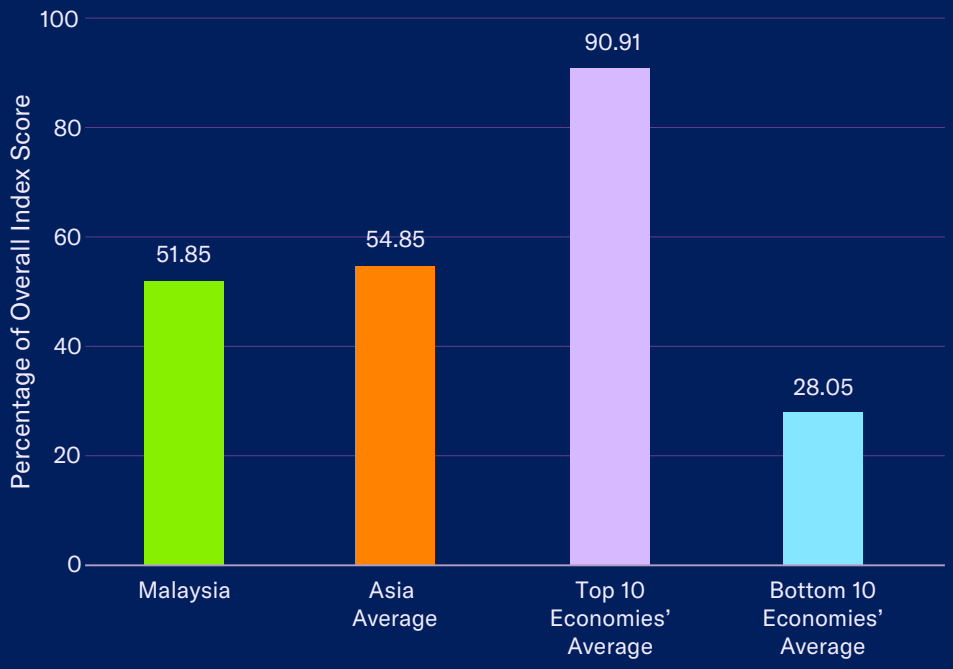
Malaysia

Rank
29/55

Category Scores



Overall Score in Comparison



Malaysia

Rank
29/55

Key Areas of Strength

- Strong enforcement efforts against infringing set-top boxes continued through Malaysian Communications and Multimedia Commission and Ministry of Domestic Trade and Consumer Affairs
- 2022 amendments to the Patent Act provide for a defined pathway of post-grant opposition proceedings
- 2020 Trademark Act amendments strengthen enforcement environment
- Generous R&D and IP specific tax incentives in place
- Intellectual Property Corporation of Malaysia (MyIPO) has PPH agreements in place with both the EPO and JPO
- Strong focus by Malaysian government on IP as a commercial asset and technology transfer

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Government use license (the equivalent of a compulsory license) issued in 2017 for sofosbuvir, a breakthrough medicine to treat Hepatitis C
- *De facto* RDP full term of protection is not offered to new products
- Patent term restoration not offered

Indicator	Score
Category 1: Patents Rights and Limitations	**4.25**
1. Term of protection	1.00
2. Patentability requirements	1.00
3. Patentability of CIIs	0.25
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.50
9. Patent Opposition	0.50
Category 2: Copyrights and Limitations	**4.53**
10. Term of protection	0.53
11. Exclusive rights	0.75
12. Expeditious legal remedies disabling access to infringing content online	0.75
13. Cooperative action against online piracy	0.75
14. Limitations and exceptions	0.50
15. TPM and DRM	0.75
16. Government use of licensed software	0.50
Category 3: Trademarks Rights and Limitations	**2.50**
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.75
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**1.50**
21. Industrial Design Term of Protection	1.00
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	**1.25**
23. Protection of trade secrets (Civil Remedies)	0.50
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.50
Category 6: Commercialization of IP Assets	**3.92**
26. Barriers to market access	1.00
27. Barriers to technology transfer	0.75
28. Registration and disclosure requirements of licensing deals	1.00
29. Direct Government intervention in setting licensing terms	0.00
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	0.67
Category 7: Enforcement	**3.28**
32. Physical counterfeiting rates	0.54
33. Software piracy rates	0.49
34. Civil and procedural remedies	0.50
35. Pre-established damages	0.50
36. Criminal standards	0.75
37. Effective border measures	0.50
38. Transparency and public reporting by Customs	0.00
Category 8: Systemic Efficiency	**3.75**
39. Coordination of IP rights enforcement	0.75
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	0.75
42. Targeted incentives for the creation and use of IP assets for SMEs	0.50
43. IP-intensive industries, national economic impact analysis	0.75
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**2.50**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	0.50

Total Score: 27.48

Spotlight on the National IP Environment

Past Editions versus Current Score

Malaysia's overall score has increased from 26.73 out of 53 indicators in the 13th edition to 27.48. This reflects a score increase on indicators 42 and 53.

Copyrights and Limitations; and Enforcement

14. Scope of limitations and exceptions to copyrights and related rights:
Like many other Index economies, the use of machine learning and AI-based technologies and applications is increasing in Malaysia. In the last few years, the Malaysian government has introduced several new initiatives to establish an appropriate legal and policy environment for the use and application of these technologies. This includes, for example, the Ministry of Science, Technology, and Innovation (MOSTI)'s *Malaysia National Artificial Intelligence Roadmap 2021-2025*. This *Roadmap* sets out the overarching policy objectives for developing and harnessing AI and machine learning technologies to boost Malaysia's economic development, innovation capacity, and international competitiveness. In late 2024, the *National Guidelines on AI Governance and Ethics* were published, and a National AI Office was established. As noted in the Index, AI and machine learning are important areas of future economic activity, as advances in computational power and new technologies enable scientific research and innovation through the analysis of large volumes of data. However, there are real concerns about how the development, application, and use of these technologies will affect creators and rights holders worldwide. The *National Guidelines* document is largely silent on IP issues, specifically on the interaction between AI and copyright protection. The document simply states that IP issues related to the use of generative AI will be addressed in future editions. Given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights. The Index will continue to monitor these developments in 2026.

Systemic Efficiency

42. Targeted Incentives for the creation and use of IP assets for SMEs:
Malaysia has historically not offered a wide range of IP incentives targeting SMEs. The Malaysian Intellectual Property Corporation (MyIPO) has not provided SMEs with reduced IP registration filing fees, and while accelerated patent reviews are available under specific conditions, including for green technologies, these are not SME-specific. Similarly, most technical assistance programs have been aimed at a general audience rather than small businesses. For example, the existing network of WIPO-supported TISC centers is concentrated at universities and research institutes, providing support services primarily to academic staff and researchers. In a positive development, in 2025, the government introduced new SME-focused IP technical assistance programs in Malaysia, including an expanded WIPO IP Management Clinic Program.

This program supports dozens of Malaysian SMEs with tailored advice on developing IP assets, commercializing them, and securing financing. WIPO and ASEAN support the program. As a result of this positive activity, the score on this indicator increased by 0.25.

Membership and Ratification of International Treaties

53. At least one post-TRIPS FTA with substantive IP provisions and chapters in line with international best practices:
As noted in the Index, in 2022, Malaysia formally ratified the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). Following the United States' withdrawal from the original Trans-Pacific Partnership (TPP), the CPTPP was fundamentally revised, with many provisions of the original treaty suspended. Numerous critical provisions were excluded from Chapter 18 (Intellectual Property), including those on patentable subject matter, biopharmaceutical-specific IP rights such as regulatory data protection, copyright protection and enforcement, and protections relating to satellite and cable signals. Still, the text of the CPTPP retains some important aspects of the original TPP's IP provisions, including, for example, provisions relating to trade secrets and border enforcement. Specifically, Article 18.78 Trade Secrets requires contracting parties to provide appropriate protection against the misappropriation, improper acquisition, use, or disclosure of trade secrets or confidential business information. Critically, Subsections 2 and 3 also require contracting parties to provide minimum criminal procedures and penalties.

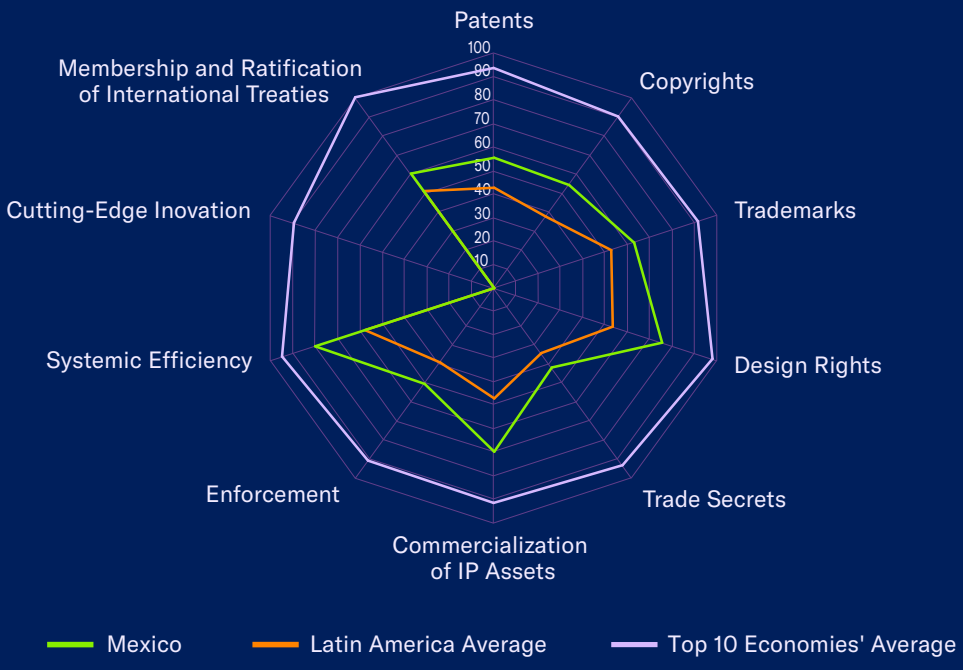
The CPTPP also provides an unambiguous requirement that border officials in all contracting parties have the right to take *ex officio* action against suspected infringing goods, including against goods in transit, destined for export, and not intended for the domestic market. Article 18.76(5) of the treaty states: "Each Party shall provide that its competent authorities may initiate border measures *ex officio* with respect to goods under customs control that are: (a) imported; (b) destined for export; or (c) in transit." These are all important post-TRIPS IP standards covered as discrete indicators in the Index. Historically, this indicator has been scored based on whether an economy is a signatory to, and has ratified or acceded to, a modern post-TRIPS FTA that includes substantive IP provisions in line with international best practices, as identified in the Index. As such, this indicator has not accounted for the allocation of partial scores in cases where a post-TRIPS FTA includes only a limited number of substantive IP provisions, consistent with international best practices and identified in the Index.

To take better account of the increasing number of post-TRIPS FTAs that include some substantive IP provisions identified in the Index, from this edition of the Index onward, it will be possible to achieve a partial score ranging from 0, 0.25, 0.5, 0.75, and 1. Like all other indicators in this category, score allocation will still be evenly divided between the signature and ratification or accession to an international treaty. As a result of the change in scoring methodology used and the fact that the CPTPP has been ratified and is in effect, the score on this indicator has increased by 0.50.

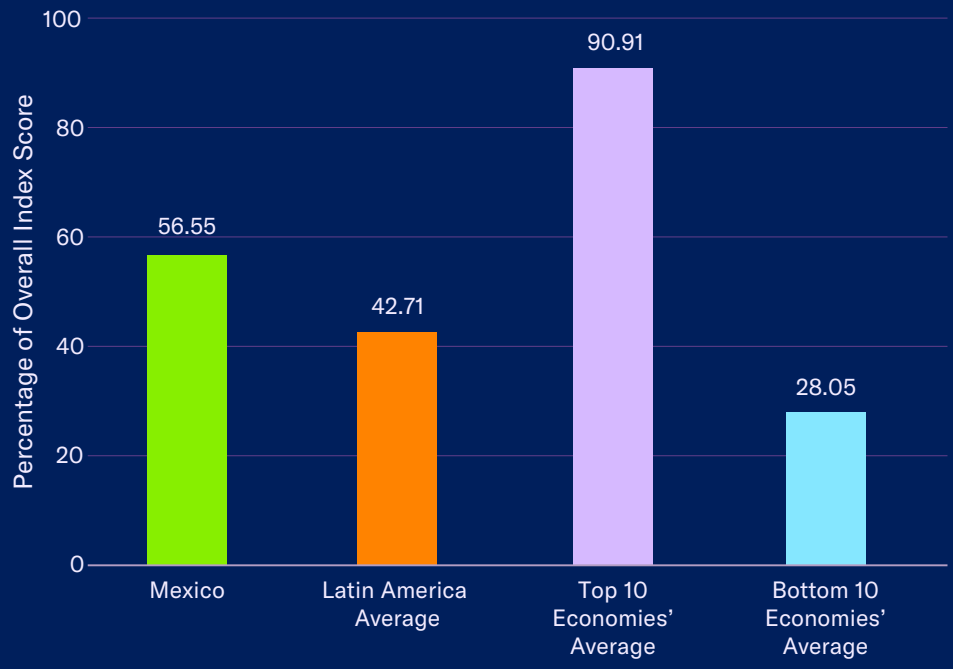
Mexico

Rank
23/55

Category Scores



Overall Score in Comparison



Mexico

Rank
23/55

Key Areas of Strength

- 2021 publication of IMPI study on economic impact of IP-intensive industries in Mexico: analysis carried out with EUIPO and modelled on EPO and USPTO studies
- 2020 amendments to Industrial Property Law implements some provisions of USMCA
- 2020 amendments to Federal Law on Copyright implements many provisions of USMCA
- Term of protection for industrial design rights extended to 25 years
- Efforts to ease ability to commercialize IP assets and develop public-private partnerships, particularly for public research organizations and universities
- Dedicated endeavor to streamline IP review process and criminal justice system and harmonize to international standards
- Efforts to increase awareness of importance of IP rights

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Partial and ambiguous protection for life sciences IP — including 2025 COFEPRIS-IMPI linkage mechanism
- Gaps in enforcement against online piracy
- Significant gaps in application of remedies, such as severe delays and difficulty securing adequate damages
- Inadequate border measures for trade-related infringement of IP rights
- USMCA patent obligations not fully met, most notably with respect to IP rights relating to the life sciences (RDP, patent term extension and patent linkage) and copyright

Indicator	Score
Category 1: Patents Rights and Limitations	**4.99**
1. Term of protection	1.00
2. Patentability requirements	0.50
3. Patentability of CIIs	0.00
4. Plant variety protection	0.74
5. Pharmaceutical-related enforcement	0.25
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	0.50
Category 2: Copyrights and Limitations	**3.79**
10. Term of protection	0.79
11. Exclusive rights	0.50
12. Expeditious legal remedies disabling access to infringing content online	0.25
13. Cooperative action against online piracy	0.50
14. Limitations and exceptions	0.50
15. TPM and DRM	0.50
16. Government use of licensed software	0.75
Category 3: Trademarks Rights and Limitations	**2.50**
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.50
Category 4: Design Rights and Limitations	**1.50**
21. Industrial Design Term of Protection	1.00
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	**1.25**
23. Protection of trade secrets (Civil Remedies)	0.50
24. Protection of trade secrets (Criminal Sanctions)	0.50
25. Regulatory data protection term	0.25
Category 6: Commercialization of IP Assets	**4.17**
26. Barriers to market access	0.50
27. Barriers to technology transfer	0.50
28. Registration and disclosure requirements of licensing deals	1.00
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	0.67
Category 7: Enforcement	**3.52**
32. Physical counterfeiting rates	0.51
33. Software piracy rates	0.51
34. Civil and procedural remedies	0.50
35. Pre-established damages	1.00
36. Criminal standards	0.75
37. Effective border measures	0.00
38. Transparency and public reporting by Customs	0.25
Category 8: Systemic Efficiency	**4.00**
39. Coordination of IP rights enforcement	0.50
40. Consultation with stakeholders during IP policy formation	0.75
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
43. IP-intensive industries, national economic impact analysis	1.00
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**4.25**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.75
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	1.00

Total Score: 29.97

Spotlight on the National IP Environment

Past Editions versus Current Score

Mexico's overall score has decreased from 29.99 out of 53 indicators in the 13th edition to 29.97. This reflects a score decrease on indicator 32.

Area of Note

To address ongoing shortages of medicines, the Mexican Government has significantly reformed the public sector's procurement process for medications in recent years. These reform efforts have focused on centralizing public procurement into a state-owned subsidiary that supplies the national Mexican Social Security Institute (IMSS) and other public health institutions. To expedite this process, in late 2024, President Sheinbaum issued an executive decree authorizing the health regulator, COFEPRIS, to allow the importation of medicines that have not yet received market authorization in Mexico but are approved for use in stringent jurisdictions, such as the United States. The decree also enables a fast-tracking of Mexican sanitary registration for these medicines. Given that Mexico has not yet introduced a functioning patent linkage mechanism in line with its USMCA commitments — as outlined under indicator 5 below — it remains unclear how the Mexican authorities ensure that imported products do not infringe existing, duly granted IP rights in Mexico. The Index will continue to monitor these developments in 2026.

Patent Rights, Related Rights, and Limitations

5. Pharmaceutical-related patent enforcement and resolution mechanism:
In 2025, the national IP office IMPI and COFEPRIS announced that they had formalized and agreed on a technical working arrangement to introduce an updated system of patent linkage in line with Mexico's commitments under the USMCA, and the 2020 revised Industrial Property Law. The agreement, published in the Federal Gazette in March 2025 and now in effect, requires IMPI and COFEPRIS to regularly publish lists of in-force biopharmaceutical patents and market authorization applications by manufacturers of generic and biosimilar biopharmaceuticals. Patent holders may object in writing within 10 days if any in-force IP rights are violated by the follow-on applications published by COFEPRIS, as stated in Articles 9 and 10 of the agreement.

While it is a positive step that IMPI and COFEPRIS have sought to comply with Mexico's outstanding treaty commitments, this mechanism does not constitute an early notification or adjudication system, nor does it comply with the requirements of USMCA Article 20.50. This Article clearly requires that the contracting parties provide "a system to provide notice to a patent holder or to allow for a patent holder to be notified before the marketing of such a pharmaceutical product, that such other person is seeking to market that product during the term of an applicable patent claiming the approved product or its approved method of use…[and] adequate time and sufficient opportunity for such a patent holder to seek, before the marketing of an allegedly infringing product, available remedies."

As noted in the Index back in 2023, when both IMPI and COFEPRIS began publishing these dedicated lists, these efforts — together with the publication of the 2025 agreement and process — do not constitute a 'linkage mechanism' whereby a drug regulatory authority conditions the approval of a follow-on biopharmaceutical product on there being no relevant period of market exclusivity in place for the underlying reference product.

In terms of specific shortcomings with the 2025 agreement, the following are some of the most notable: as currently designed, it is not clear that the mechanism applies to all types of patents; there is no direct notification to rights holders; and the time limit of 10 days for rights holders to take action is exceedingly short. Linking the approval of follow-on biopharmaceutical products to the exclusivity status of a reference product is an effective way to balance the protection of pharmaceutical exclusivity (usually, but not always, through patent protection) with the early market entry of follow-on generic products. The USMCA's language on the requirements for an effective pharmaceutical-related patent enforcement and resolution mechanism is quite clear. Full implementation and application of these requirements in Mexican law and practice will result in an increase in this indicator's score. The Index will continue to monitor these developments in 2026.

Copyrights and Limitations

11. Legal measures which provide necessary exclusive rights that prevent infringement of copyrights and related rights (including Web hosting, streaming, and linking); 13. Availability of frameworks that promote cooperative action against online piracy; and 15. Technological protection measures (TPM) and digital rights management (DRM) legislation:
In 2025, there were no significant developments concerning Mexico's copyright commitments under the USMCA. No implementing regulations or guidelines have been released to clarify how the changes made to the Federal Law on Copyright in 2020 will be adopted and enforced. This lack of action persists despite the Supreme Court's 2024 decision that upheld the validity of these amendments.

As noted throughout the Index, Mexico has historically had one of the weaker copyright environments in the OECD, lacking both substantive IP rights and effective enforcement against online and hard-goods piracy. The USMCA contains several provisions that would strengthen copyright standards in Mexico, including digital rights management (DRM) and technological protection measures (TPM), measures against cable and satellite piracy, and the introduction of a notice-and-stay-down regime.

In 2020, lawmakers published amendments to the Federal Law on Copyright, incorporating many of the most important copyright provisions from the USMCA. Overall, the amendments strengthen the protection of copyrighted works in Mexico, extending it to the Internet and the digital environment.

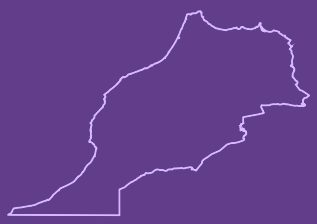
Specific changes include: i) a new notification system whereby digital platforms and service providers are obliged to act expeditiously and remove suspected content upon receiving a notification (Articles 114 and 232); ii) robust DRM and TPM provisions outlawing the use, manufacture, sale, importation distribution or otherwise offering to the public circumvention devices and technologies (Article 232); and iii) making illegal the use, manufacture, import or other form of distribution of satellite signal decoders (Article 145).

These are positive developments and have resulted in score increases on indicators 11, 13, and 15 in the ninth edition of the Index. It has now been over half a decade since the conclusion of the USMCA, and Mexico has still not implemented the relevant legal framework as agreed. Should Mexico continue to fail to act, the score increases on indicators 11, 13, and 15, awarded in the ninth edition of the Index, will be reversed. The Index will continue to monitor these developments in 2026.

Enforcement

As noted in the Index, although relevant IP laws (including the Industrial Property Law and Copyright Law) provide for civil and criminal IP enforcement measures, rights holders in Mexico have historically faced great difficulties in protecting their IP and enforcing their rights, whether administratively through IMPI or through the court system. Altogether, the enforcement process is complex, costly, and lengthy, and often does not result in effective enforcement, with long delays being commonplace.

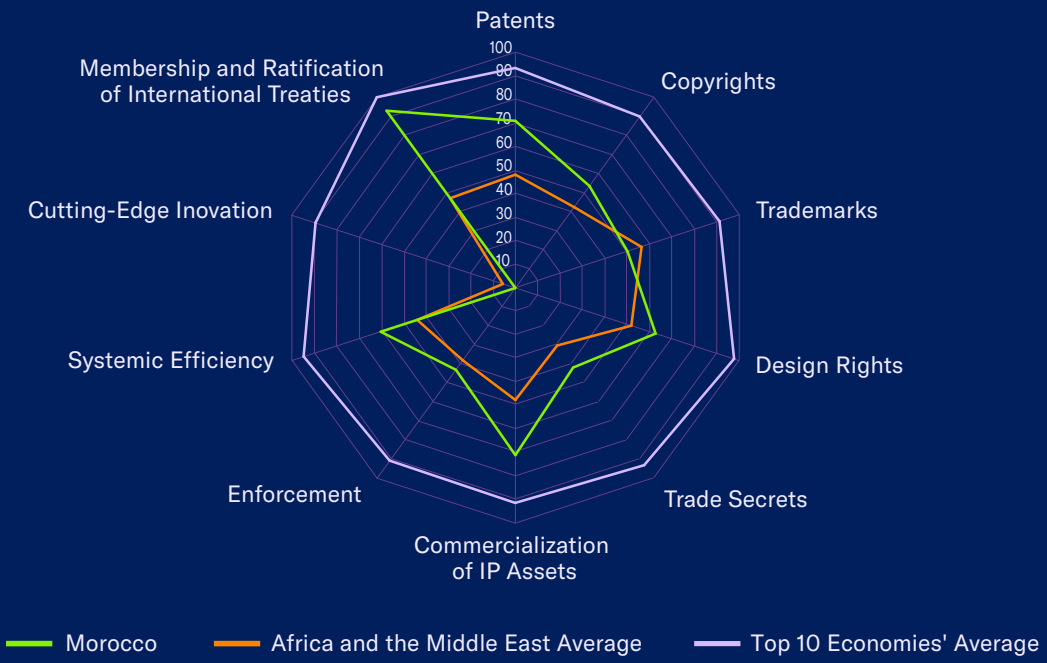
In 2024, Mexico amended its constitution, altering the process for judicial appointments. Beginning in 2025, all judges in Mexico were to be elected by popular vote. In that year, the first of two elections took place, resulting in the election of over 2,500 judges by the public. It is unclear how these reforms will affect the judiciary's overall quality, speed, and performance, or with respect to IP enforcement. For years, Mexico has been plagued by long judicial backlogs, with both civil and criminal cases taking years to reach a verdict. News reports suggest that the estimated 2025 backlog for the federal judiciary was over 550,000 cases; 25% higher than the year before. Similarly, IP rights remain an area where existing levels of judicial expertise and experience are sorely lacking. Replacing the entire judiciary is unlikely to increase the number of judges with IP expertise. Any law — IP-related or otherwise — is only as effective as the enforcement mechanism that underpins it. The lack of effective judicial enforcement in Mexico continues to represent a serious barrier to the protection of IP rights. The Index will continue to monitor these developments in 2026.



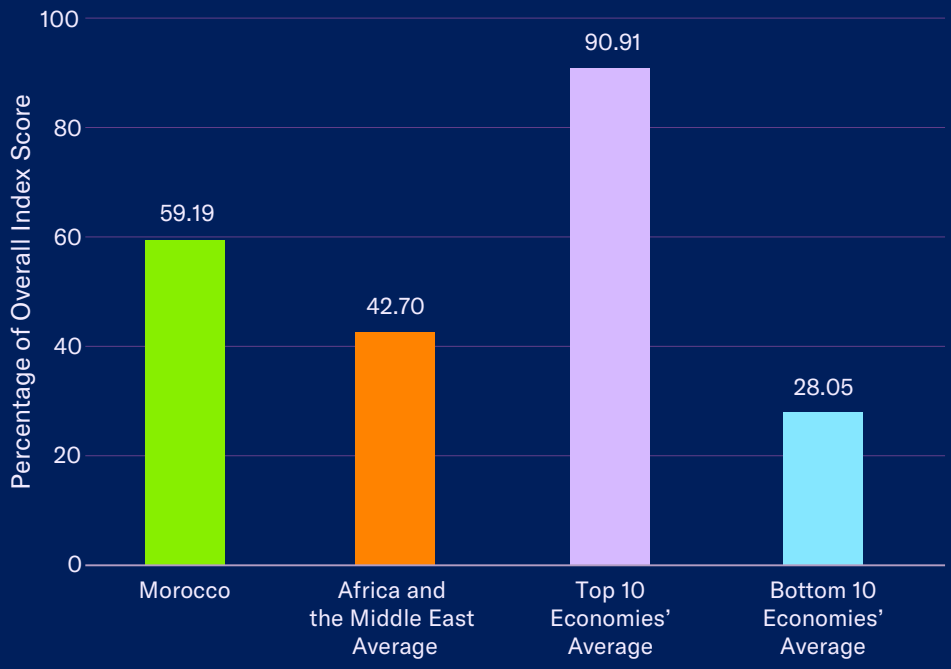
Morocco

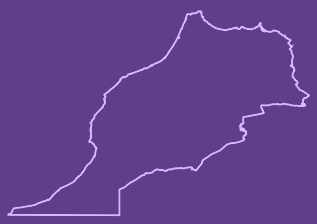
Rank
22/55

Category Scores



Overall Score in Comparison





Morocco

Rank
22/55

Key Areas of Strength

- 2022 accession to Singapore Treaty and Geneva Act (part of Hague Agreement)
- Fairly well-developed national IP system — highest performing middle-income economy in the Index
- Strong protection for patents and related rights
- US-Morocco FTA and agreements with EU have encouraged Morocco to strengthen IP environment and related standards
- PPH in place with Spain
- Moroccan IP Office (OMPIC) offers validation of all EPO registered patents

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Challenging enforcement environment: high rates of physical counterfeiting and online piracy
- BSA estimates a software piracy rate of 64%
- Some uncertainty over practical availability of patents for CIIs

Indicator	Score
Category 1: Patents Rights and Limitations	**6.38**
1. Term of protection	1.00
2. Patentability requirements	0.75
3. Patentability of CIIs	0.50
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	1.00
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	0.63
8. Membership of a Patent Prosecution Highway	0.50
9. Patent Opposition	0.00
Category 2: Copyrights and Limitations	**3.74**
10. Term of protection	0.74
11. Exclusive rights	0.50
12. Expeditious legal remedies disabling access to infringing content online	0.50
13. Cooperative action against online piracy	0.50
14. Limitations and exceptions	0.50
15. TPM and DRM	0.50
16. Government use of licensed software	0.50
Category 3: Trademarks Rights and Limitations	**2.00**
17. Term of protection	1.00
18. Protection of well-known marks	0.25
19. Exclusive rights, trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**1.25**
21. Industrial Design Term of Protection	1.00
22. Exclusive rights, industrial design rights	0.25
Category 5: Trade Secrets and the Protection of Confidential Information	**1.25**
23. Protection of trade secrets (Civil Remedies)	0.50
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.50
Category 6: Commercialization of IP Assets	**4.25**
26. Barriers to market access	1.00
27. Barriers to technology transfer	0.75
28. Registration and disclosure requirements of licensing deals	0.75
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	0.00
Category 7: Enforcement	**3.00**
32. Physical counterfeiting rates	0.39
33. Software piracy rates	0.36
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.50
36. Criminal standards	0.25
37. Effective border measures	0.50
38. Transparency and public reporting by Customs	0.75
Category 8: Systemic Efficiency	**3.00**
39. Coordination of IP rights enforcement	0.50
40. Consultation with stakeholders during IP policy formation	0.50
41. Educational campaigns and awareness raising	0.50
42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
43. IP-intensive industries, national economic impact analysis	0.75
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**6.50**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	1.00

Total Score: 31.37

Spotlight on the National IP Environment

Past Editions versus Current Score

Morocco's overall score has decreased from 31.38 out of 53 indicators in the 13th edition to 31.37. This reflects a score decrease on indicator 32.

Copyrights and Limitations

11. Legal measures which provide necessary exclusive rights that prevent infringement of copyrights and related rights (including Web hosting, streaming, and linking); 12. Expeditious disabling of infringing content online; 13. Availability of frameworks that promote cooperative action against online piracy; and 15. Technological protection measures (TPM) and Digital rights management (DRM) legislation: In late 2024 and early 2025, the international sports broadcaster beIN Sports filed legal action against several major telecom service providers in Morocco, claiming that they facilitated copyright infringement by allowing the widespread use of illegal IPTV boxes. Reports indicate that multiple lawsuits were submitted in both Casablanca and Rabat. As of the latest updates, no verdict has been reached.

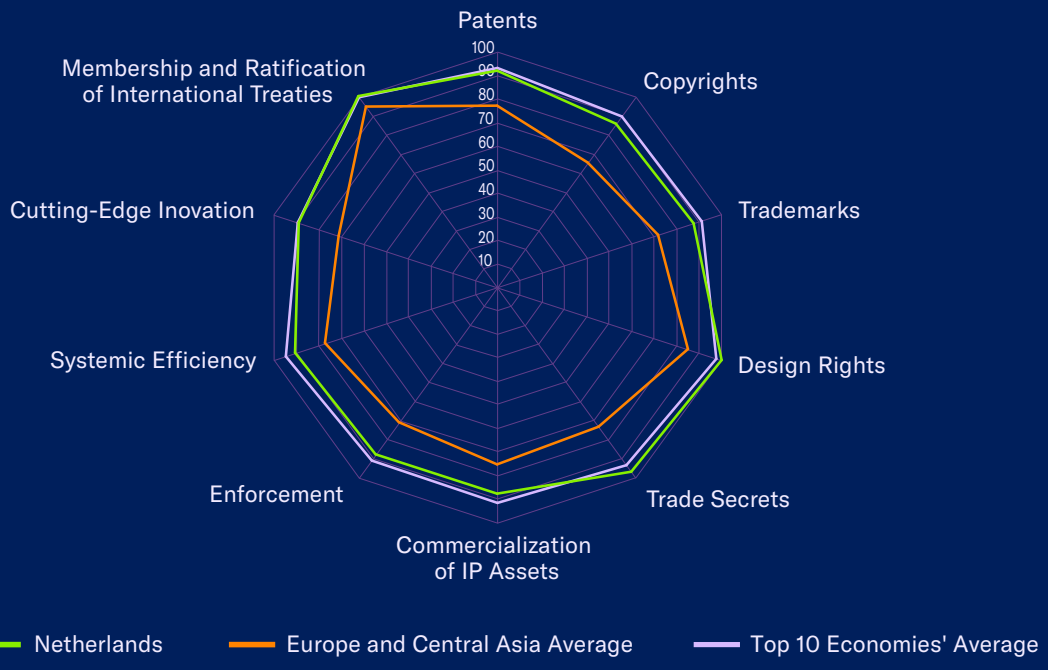
As discussed in previous editions of the Index, a key challenge for rights holders in Morocco has long been the lack of effective enforcement against copyright piracy, particularly with respect to satellite decoding and the piracy of broadcasting signals. Decoders have been readily available and used across North Africa, including Morocco, to access copyrighted content illegally. In 2011, the French satellite and content provider *Canal +* withdrew from the Moroccan and Algerian markets, citing widespread piracy as the main reason.

The latest trend has seen a shift from physical decoders and satellite piracy to set-top boxes and accessing infringing content over the internet via streaming. This remains unchanged in 2025, with rights holders reporting that levels of copyright infringement through these devices remain high. For example, the USTR in its *2025 Special 301 Report* continued to include a reference to Morocco as an economy with "notable levels of piracy through ISDs and illicit IPTV apps," as reported by stakeholders. The Index will continue to monitor these developments in 2026.

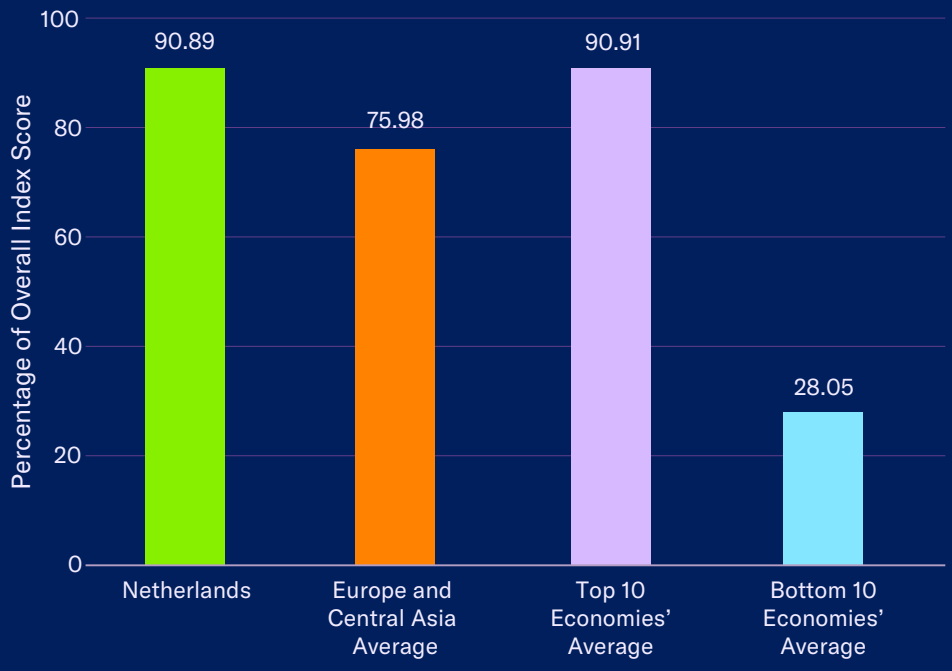
Netherlands

Rank
6/55

Category Scores



Overall Score in Comparison



Netherlands

Rank
6/55

Key Areas of Strength

- Continued leader on copyright enforcement; private-public initiatives led by national copyright foundation BREIN and Dutch Government
- Transposed EU Trade Secrets Directive into law in 2018, which improved Dutch trade secret environment
- Generous R&D and IP specific tax incentives in place
- Since 2000, Orphan Regulation has provided a world-leading 10-year term of orphan market exclusivity resulting in new biopharmaceutical R&D and development of new treatments and medicines for rare diseases
- Advanced and sophisticated national IP environment
- Sector specific IP rights in place
- Membership of all major international PPH tracks through EPO

Key Areas of Weakness

- EU package of new pharmaceutical laws fundamentally weakens biopharmaceutical IP rights including RDP and orphan incentives
- New EU-wide compulsory licensing regime risks undermining patent rights in Europe
- Registration requirements in place for licensing agreements
- Regulation 2019/933 and existing SPC exemption for exports of biopharmaceuticals poses significant risk to Netherland's and EU's research and IP based biopharma industry
- Proposals to explore the use of compulsory licensing for medicines whose price is deemed excessive is outside international norms

Indicator	Score
Category 1: Patents Rights and Limitations	**8.25**
1. Term of protection	1.00
2. Patentability requirements	1.00
3. Patentability of CIIs	1.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.50
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	0.75
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	1.00
Category 2: Copyrights and Limitations	**5.99**
10. Term of protection	0.74
11. Exclusive rights	1.00
12. Expeditious legal remedies disabling access to infringing content online	1.00
13. Cooperative action against online piracy	1.00
14. Limitations and exceptions	0.75
15. TPM and DRM	0.75
16. Government use of licensed software	0.75
Category 3: Trademarks Rights and Limitations	**3.50**
17. Term of protection	1.00
18. Protection of well-known marks	1.00
19. Exclusive rights, trademarks	1.00
20. Frameworks against online sale of counterfeit goods	0.50
Category 4: Design Rights and Limitations	**2.00**
21. Industrial Design Term of Protection	1.00
22. Exclusive rights, industrial design rights	1.00
Category 5: Trade Secrets and the Protection of Confidential Information	**2.90**
23. Protection of trade secrets (Civil Remedies)	1.00
24. Protection of trade secrets (Criminal Sanctions)	1.00
25. Regulatory data protection term	0.90
Category 6: Commercialization of IP Assets	**5.25**
26. Barriers to market access	1.00
27. Barriers to technology transfer	1.00
28. Registration and disclosure requirements of licensing deals	0.50
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	1.00
Category 7: Enforcement	**6.13**
32. Physical counterfeiting rates	0.85
33. Software piracy rates	0.78
34. Civil and procedural remedies	1.00
35. Pre-established damages	0.75
36. Criminal standards	0.75
37. Effective border measures	1.00
38. Transparency and public reporting by Customs	1.00
Category 8: Systemic Efficiency	**4.50**
39. Coordination of IP rights enforcement	1.00
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	0.75
42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
43. IP-intensive industries, national economic impact analysis	1.00
Category 9: Cutting-Edge Innovation	**2.65**
44. IP incentives for orphan medicinal product development	1.00
45. IP incentives for orphan medicinal product development, term of protection	0.90
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.75
Category 10: Membership and Ratification of International Treaties	**7.00**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
49. Patent Law Treaty and Patent Cooperation Treaty	1.00
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	1.00

Total Score: 48.17

Spotlight on the National IP Environment

Past Editions versus Current Score

The Netherlands' overall score has decreased from 48.37 out of 53 indicators in the 13th edition to 48.17. This reflects a score decrease on indicators 25 and 45.

Area of Note

In 2023, the European Commission introduced a comprehensive package of proposed legislative changes aimed at nearly every aspect of the biopharmaceutical market authorization process and its associated incentives. The Commission, Parliament, and Council have all put forth multiple proposals. While these reforms aim to cultivate a 21st-century life sciences landscape that promotes innovation, improves patient access to cutting-edge therapies, and strengthens Europe's competitiveness, many of the proposed changes risk undermining the EU's legal framework that governs biopharmaceutical intellectual property rights.

During the research, European institutions agreed on a final package and were finalizing a legislative text expected to take effect soon after the Index publication. Under this finalized deal, IP rights related to regulatory data protection (RDP), orphan drugs, and patent protection — through an expansion of existing Bolar exemptions — would all be negatively affected. The impact of these proposals on specific Index indicator scores is detailed below. Some of these changes affect several categories of the Index and could affect multiple indicators, including, for example, changes to Bolar exemptions.

A Bolar exemption (or exception) allows biopharmaceutical follow-on applicants to begin testing and regulatory approval for their follow-on products without obtaining consent from a rights holder, in this case, the market authorization holder of a biopharmaceutical reference product. This type of exception originates in the United States, specifically in the 1984 Drug Price Competition and Patent Term Restoration Act (Hatch-Waxman Act). The rationale for these exclusivity exemptions is to ensure there is no undue delay in the market supply of follow-on products once the reference product's exclusivity expires. These exceptions are not intended to shorten or undermine rights holders' legitimately granted exclusivity periods.

The expansion of existing EU Bolar exemptions risks weakening IP exclusivity periods at the level of each EU Member State — including, for example, duly granted patent protection — by prematurely launching IP-rights-infringing generic or biosimilar products. The exact impact of this expansion will depend on the individual national characteristics of each EU Member State. The Index will continue to monitor these developments at the Member State level as the pharmaceutical package is nationally implemented.

Patent Rights and Limitations

6. Legislative criteria and use of compulsory licensing of patented products and technologies:
In December 2025, the European Council and European Parliament formally adopted, as regulation, a new cross-European compulsory licensing regime. While this agreement constitutes an improvement over preceding drafts — this includes, for instance, the exclusion of trade secrets and know-how — it remains unclear why the EU needs a cross-European compulsory licensing regime. The proposals fundamentally arise from the belief that the COVID-19 pandemic highlighted the necessity for a clearer and more effective pan-EU compulsory licensing mechanism. However, as this Index and rights holders have pointed out, the evidence and experiences from the pandemic indicate the opposite. Together with the proposed rollback of IP protections in the pharmaceutical reform package discussed above, this new compulsory licensing regime will further undermine biopharmaceutical IP rights in the EU. At the time of research, no finalized legal text had been published. The Index will continue to monitor these developments.

7. Patent term restoration for pharmaceutical products:
Since 2015, the European Commission has sought to recalibrate certain elements of patent term restoration for biopharmaceuticals, namely the Supplementary Protection Certificates (SPCs). Notably, Regulation 2019/933 created an SPC manufacturing and export exemption. The exemption allows companies to manufacture generic and biosimilar products in the EU during the SPC period for export to third (non-EU) economies and to stockpile them during the last six months of the SPC's validity for the domestic market. As a result of this action, the score for this indicator was reduced by 0.25 across all EU Member States in the eighth edition of the Index.

Unlike Regulation 2019/933 and the SPC exemption, proposals for a new centralized process for granting and administering SPCs would be a positive addition to the EU's IP environment. In 2022, as part of the introduction of the Unitary Patent system and Patent Court, the European Commission outlined several options for reforming the SPC system, including a new centralized system for SPC protection and applications. In 2023, the Commission released a formal legislative proposal for both a unitary SPC and a new centralized procedure for other applications, and the European Parliament subsequently responded to it. The Commission and Parliament should be congratulated for recognizing that a potential centralized procedure for SPC protection would provide legal, administrative, and financial efficiencies to all affected parties. In this sense, the proposed legislation fills a gap and is a net positive.

Unfortunately, fundamental aspects of the proposed procedure would insert a new level of uncertainty and potential delay into the patent term restoration process. For example, both the Commission's proposal and Parliament's response include a novel mechanism for SPC opposition. The purpose of the SPC system is to restore patent term lost due to the unique and lengthy sanitary registration requirements for biopharmaceutical products. This restoration applies to an existing patent that has already been granted, is valid, and remains in force. By the time parties submit an SPC application, they will have had ample opportunities to challenge the validity of the underlying patent. They can do this regionally through the EPO, nationally in accordance with each Member State's procedures, or through the Unified Patent Court. As such, it seems unnecessary to add a novel layer of potential opposition. The most likely outcome is simply additional delays, bureaucracy, and costs imposed on applicants. At the time of research, no finalized legal text had been published. The Index will continue to monitor these developments.

Copyrights and Limitations

14. Scope of limitations and exceptions to copyrights and related rights:
As noted last year, the EU AI Act now provides a legislative framework governing the development and deployment of AI-based technologies in the EU. The first of its kind in the world, the Act defines different levels and types of AI deployment, with some activities prohibited, and other forms of deployment and systems regulated based on the perceived level of risk. The European Commission established the European AI Office to coordinate and oversee the Act's implementation and enforcement.

In 2025, the European Commission, AI Office, and EUIPO released new guidance documents regarding the interaction between copyright protection and the use of AI. While these documents address some of the key challenges creators and rights holders face — most notably the *AI Code of Practice* and the EUIPO's *The Development of Generative Artificial Intelligence from a Copyright Perspective* — none of them carry any legal weight or impose any additional regulatory requirements on AI developers and platforms.

AI and machine learning are important areas of future economic activity, as advances in computational power and new technologies enable scientific research and innovation through the analysis of large volumes of data. However, given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights. It remains to be seen whether the AI Act and its subsequent implementation will provide rights holders with a meaningful avenue of enforcing their copyrights. The Index will continue to monitor these developments in 2026.

Trade Secrets and the Protection of Confidential Information

25. Regulatory data protection (RDP) term:
As noted in previous editions, in 2023 the European Commission published proposed legislative changes to the EU's RDP regime. In December 2025, the Council and the European Parliament agreed on the final General Pharmaceutical Legislation. Article 10 of Directive 2004/27/EC (amending 2001/83/EC) has historically provided new pharmaceutical products with eight years of data exclusivity, two years of marketing exclusivity (in which generic and follow-on applicants are allowed to submit bio-equivalence studies), and one additional year of protection for significant new indications of existing products.

On this basis, all EU Member States have, up until this edition of the Index, achieved the maximum available score of 1.00 on this indicator. The General Pharmaceutical Legislation has weakened this term of protection. The final legislation provides eight years of data protection and one year of market protection, for a baseline of eight + one years. This reduces market protection from two years to one year, weakening the EU's RDP framework. The agreement also conditions the restoration of lost RDP terms on criteria such as conducting clinical trials in multiple EU Member States or seeking EU marketing authorization within 90 days of the first global submission. The deal includes an 11-year cap on the combined RDP. As a result, the score on this indicator has been reduced for all EU Member States included in the Index. The Index will continue to monitor these developments in 2026.

Incentives for Cutting-edge Innovation

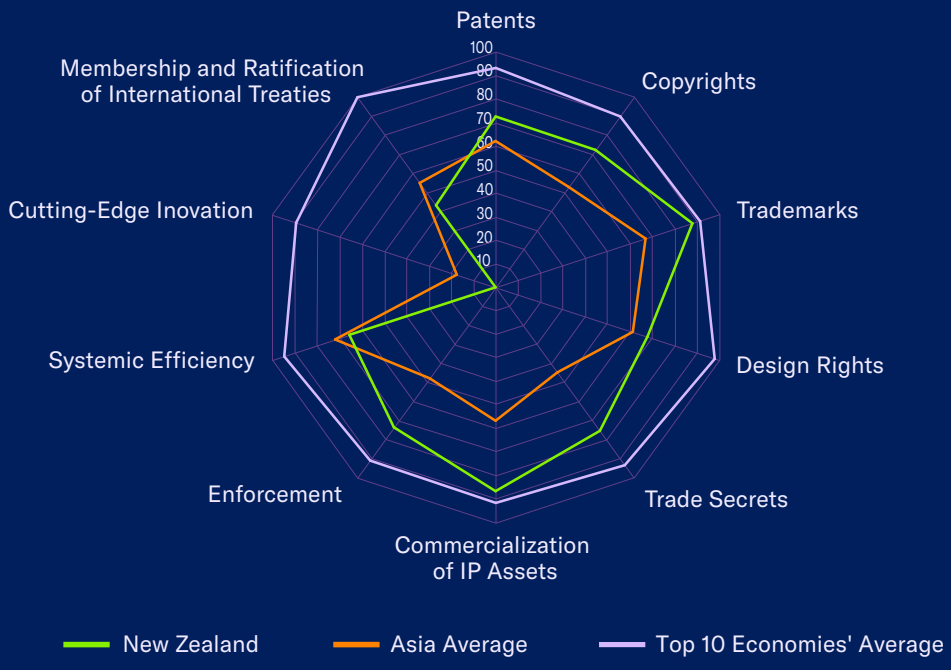
45. Special market exclusivity incentives for orphan medicinal product development, term of protection:
Since coming into force in 2000, Regulation (EC) No 141/2000 (the "EU Orphan Regulation") has provided innovators with a strong term of IP exclusivity. Article 8 of the Regulation defines exclusivity as a baseline marketing exclusivity term of 10 years, which can be extended by two years if additional pediatric studies are completed. For over a quarter of a century, this Regulation has stood as an international example of how strong IP incentives can incentivize the R&D and innovation necessary to tackle some of the toughest health challenges in the world. The Regulation has directly resulted in more clinical research, product development, and medicines available to patients with rare diseases in the EU and beyond.

Despite this track record of success, the Regulation has been under review for an extended period, most recently as part of the pharmaceutical package. Like the term of protection relating to RDP, the finalized agreement between the Parliament, Council, and Commission has weakened the term of protection offered to innovators. While it is possible to obtain an 11-year period of protection for products "addressing a high unmet medical need," the baseline term of protection has been reduced from 10 to nine years. As a result, the score on this indicator has been reduced for all EU Member States included in the Index. The Index will continue to monitor these developments in 2026.

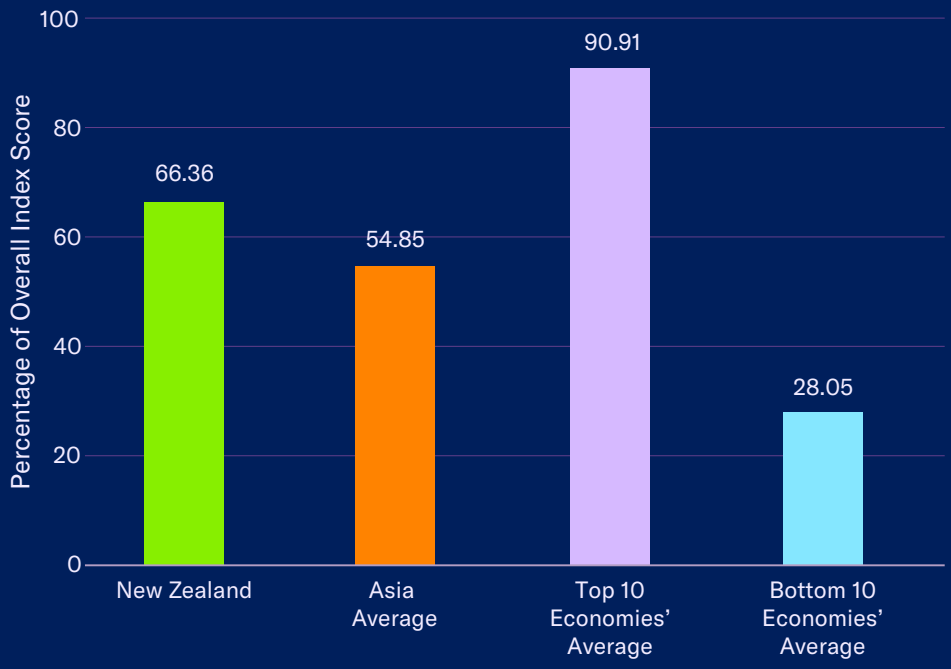
New Zealand

Rank
21/55

Category Scores



Overall Score in Comparison



New Zealand

Rank
21/55

Key Areas of Strength

- Amended Plant Variety Rights Act improves term of protection to Index standard
- R&D tax incentives passed in 2019
- Legislative amendments following ratification of the CPTPP provides border officials with clear *ex officio* authority
- Fairly sophisticated national IP environment with strengths across most categories of the Index
- No significant barriers or restrictions on licensing activity and technology transfer

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Practical application and net effect of Copyright (Infringing File Sharing) Amendment Act have been mixed with few cases heard by Copyright Tribunal and most being dismissed on technicalities
- No patent term restoration in place for biopharmaceuticals
- Limited membership of international IP treaties

Indicator	Score
Category 1: Patents Rights and Limitations	**6.50**
1. Term of protection	1.00
2. Patentability requirements	0.75
3. Patentability of CIIs	1.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.50
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	0.25
Category 2: Copyrights and Limitations	**5.03**
10. Term of protection	0.53
11. Exclusive rights	0.75
12. Expeditious legal remedies disabling access to infringing content online	0.25
13. Cooperative action against online piracy	0.75
14. Limitations and exceptions	1.00
15. TPM and DRM	1.00
16. Government use of licensed software	0.75
Category 3: Trademarks Rights and Limitations	**3.50**
17. Term of protection	1.00
18. Protection of well-known marks	1.00
19. Exclusive rights, trademarks	1.00
20. Frameworks against online sale of counterfeit goods	0.50
Category 4: Design Rights and Limitations	**1.35**
21. Industrial Design Term of Protection	0.60
22. Exclusive rights, industrial design rights	0.75
Category 5: Trade Secrets and the Protection of Confidential Information	**2.25**
23. Protection of trade secrets (Civil Remedies)	1.00
24. Protection of trade secrets (Criminal Sanctions)	0.75
25. Regulatory data protection term	0.50
Category 6: Commercialization of IP Assets	**5.17**
26. Barriers to market access	1.00
27. Barriers to technology transfer	1.00
28. Registration and disclosure requirements of licensing deals	0.75
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	0.67
Category 7: Enforcement	**5.12**
32. Physical counterfeiting rates	0.78
33. Software piracy rates	0.84
34. Civil and procedural remedies	1.00
35. Pre-established damages	0.75
36. Criminal standards	0.75
37. Effective border measures	0.50
38. Transparency and public reporting by Customs	0.50
Category 8: Systemic Efficiency	**3.25**
39. Coordination of IP rights enforcement	0.50
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	0.75
42. Targeted incentives for the creation and use of IP assets for SMEs	0.25
43. IP-intensive industries, national economic impact analysis	0.75
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**3.00**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	0.50

Total Score: 35.17

Spotlight on the National IP Environment

Past Editions versus Current Score

New Zealand's overall score has increased from 34.68 out of 53 indicators in the 13th edition to 35.17. This reflects a score decrease on indicator 32 and an increase on indicator 53.

Patent Rights and Limitations

7. Patent term restoration for pharmaceutical products:
In early 2025, the Government introduced a Patents Amendment Bill in Parliament. The proposed bill seeks to change how divisional applications filed under the 1953 Patent Act are treated and, specifically, to harmonize this treatment with that required under the 2013 Patent Act. Unfortunately, the bill did not address some of the long-standing weaknesses in New Zealand's patenting environment. As noted in past editions of the Index, there is no patent term restoration for biopharmaceutical products in New Zealand. Although discussed, the final 2013 Patent Act did not address this issue.

In 2015 and 2016, the Government of New Zealand publicly committed to introducing a period of term restoration as part of its accession to the original Trans-Pacific Partnership (TPP), but it never implemented this commitment. As a result, New Zealand remains one of the few OECD economies that does not offer a defined term of restoration for innovators in the life sciences. As medicines become more targeted and technologically sophisticated, the cost of development has risen dramatically; research from Tufts University suggests that it costs USD 2.6 billion on average to develop a new medicine. International experience and the basic economics of the biopharmaceutical industry show how critical IP rights are for incentivizing and supporting this research and development. Patents and other forms of exclusivity, such as patent term restoration, enable research-based companies to invest vast sums in R&D and the discovery of new drugs, products, and therapies. As the Government pursues a program of patent reforms, we encourage it to better align New Zealand's best practices and introduce biopharmaceutical patent term restoration. The Index will monitor these developments in 2026.

Copyrights and Limitations

14. Scope of limitations and exceptions to copyrights and related rights:
In July 2025, the Ministry of Business, Innovation and Employment (MBIE) released two national policy documents on AI: New Zealand's Strategy for Artificial Intelligence and Responsible AI Guidance for Businesses. The Strategy sets out the high-level approach the New Zealand Government is taking regarding AI development and use.

Overall, this document and the policy approach it embraces aim to follow the AI standards and principles developed by the OECD. The document is largely silent on IP issues, specifically on the interaction between AI and copyright protection. The Responsible AI Guidance for Businesses provides more detailed advice on IP issues. It recognizes the importance of IP rights in AI development and language training models, emphasizing the need for transparency, and obtaining necessary licenses for all training data used. Given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights. The Index will continue to monitor these developments in 2026.

Membership and Ratification of International Treaties

53. At least one post-TRIPS FTA with substantive IP provisions and chapters in line with international best practices:
Over the last few years, New Zealand has concluded several post-TRIPS FTAs, including with the EU and the UK. New Zealand is also a contracting party to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) and the Regional Comprehensive Economic Partnership (RCEP) agreement. It is a positive feature of these agreements that they include dedicated IP chapters, which reflects a recognition of the importance of IP-intensive industries and the centrality of IP rights to future trade and economic development in all economies. As has been noted in the Index, this is not always the case. Many 21st-century post-TRIPS FTAs do not include a dedicated IP chapter or otherwise skirt meaningful provisions on IP rights.

However, overall, the IP provisions of these FTAs are not as strong as those of other post-TRIPS agreements. For example, neither the IP chapter nor the rest of the EU FTA includes any reference to patent rights. Similarly, unlike many other post-TRIPS FTAs, the EU-New Zealand FTA does not contain substantial protections for the life sciences sector. Nevertheless, there are several substantive IP provisions in these FTAs. For example, the New Zealand-UK FTA contains many provisions reflecting modern post-TRIPS IP rights and standards, including the right to injunctive relief and the disabling of access to copyright-infringing content online, and the extension of the term of protection for copyright.

The treaty also requires contracting parties to join the Hague Agreement Concerning the International Registration of Industrial Designs. New Zealand is currently not a contracting party. Similarly, the CPTPP contains several important provisions relating to trade secrets and border enforcement. Specifically, Article 18.78 Trade Secrets requires contracting parties to provide appropriate protection against the misappropriation, improper acquisition, use, or disclosure of trade secrets or confidential business information. Critically, Subsections 2 and 3 also require contracting parties to provide minimum criminal procedures and penalties.

The CPTPP also provides an unambiguous requirement that border officials in all contracting parties have the right to take *ex officio* action against suspected infringing goods, including against goods in transit, destined for export and not intended for the domestic market. These are all important post-TRIPS IP standards covered as discrete indicators in the Index.

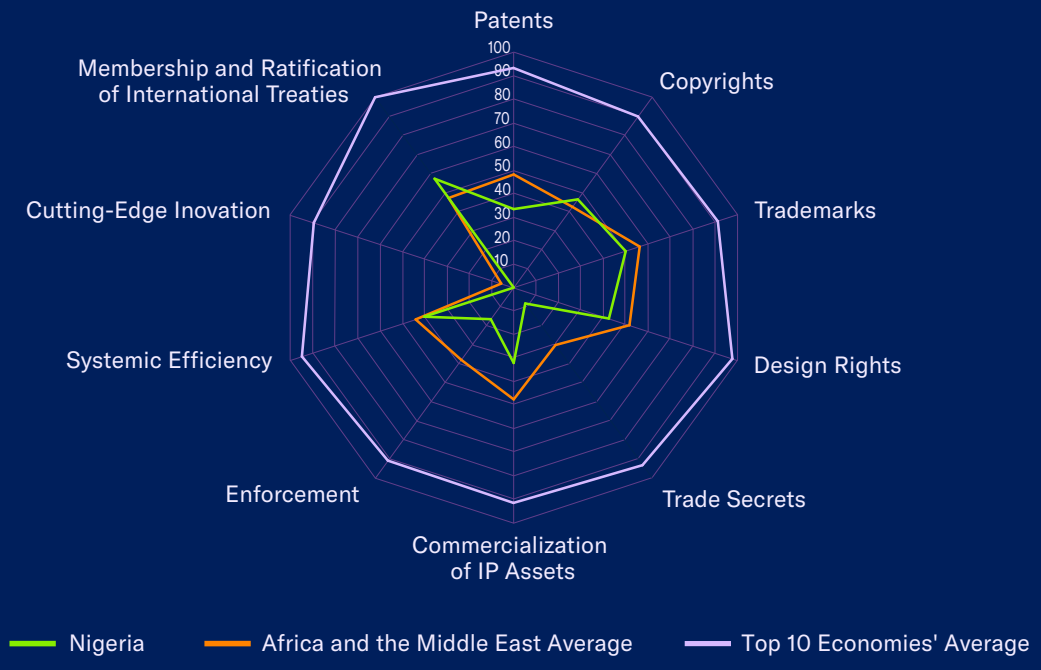
Historically, this indicator has been scored based on whether an economy is a signatory to, and has ratified or acceded to, a modern post-TRIPS FTA that includes substantive IP provisions in line with international best practices, as identified in the Index. As such, this indicator has not accounted for the allocation of partial scores in cases where a post-TRIPS FTA includes only a limited number of substantive IP provisions, consistent with international best practices and identified in the Index.

To take better account of the increasing number of post-TRIPS FTAs that include some substantive IP provisions identified in the Index, from this edition of the Index onward, it will be possible to achieve a partial score ranging from 0, 0.25, 0.5, 0.75, and 1. As with all other indicators in this category, score allocation will remain evenly divided between the signature and ratification or accession to an international treaty. As a result of the change in the scoring methodology, the score for this indicator has increased by 0.50.

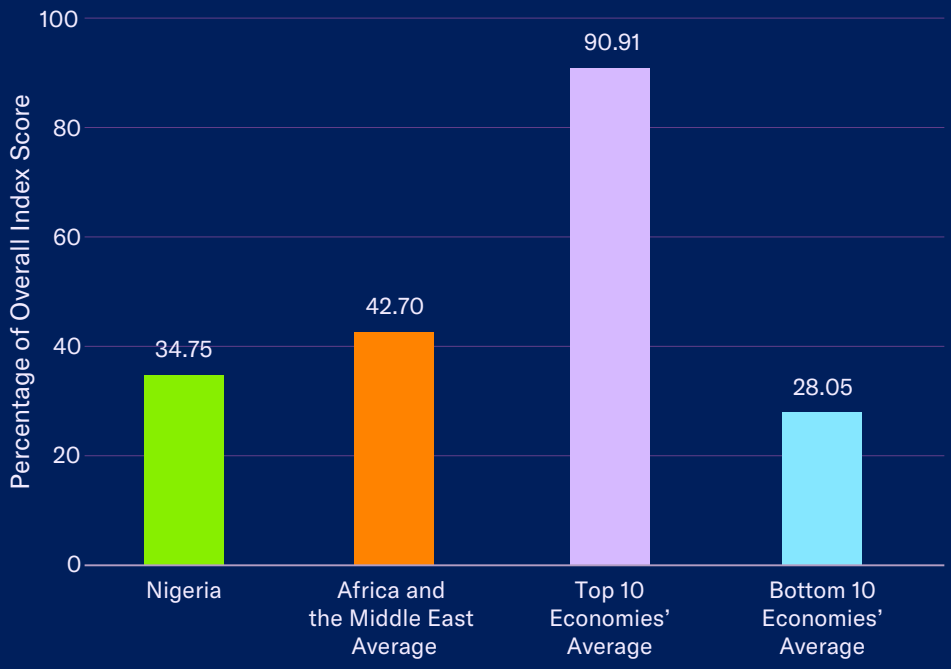
Nigeria

Rank
47/55

Category Scores



Overall Score in Comparison



Nigeria

Rank
47/55

Key Areas of Strength

- New *National IP Policy and Strategy* announced in 2025
- First time use of new copyright enforcement powers by NCC in 2025
- 2023 Copyright Act improves Nigeria's national IP environment
- Joined Convention on Cybercrime in 2022
- Plant Variety Protection Act 2021
- Joined UPOV 1991 in 2021
- Ratified the WIPO Internet treaties in 2017
- Despite overall challenging environment, ongoing enforcement efforts by NCC are encouraging

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Overall weak and limited legal and regulatory framework with major forms of IP rights not in place
- Enforcement challenges persist with only ad hoc efforts rather than national coordination
- Persistently high rates of physical and growing online piracy
- Software piracy estimated at 80% by BSA
- Localization barriers and restrictions in place on technology transfer and licensing activities which intensified in 2020
- NOTAP oversees all technology transfer and licensing between Nigerian entities and foreign licensors and has the power to evaluate and approve or disapprove technology transfer agreements including evaluating royalty amounts

Indicator	Score
Category 1: Patents Rights and Limitations	**3.00**
1. Term of protection	1.00
2. Patentability requirements	0.00
3. Patentability of CIIs	0.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.00
9. Patent Opposition	0.00
Category 2: Copyrights and Limitations	**3.24**
10. Term of protection	0.74
11. Exclusive rights	0.50
12. Expeditious legal remedies disabling access to infringing content online	0.75
13. Cooperative action against online piracy	0.50
14. Limitations and exceptions	0.25
15. TPM and DRM	0.50
16. Government use of licensed software	0.00
Category 3: Trademarks Rights and Limitations	**2.00**
17. Term of protection	1.00
18. Protection of well-known marks	0.25
19. Exclusive rights, trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**0.85**
21. Industrial Design Term of Protection	0.60
22. Exclusive rights, industrial design rights	0.25
Category 5: Trade Secrets and the Protection of Confidential Information	**0.25**
23. Protection of trade secrets (Civil Remedies)	0.00
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.00
Category 6: Commercialization of IP Assets	**1.92**
26. Barriers to market access	0.50
27. Barriers to technology transfer	0.00
28. Registration and disclosure requirements of licensing deals	0.25
29. Direct Government intervention in setting licensing terms	0.00
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	0.67
Category 7: Enforcement	**1.16**
32. Physical counterfeiting rates	0.21
33. Software piracy rates	0.20
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.00
36. Criminal standards	0.25
37. Effective border measures	0.00
38. Transparency and public reporting by Customs	0.25
Category 8: Systemic Efficiency	**2.00**
39. Coordination of IP rights enforcement	0.25
40. Consultation with stakeholders during IP policy formation	0.75
41. Educational campaigns and awareness raising	0.50
42. Targeted incentives for the creation and use of IP assets for SMEs	0.25
43. IP-intensive industries, national economic impact analysis	0.25
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**4.00**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.00
49. Patent Law Treaty and Patent Cooperation Treaty	1.00
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	0.00

Total Score: 18.42

Spotlight on the National IP Environment

Past Editions versus Current Score

Nigeria's overall score has increased from 18.17 out of 53 indicators in the 13th edition to 18.42. This reflects a score increase on indicator 12.

Area of Note

In late 2025, Nigeria's Federal Executive Council finalized and passed a *National IP Policy and Strategy*. Over the last three years, the Nigerian Government has worked with the local WIPO office and other stakeholders to develop this document. The *Strategy* seeks to "connect innovators, creators and investors in a unified system, turning IP into tangible financial assets" and includes policies to strengthen legal protections and enforcement. The finalization of this document and long-term efforts to improve Nigeria's national IP environment would be a boon not only to Nigeria's economy but also to Africa's, given Nigeria's status as one of the continent's largest economies. As the Nigerian Government and National Assembly continue to pursue national IP rights reforms, we encourage them to use the findings of the Index and the accompanying *Statistical Annex* as a guide in 2026 and beyond.

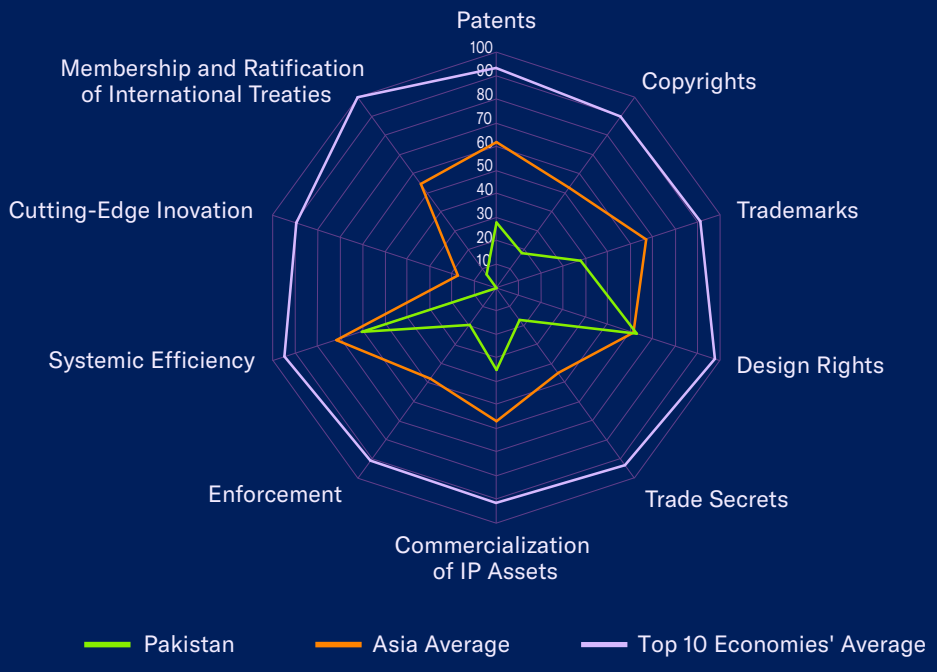
Copyrights and Limitations

12. Expeditious injunctive-style relief and disabling of infringing content online:
In 2025, the Nigerian Copyright Commission (NCC) announced that it had disabled the online piracy website MovieBox.ng. As noted at the time in the Index, Section 61 of the 2023 Copyright Act granted the NCC new powers and the authority to order the disabling of access to infringing content online through an injunctive-style administrative relief mechanism. As a result, the score on this indicator increased by 0.25.

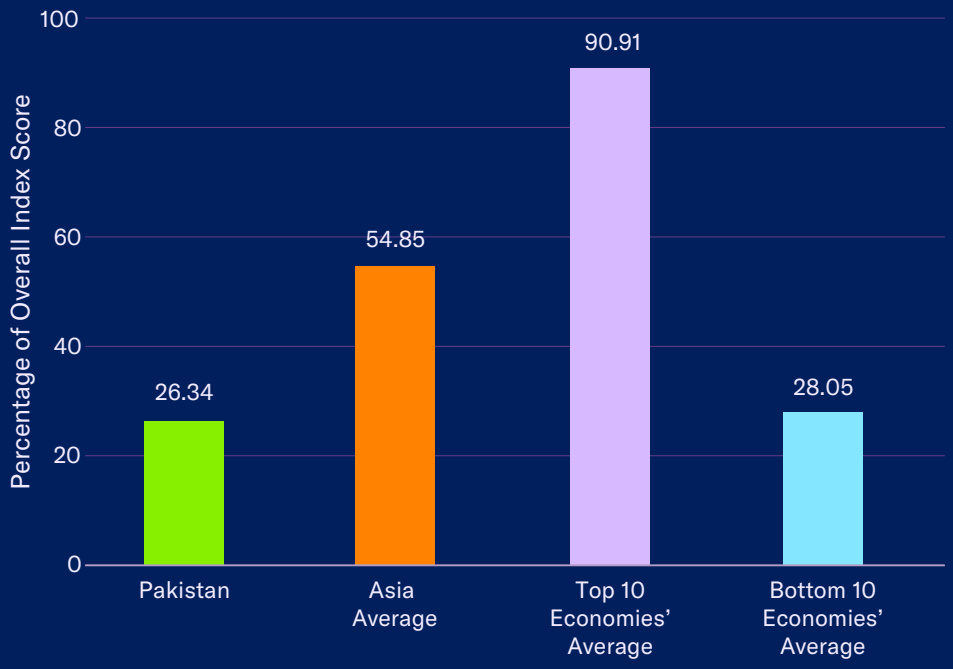
Pakistan

Rank
52/55

Category Scores



Overall Score in Comparison



Pakistan

Rank
52/55

Key Areas of Strength

- Acceded to Madrid Protocol in 2021
- Basic IP laws and legal framework in place
- Specialized IP courts and capacity building introduced in 2015
- Greater efforts at public education, modernization of IP laws, and enhancing coordination among enforcement agencies

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Limited sector specific IP protections available
- Significant discrepancy between IP rights in law and level of practical enforcement
- Enforcement often arbitrary and non-deterrent, though efforts to improve are underway
- High counterfeiting and piracy rates; latest BSA estimates put software piracy at 83%
- Punitive changes to the Patent Ordinance under consideration would exclude protections for CIIs and new form biopharmaceuticals

Indicator	Score
Category 1: Patents Rights and Limitations	**2.50**
1. Term of protection	1.00
2. Patentability requirements	0.25
3. Patentability of CIIs	0.25
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.00
9. Patent Opposition	0.00
Category 2: Copyrights and Limitations	**1.28**
10. Term of protection	0.53
11. Exclusive rights	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.00
13. Cooperative action against online piracy	0.00
14. Limitations and exceptions	0.25
15. TPM and DRM	0.00
16. Government use of licensed software	0.25
Category 3: Trademarks Rights and Limitations	**1.50**
17. Term of protection	1.00
18. Protection of well-known marks	0.25
19. Exclusive rights, trademarks	0.25
20. Frameworks against online sale of counterfeit goods	0.00
Category 4: Design Rights and Limitations	**1.25**
21. Industrial Design Term of Protection	1.00
22. Exclusive rights, industrial design rights	0.25
Category 5: Trade Secrets and the Protection of Confidential Information	**0.50**
23. Protection of trade secrets (Civil Remedies)	0.25
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.00
Category 6: Commercialization of IP Assets	**2.08**
26. Barriers to market access	0.25
27. Barriers to technology transfer	0.25
28. Registration and disclosure requirements of licensing deals	0.50
29. Direct Government intervention in setting licensing terms	0.25
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	0.33
Category 7: Enforcement	**1.35**
32. Physical counterfeiting rates	0.18
33. Software piracy rates	0.17
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.00
36. Criminal standards	0.25
37. Effective border measures	0.50
38. Transparency and public reporting by Customs	0.00
Category 8: Systemic Efficiency	**3.00**
39. Coordination of IP rights enforcement	0.75
40. Consultation with stakeholders during IP policy formation	0.50
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	0.50
43. IP-intensive industries, national economic impact analysis	0.25
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**0.50**
47. WIPO Internet Treaties	0.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
49. Patent Law Treaty and Patent Cooperation Treaty	0.00
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	0.00

Total Score: 13.96

Spotlight on the National IP Environment

Past Editions versus Current Score

Pakistan's overall score has increased from 13.71 out of 53 indicators in the 13th edition to 13.96. This reflects a score increase on indicator 42.

Patent Rights and Limitations

2. Patentability requirements; and 3. Patentability of computer-implemented inventions (CIIs):
The Intellectual Property Organization of Pakistan, IPO-Pakistan, is in the process of proposing new amendments to the Patent Ordinance with several draft changes published in 2022 and late 2023. These proposed amendments make substantive changes to Pakistan's patent regime, including with respect to patentable subject matter. As noted throughout the Index, patentability standards in Pakistan have historically stood outside international norms, particularly for high-tech fields such as computer software and biopharmaceuticals.

The proposed draft amendments to Section 7 of the Patent Ordinance seek to further restrict, or even eliminate, the patentability of computer-implemented inventions (CIIs) and biopharmaceutical innovations. Under the current statute, CIIs are not excluded, allowing for the possibility of obtaining patent protection. However, the new amendments explicitly exclude "computer programs" from the definition of inventions. Given the fact that computer software and CIIs are at the heart of virtually all socio-economic activity, from desktop PCs to smartphones, to artificial intelligence, to the Internet of Things, it is hard to see how eliminating patent eligibility for computer programs will help drive investment and resources into developing new digital and ICT-based technologies in Pakistan.

Similarly, a new Subsection (7(4)(f)) relating to biopharmaceutical inventions would eliminate the patentability of a "new form or new property of a known substance which does not result in the enhancement of the known efficacy of that substance." This subsection appears to aim to restrict the eligibility for incremental biopharmaceutical innovation, including changes to form and the application of a known substance. This is a curious change to Pakistan's patent law, as incremental innovation is an essential part of the biopharmaceutical R&D process. Should these amendments be enacted into law, the scores for indicators 2 and 3 will decrease.

9. Patent opposition:
As noted last year, the 2022 proposed amendments to the Patent Ordinance published by IPO-Pakistan would eliminate Section 23 and the pre-grant opposition system. Under the existing patent statute, an inter partes opposition system is in place that can be triggered within four months of an application's publication. Unfortunately, the updated draft amendments published in 2023 have retained the pre-grant opposition system. If adopted in their current form, amendments to the Patent Ordinance would result in no change to the score, with this indicator remaining at 0.

Copyrights and Limitations; Enforcement

15. Technological protection measures (TPM) and digital rights management (DRM) legislation; and 36. Criminal standards including minimum imprisonment and minimum fines:
IPO-Pakistan is also drafting amendments to the Copyright Ordinance, with proposed changes published in 2022 and late 2023. As noted throughout the Index, Pakistan's Copyright Ordinance provides a basic legal framework that remains underdeveloped and ill-suited to the challenges of the internet era.

Levels of copyright piracy and counterfeit goods remain high as relevant enforcement mechanisms are weak and non-deterrent. The proposed amendments do not include a notice-and-takedown system for online piracy or an injunctive relief option that allows rights holders to directly request the disabling of access to infringing content through a court of law or an administrative mechanism. However, the amendments include new provisions relating to TPM and DRM. Until now, there have been no legal definitions or provisions in Pakistan's copyright law relating to the use of circumvention devices or to the overriding or disabling of TPMs or DRMs.

Some provisions of the Cyber Crime Act and the Prevention of Electronic Crimes Act could be applied to copyright. Still, they are broad and not defined or structured to apply to circumvention devices or copyright infringement. New Sections 56A and 56B of the Copyright Ordinance would remedy this by providing legal definitions and remedies for violations of TPMs and DRMs. As the IPO-Pakistan and Pakistani legislature work on these amendments, these new provisions must extend not only to the use of circumvention devices but also to the manufacture, offering for sale, distribution, and importation of such devices.

Another positive feature of the draft amendments is the increase in criminal penalties. Specifically, draft Sections 66A-70A and 70B provide higher minimum sentences and tougher penalties for repeat offenders. Should these amendments be enacted into law, the scores on indicators 15 and 36 could increase.

Systemic Efficiency

39. Coordination of IP rights enforcement efforts: In 2025, IPO-Pakistan published the draft regulation "Intellectual Property (Enforcement & Coordination) Rules." The Rules largely codify existing coordination practices and largely mirror the IPO's "Standard Operating Procedures and Guidelines for IPR Infringement Complaints." Pakistan has established central and regional IPR Enforcement Coordination Committees, as mentioned in the Index. Since 2006, these committees have operated in Islamabad, Karachi, and Lahore. By 2025, the country expanded this initiative to include several more regions, raising the total to 12 operational committees. The committees are led by the IPO and include several government departments and agencies, such as the District Police, the Federal Investigative Agency, Pakistan Customs, the Judiciary, and the Pakistan Electronic Media Regulatory Authority. The committees, which meet at least annually, also include several private sector organizations. The committees reportedly focus on increasing police raids and court convictions as well as improving awareness of the importance of IP protection (with the IPO leading this effort).

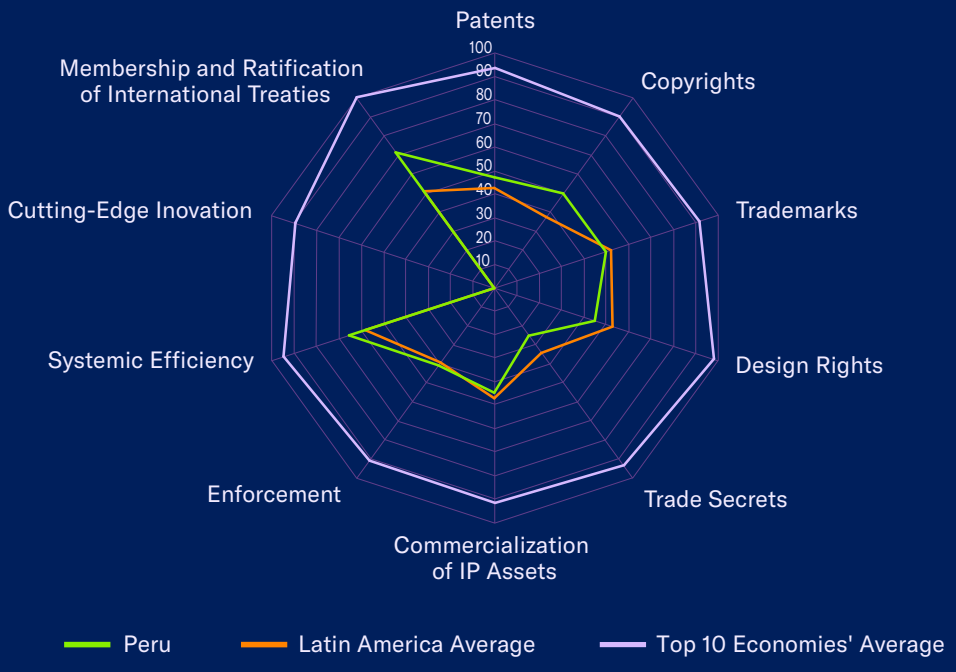
Still, as noted in previous editions of the Index, rights holders in Pakistan face a challenging enforcement environment. The Index will monitor the extent to which the codification of existing enforcement coordination practices helps improve the overall IP enforcement environment in Pakistan in 2026.

42. Targeted incentives for the creation and use of IP assets for SMEs: Pakistan has historically lacked IP incentives targeting SMEs. The IPO has not provided SMEs with any reduced filing fees for IP registration, and there have been no fast-track IP registration and/or examination initiatives or targeted technical assistance programs. This may now be changing. Together with WIPO, IPO-Pakistan launched two new initiatives in 2025: IP for Business Success and the Inventor Assistance Program. Both programs specifically seek to help businesses (primarily SMEs and individuals) identify, register, and commercialize their IP assets. Developed by WIPO and the World Economic Forum (WEF) and first launched globally in 2016, the Inventor Assistance Program seeks to match inventors with legal practitioners who provide pro bono legal advice on the technical evaluation and registration of the IP they create. As a result of this positive activity, the score on this indicator increased by 0.25.

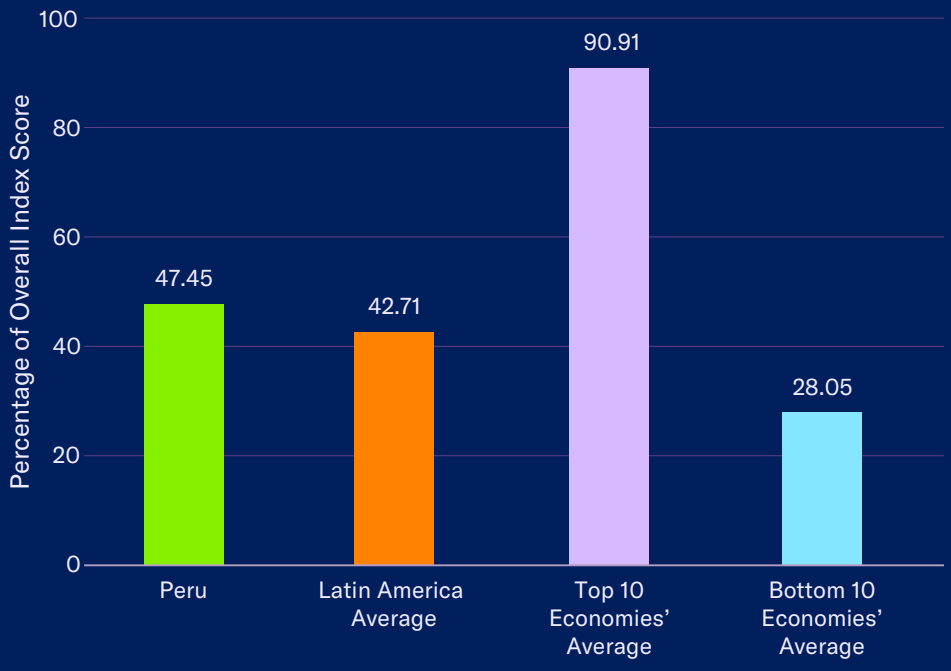
Peru

Rank
31/55

Category Scores



Overall Score in Comparison



Peru

Rank
31/55

Key Areas of Strength

- 2021 Decree 063-2021 strengthens public consultation and stakeholder participation in law and regulatory making process
- INDECOPI's support for SMEs strengthened in 2021, creating new technical assistance and IP asset identification programs
- Joined the Global Patent Prosecution Highway in 2019
- INDECOPI continued suspending access to copyright infringing websites and pirated transmissions in 2025
- Basic IP protections available
- Border measures provided for in legislation
- Efforts to coordinate IP rights enforcement across government agencies and to raise awareness on importance of IP protection

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Compulsory license actively being considered for biopharmaceuticals based on cost
- Administrative and regulatory barriers in place for licensing and technology transfer
- Limited patentability and lack of effective IP protection for life sciences
- Rudimentary digital copyright regime (with some exceptions)
- High rates of counterfeiting and piracy
- Gaps in IP enforcement on the ground

Indicator	Score
Category 1: Patents Rights and Limitations	**4.25**
1. Term of protection	1.00
2. Patentability requirements	0.25
3. Patentability of CIIs	0.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	0.00
Category 2: Copyrights and Limitations	**3.49**
10. Term of protection	0.74
11. Exclusive rights	0.50
12. Expeditious legal remedies disabling access to infringing content online	1.00
13. Cooperative action against online piracy	0.00
14. Limitations and exceptions	0.25
15. TPM and DRM	0.50
16. Government use of licensed software	0.50
Category 3: Trademarks Rights and Limitations	**2.00**
17. Term of protection	1.00
18. Protection of well-known marks	0.25
19. Exclusive rights, trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**0.90**
21. Industrial Design Term of Protection	0.40
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	**0.75**
23. Protection of trade secrets (Civil Remedies)	0.25
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.25
Category 6: Commercialization of IP Assets	**2.67**
26. Barriers to market access	0.75
27. Barriers to technology transfer	0.25
28. Registration and disclosure requirements of licensing deals	0.25
29. Direct Government intervention in setting licensing terms	0.25
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	0.67
Category 7: Enforcement	**2.84**
32. Physical counterfeiting rates	0.46
33. Software piracy rates	0.38
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.25
36. Criminal standards	0.50
37. Effective border measures	0.50
38. Transparency and public reporting by Customs	0.50
Category 8: Systemic Efficiency	**3.25**
39. Coordination of IP rights enforcement	0.75
40. Consultation with stakeholders during IP policy formation	0.75
41. Educational campaigns and awareness raising	0.75
42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
43. IP-intensive industries, national economic impact analysis	0.25
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**5.00**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	1.00

Total Score: 25.15

Spotlight on the National IP Environment

Past Editions versus Current Score

Peru's overall score has increased from 24.91 out of 53 indicators in the 13th edition to 25.15. This reflects a score increase on indicator 12 and a score decrease on indicator 32.

Copyrights and Limitations

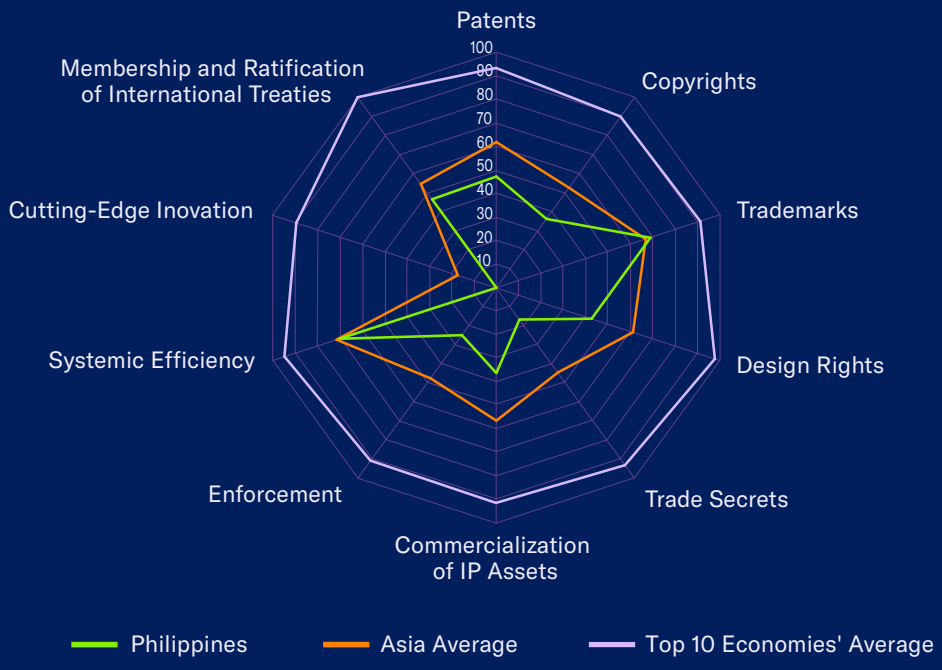
12. Expeditious injunctive-style relief and disabling of infringing content online:
In 2025, Peru's national IP authority (INDECOPI) continued to clamp down on online copyright piracy. In February, the agency ordered the disabling of 128 websites offering pirated transmissions of Peru First Division (Liga 1) soccer matches. This was followed in August by the closure of 427 websites offering illegal creative works, including film, television, music, and live copyrighted content. As a result of this activity, the score on this indicator increased by 0.25. Over the course of the Index, Peru's score on Category 2: Copyrights, Related Rights, and Limitations has increased by more than two-thirds, rising from 28.43% in the seventh edition to 49.86% in this year's edition. The Index will continue to monitor these developments in 2026.

14. Scope of limitations and exceptions to copyrights and related rights:
Like many other index economies, Peru's government is actively developing a policy framework for the use and development of machine learning and AI technologies. In 2023, lawmakers passed AI legislation (Law No. 31814) that establishes national AI priorities and outlines the responsibilities of the regulatory authority, the Secretariat of Government and Digital Transformation. The law also sets forth principles for regulating the use and development of AI. In 2025, implementing regulations were approved (Supreme Decree No. 115-2025-PCM). As noted in the Index, AI and machine learning are important areas of future economic activity, as advances in computational power and new technologies enable scientific research and innovation through the analysis of large volumes of data. However, there are real concerns about how the development, application, and use of these technologies will affect creators and rights holders worldwide. The Supreme Decree recognizes this dynamic. Article 7(d) states explicitly that "the phases of development, implementation and use of an AI-based system, the copyright, both moral and patrimonial, and the rights of creators with respect to their original works must be respected in accordance with national regulations and international treaties." Given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights. The Index will continue to monitor these developments in 2026.

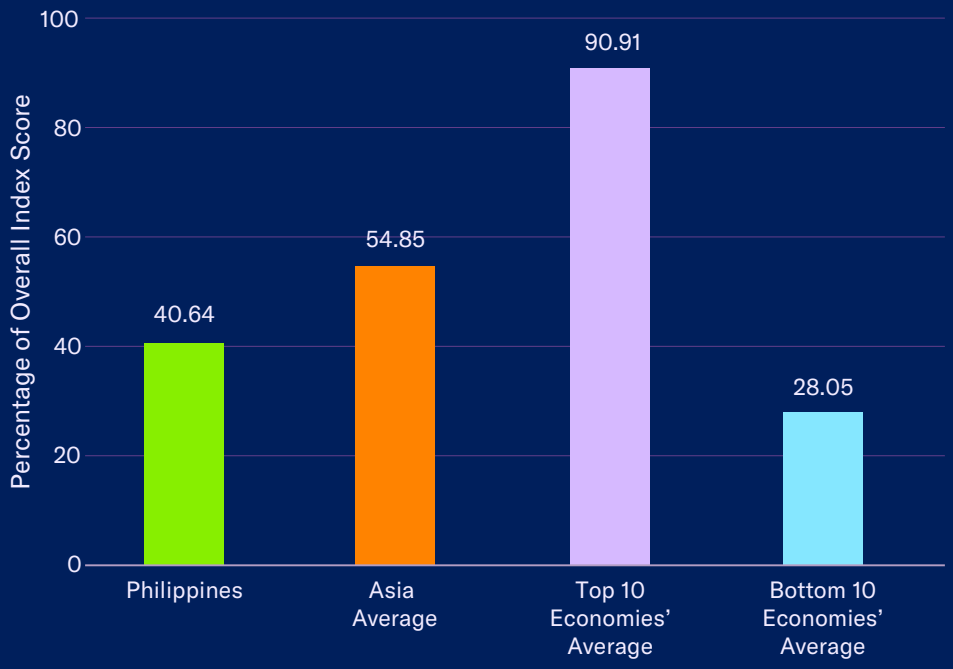
Philippines

Rank
36/55

Category Scores



Overall Score in Comparison



Philippines

Rank
36/55

Key Areas of Strength

- IPOPHL Circular and 2024 Internet Transactions Act strengthens ability to enforce IP rights online
- IPOPHL's strong IP enforcement efforts online continued in 2025
- Draft amendments to IP Code would strengthen IP environment
- R&D tax incentives in place
- Most basic IP rights provided for in existing legislation
- Growing specialization and capacity building, such as in administrative IP courts

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Barriers in place for licensing and technology transfer
- Significant gaps in life sciences and content-related IP rights
- Online piracy high, with digital protection largely unaddressed
- Software piracy estimated at 64% by BSA

Indicator	Score
Category 1: Patents Rights and Limitations	**4.25**
1. Term of protection	1.00
2. Patentability requirements	0.50
3. Patentability of CIIs	0.50
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.25
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.50
9. Patent Opposition	0.50
Category 2: Copyrights and Limitations	**2.53**
10. Term of protection	0.53
11. Exclusive rights	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.50
13. Cooperative action against online piracy	0.25
14. Limitations and exceptions	0.25
15. TPM and DRM	0.25
16. Government use of licensed software	0.50
Category 3: Trademarks Rights and Limitations	**2.75**
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.75
Category 4: Design Rights and Limitations	**0.85**
21. Industrial Design Term of Protection	0.60
22. Exclusive rights, industrial design rights	0.25
Category 5: Trade Secrets and the Protection of Confidential Information	**0.50**
23. Protection of trade secrets (Civil Remedies)	0.25
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.00
Category 6: Commercialization of IP Assets	**2.17**
26. Barriers to market access	0.25
27. Barriers to technology transfer	0.25
28. Registration and disclosure requirements of licensing deals	0.25
29. Direct Government intervention in setting licensing terms	0.25
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	0.67
Category 7: Enforcement	**1.74**
32. Physical counterfeiting rates	0.38
33. Software piracy rates	0.36
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.25
36. Criminal standards	0.25
37. Effective border measures	0.00
38. Transparency and public reporting by Customs	0.25
Category 8: Systemic Efficiency	**3.50**
39. Coordination of IP rights enforcement	0.75
40. Consultation with stakeholders during IP policy formation	0.75
41. Educational campaigns and awareness raising	0.75
42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
43. IP-intensive industries, national economic impact analysis	0.50
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**3.25**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	0.25

Total Score: 21.54

Spotlight on the National IP Environment

Past Editions versus Current Score

The Philippines' overall score has increased from 21.29 out of 53 indicators in the 13th edition to 21.54. This reflects a score increase on indicator 53.

Area of Note

In late 2024, the Filipino national IP office IPOPHL released *HAPAG-ISIPAN: A Vision for the Philippine Intellectual Property Strategy 2025-2030*. The document provides an overview of the agency's plan and priorities for reforming the Philippines national IP environment for the next half-decade. Notably, the Vision recognizes the critical importance of IP-intensive industries to the Philippines' future socio-economic development and the need for cross-cutting reform efforts. These efforts include legal reforms; stronger, more targeted awareness-raising efforts; and a more pronounced focus on turning intangible ideas into IP-derived assets and commercialized goods and services. The IPOPHL should be commended for its efforts to develop this Vision and, in particular, for recognizing the need for the Philippines to categorize better and measure the aggregate contributions of IP-intensive industries to national economic output and employment. As IPOPHL and the Philippines pursue a program of national IP rights reforms, we encourage them to use the Index and accompanying *Statistical Annex* as a guide in 2026 and beyond.

Copyrights and Limitations

12. Expeditious disabling of infringing content online; and 13. Availability of frameworks that promote cooperative action against online piracy: In 2024, the Philippines implemented more effective measures to combat online copyright infringement. The national IP office, IPOPHL, issued Memorandum Circular No. 2023-025, which allows participating internet service providers (ISPs) to block access to websites that provide and distribute copyright-infringing content. The scheme is voluntary and builds on IPOPHL's work over the last few years to expand its enforcement remit.

In 2025, the Filipino Senate continued to examine two draft bills that would further expand IPOPHL's enforcement powers and vest such powers in the office. The draft legislation – Bills 2150 and 2385 – are the Senate versions of Bill HB 7600, passed by the House of Representatives in 2023. The centerpiece of the proposed legislation is an amended Section 216 of the IP Code. This amendment would grant IPOPHL the administrative power to order the disabling of access to infringing content online. Under the proposed system, rights holders would contact IPOPHL directly and file a complaint requesting that access to the alleged infringing online activity be disabled. IPOPHL would then review the application and, if deemed legitimate, contact the responsible party and/or give due notice of the pending enforcement action and, within five days of giving such notice, order the disabling to take place via a domestic ISP.

Importantly, the draft legislation includes a so-called 'dynamic element' that allows IPOPHL to update the order as new infringing activities shift from one online location to another. This is significant. This type of order effectively addresses mirror sites and disables infringing content that re-enters the public domain when moved to a different online access point. If these proposed amendments to the IP Code are enacted, they would result in a score increase on indicators 12 and 13. The Index will continue to monitor these developments in 2026.

Trademark Rights and LimitationsAI38

18. Protection of well-known marks; and 20. Availability of frameworks that promote cooperative private action against online sale of counterfeit goods:
As noted in previous editions of the Index, the fight against counterfeiting and trademark infringement has intensified in the Philippines in recent years. Last year, the Internet Transactions Act (ITA) came into effect and is now operational. The ITA sets out the legal rights and responsibilities of all parties engaging in e-commerce, from individual sellers to e-marketplaces and platforms. Over time, it should enable rights holders to protect their IP better online.

More broadly, the national IP office, IPOPHL, has, over the last few years, expanded its enforcement powers and is actively partnering with rights holders to more effectively combat physical counterfeiting and online infringement. These positive efforts continued in 2025. In May, IPOPHL announced the creation of a new 'Register of Well-Known Marks'. This Register seeks to provide rights holders with greater certainty about the legal status and protection of their marks. Traditionally, both statutory and case law offer protection to well-known marks. Under Section 123 of the IP Code, these marks are safeguarded against the use of identical or similar marks for the same or related goods or services.

More rights holders also joined the IPOPHL's efforts to combat online counterfeiting through the E-Commerce Memorandum of Understanding. Established in 2021, this MOU seeks to improve cooperation among rights holders, online platforms, and service providers in anti-counterfeiting and the enforcement of IP rights online. At the time of research, over 100 companies and industry associations had signed up. Finally, there were also continued law enforcement operations against the sale of counterfeit goods conducted by IPOPHL and other government agencies. The Index will continue to monitor these developments in 2026.

Membership and Ratification of International Treaties

53. At least one post-TRIPS FTA with substantive IP provisions and chapters in line with international best practices:
In 2023, the Regional Comprehensive Economic Partnership (RCEP) agreement entered into force in the Philippines. This follows formal ratification by the executive branch and concurrence by the Senate in Resolution 42. As noted in previous editions of the Index, from an IP perspective, as currently constituted, the RCEP is notably weaker than other post-TRIPS international trade agreements. It does not include or refer to modern standards of IP protection for important IP-intensive industries, including the life sciences sector, and copyright-based industries.

Nevertheless, the RCEP does reference some important IP protections in the Index. Specifically, it provides a clear and unambiguous requirement that border officials in all contracting parties have the right to take *ex officio* action against suspected infringing goods. While positive, it should also be noted that the RCEP does not include transshipped goods/goods in transit under such action.

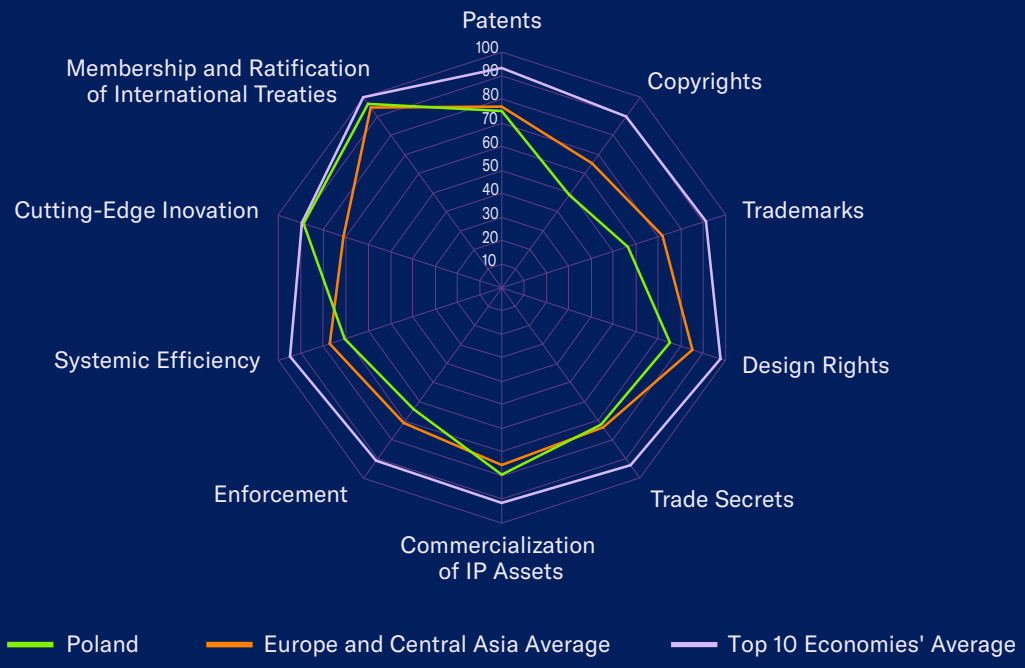
Historically, this indicator has been scored based on whether an economy is a signatory to, and has ratified or acceded to, a modern post-TRIPS FTA that includes substantive IP provisions in line with international best practices, as identified in the Index. As such, this indicator has not accounted for the allocation of partial scores in cases where a post-TRIPS FTA includes only a limited number of substantive IP provisions, consistent with international best practices and identified in the Index.

To take better account of the increasing number of post-TRIPS FTAs that include some substantive IP provisions identified in the Index, from this edition of the Index onward, it will be possible to achieve a partial score ranging from 0, 0.25, 0.5, 0.75, and 1. Like all other indicators in this category, score allocation will still be evenly divided between the signature and ratification or accession to an international treaty. As a result of the change in the scoring methodology, the score for this indicator increased by 0.25.

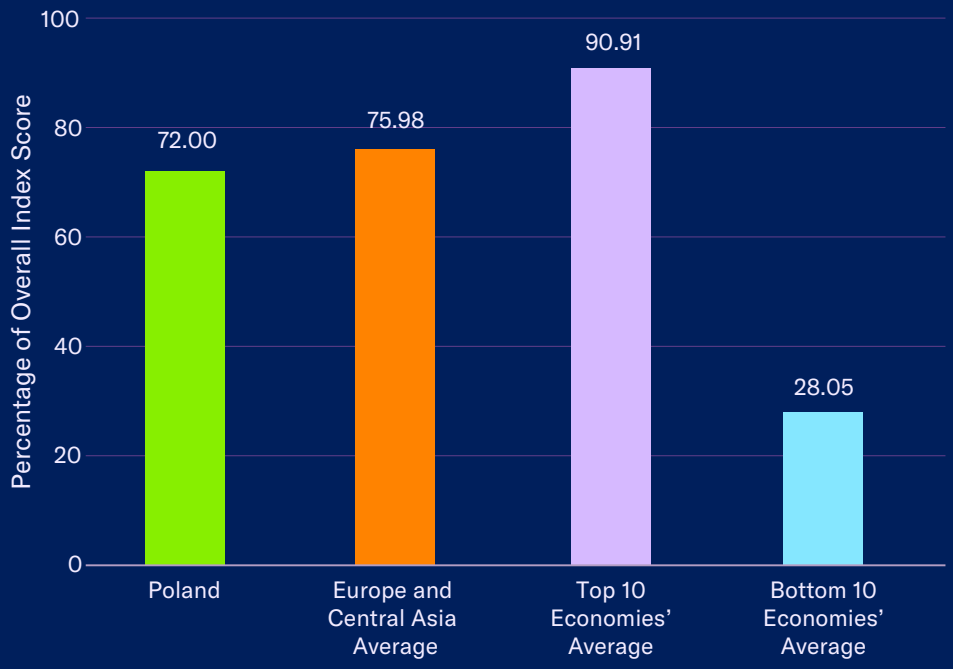
Poland

Rank
17/55

Category Scores



Overall Score in Comparison



Poland

Rank
17/55

Key Areas of Strength

- Transposed CDSM Directive into Polish law
- R&D tax incentives in place
- Transposed EU Trade Secrets Directive into law in 2018 to harmonize Polish trade secret law with EU standards
- Since 2000, Orphan Regulation provided a world-leading 10-year term of orphan market exclusivity resulting in new biopharmaceutical R&D and development of new treatments and medicines for rare diseases
- Legal framework for IP protection largely aligned with EU standards

Key Areas of Weakness

- EU package of new pharmaceutical laws fundamentally weakens biopharmaceutical IP rights including RDP and orphan incentives
- New EU-wide compulsory licensing regime risks undermining patent rights in Europe
- Regulation 2019/933 and existing SPC exemption for exports of biopharmaceuticals poses significant risk to Poland's and EU's research and IP based biopharma industry
- Gaps in online copyright protection, including the lack of an effective notice and takedown system
- Relatively high levels of online piracy in comparison with other high-income economies

Indicator	Score
Category 1: Patents Rights and Limitations	**6.75**
1. Term of protection	1.00
2. Patentability requirements	0.50
3. Patentability of CIIs	0.25
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.25
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	0.75
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	1.00
Category 2: Copyrights and Limitations	**3.41**
10. Term of protection	0.66
11. Exclusive rights	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.75
13. Cooperative action against online piracy	0.75
14. Limitations and exceptions	0.25
15. TPM and DRM	0.25
16. Government use of licensed software	0.50
Category 3: Trademarks Rights and Limitations	**2.25**
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**1.50**
21. Industrial Design Term of Protection	1.00
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	**2.15**
23. Protection of trade secrets (Civil Remedies)	0.75
24. Protection of trade secrets (Criminal Sanctions)	0.50
25. Regulatory data protection term	0.90
Category 6: Commercialization of IP Assets	**4.75**
26. Barriers to market access	0.75
27. Barriers to technology transfer	0.75
28. Registration and disclosure requirements of licensing deals	0.50
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	1.00
Category 7: Enforcement	**4.45**
32. Physical counterfeiting rates	0.66
33. Software piracy rates	0.54
34. Civil and procedural remedies	0.50
35. Pre-established damages	0.50
36. Criminal standards	0.25
37. Effective border measures	1.00
38. Transparency and public reporting by Customs	1.00
Category 8: Systemic Efficiency	**3.50**
39. Coordination of IP rights enforcement	0.50
40. Consultation with stakeholders during IP policy formation	0.50
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	0.50
43. IP-intensive industries, national economic impact analysis	1.00
Category 9: Cutting-Edge Innovation	**2.65**
44. IP incentives for orphan medicinal product development	1.00
45. IP incentives for orphan medicinal product development, term of protection	0.90
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.75
Category 10: Membership and Ratification of International Treaties	**6.75**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
49. Patent Law Treaty and Patent Cooperation Treaty	0.75
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	1.00

Total Score: 38.16

Spotlight on the National IP Environment

Past Editions versus Current Score

Poland's overall score has increased from 38.11 out of 53 indicators in the 13th edition to 38.16. This reflects a score increase on indicator 13 and a score decrease on indicators 25 and 45.

Area of Note

In 2023, the European Commission introduced a package of proposed legislative changes aimed at nearly every aspect of the biopharmaceutical market authorization process and related incentives. The Commission, Parliament, and Council have put forth multiple proposals. While these reforms seek to create a 21st-century life sciences landscape that encourages innovation, improves patient access to cutting-edge therapies, and strengthens Europe's competitiveness, many of the proposed changes could have the opposite effect by fundamentally undermining the EU's legal framework for biopharmaceutical intellectual property rights.

During the research, European institutions agreed on a final package and were finalizing a legislative text expected to take effect soon after Index publication. Under this finalized deal, IP rights related to regulatory data protection (RDP), orphan drugs, and patent protection — through an expansion of existing Bolar exemptions — would all be negatively affected. The impact of these proposals on specific Index indicator scores is detailed below. Some of these changes affect several categories of the Index and could affect multiple indicators, including, for example, changes to Bolar exemptions.

A Bolar exemption (or exception) allows biopharmaceutical follow-on applicants to begin testing and regulatory approval for their follow-on products without obtaining consent from a rights holder, in this case, the market authorization holder of a biopharmaceutical reference product. This type of exception originates in the United States, specifically in the 1984 Drug Price Competition and Patent Term Restoration Act (Hatch-Waxman Act). The rationale for these exclusivity exemptions is to ensure there is no undue delay in the market supply of follow-on products once the reference product's exclusivity expires. These exceptions are not intended to shorten or undermine rights holders' legitimately granted exclusivity periods. The expansion of existing EU Bolar exemptions risks weakening IP exclusivity periods at the level of each EU Member State — including, for example, duly granted patent protection—by prematurely launching IP-rights-infringing generic or biosimilar products. The exact impact of this expansion will depend on the individual national characteristics of each EU Member State. The Index will continue to monitor these developments at the Member State level as the pharmaceutical package is nationally implemented.

Patent Rights and Limitations

6. Legislative criteria and use of compulsory licensing of patented products and technologies:
In December 2025, the European Council and European Parliament formally adopted, as regulation, a new cross-European compulsory licensing regime. While this agreement constitutes an improvement over preceding drafts — this includes, for instance, the exclusion of trade secrets and know-how — it remains unclear why the EU needs a cross-European compulsory licensing regime. Fundamentally, the proposals are based on the idea that the COVID-19 pandemic showed the need for a clearer and more 'effective' pan-EU compulsory licensing mechanism. But as this Index and rights holders argued, the actual evidence and experience from the pandemic show the opposite. Together with the proposed rollback of IP protections in the pharmaceutical reform package discussed above, this new compulsory licensing regime will further undermine biopharmaceutical IP rights in the EU. At the time of research, no finalized legal text had been published. The Index will continue to monitor these developments.

7. Patent term restoration for pharmaceutical products:
Since 2015, the European Commission has sought to recalibrate certain elements of patent term restoration for biopharmaceuticals, namely the Supplementary Protection Certificates (SPCs). Notably, Regulation 2019/933 created an SPC manufacturing and export exemption. The exemption allows companies to manufacture generic and biosimilar products in the EU during the SPC period for export to third (non-EU) economies and to stockpile them during the last six months of the SPC's validity for the domestic market. Because of this action, the score for this indicator was reduced by 0.25 for all EU Member States in the eighth edition of the Index.

Unlike Regulation 2019/933 and the SPC exemption, proposals for a new centralized process for granting and administering SPCs would be a positive addition to the EU's IP environment. In 2022, the European Commission outlined several options for reforming the SPC system as part of the introduction of the Unitary Patent system and the Patent Court. These options include a new centralized system for SPC protection and applications. In 2023, the Commission released a formal legislative proposal for both a unitary SPC and a new centralized procedure for other applications, and the European Parliament subsequently responded to it.

The Commission and Parliament should be congratulated for recognizing that a potential centralized procedure for SPC protection would provide legal, administrative, and financial efficiencies to all affected parties. In this sense, the proposed legislation fills a gap and is a net positive. Unfortunately, fundamental aspects of the proposed procedure would insert a new level of uncertainty and potential delay into the patent term restoration process.

For example, both the Commission's proposal and Parliament's response include a novel mechanism for SPC opposition. The SPC system aims to restore patent terms lost due to the unique and lengthy sanitary registration requirements for biopharmaceutical products. This restoration applies to existing, valid, and enforceable patents. By the time an SPC application is submitted, related parties will have had numerous opportunities to challenge the validity of the underlying patent, either regionally at the EPO, nationally under each Member State's regulations, or via the Unified Patent Court.

As such, it seems unnecessary to add a novel layer of potential opposition. The most likely outcome is simply additional delays, bureaucracy, and costs imposed on applicants. At the time of research, no finalized legal text had been published. The Index will continue to monitor these developments.

Copyrights and Limitations

13. Availability of frameworks that promote cooperative action against online piracy:
As detailed in previous editions of the Index, like many other EU Member States, Poland has been transposing and implementing EU Directive 2019/790 on Copyright and Related Rights in the Digital Single Market (CDSM Directive) over the past four years. In late 2024, lawmakers enacted amendments that transposed the Directive into Polish law, and the law is now in force. The changes broadly align with the scope of the underlying Directive, particularly with respect to responsibilities and requirements under Article 17. While maintaining existing exceptions and limitations under Polish and European copyright law and jurisprudence, the amendments strengthen protections for creators online by providing clear definitions of secondary liability for communicating to the public a protected work. The new law also provides a clear definition and a safe-harbor mechanism for content-sharing platforms to avoid direct liability. As a result of this transposition, the score on this indicator increased by 0.25.

14. Scope of limitations and exceptions to copyrights and related rights:
As noted last year, the EU AI Act now provides a legislative framework governing the development and deployment of AI-based technologies in the EU. The first of its kind in the world, the Act defines different levels and types of AI deployment, with some activities prohibited, and other forms of deployment and systems regulated based on the perceived level of risk. The European Commission established the European AI Office to coordinate and oversee the implementation and enforcement of the Act. In 2025, the European Commission, AI Office, and EUIPO released new guidance documents regarding the interaction between copyright protection and the use and application of AI.

While these documents address some of the key challenges creators and rights holders face — most notably the *AI Code of Practice* and the EUIPO's *The Development of Generative Artificial Intelligence from a Copyright Perspective* — none of them carry any legal weight or impose any additional regulatory requirements on AI developers and platforms.

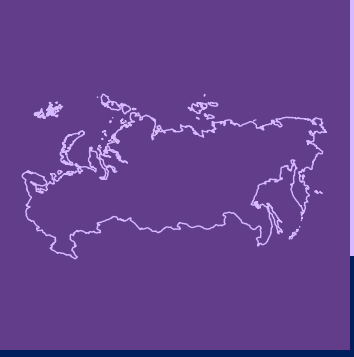
AI and machine learning are important areas of future economic activity, as advances in computational power and new technologies enable scientific research and innovation through the analysis of large volumes of data. However, given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights. It remains to be seen whether the AI Act and its subsequent implementation will provide rights holders with a meaningful avenue of enforcing their copyrights. The Index will continue to monitor these developments in 2026.

Trade Secrets and the Protection of Confidential Information

25. Regulatory data protection (RDP) term:
As noted in previous editions, in 2023, the European Commission published proposed legislative changes to the EU's RDP regime. In December 2025, the Council and the European Parliament agreed on the final General Pharmaceutical Legislation. Article 10 of Directive 2004/27/EC (amending 2001/83/EC) has historically provided new pharmaceutical products with eight years of data exclusivity, two years of marketing exclusivity (in which generic and follow-on applicants are allowed to submit bio-equivalence studies), and one additional year of protection for significant new indications of existing products. On this basis, all EU Member States have, up until this edition of the Index, achieved the maximum available score of 1.00 on this indicator. The General Pharmaceutical Legislation has weakened this term of protection. The final legislation provides eight years of data protection and one year of market protection, for a baseline of eight + one years. This reduces market protection from two years to one year, weakening the EU's RDP framework. The agreement also conditions the restoration of lost RDP terms on criteria such as conducting clinical trials in multiple EU Member States or seeking EU marketing authorization within 90 days of the first global submission. The deal includes an 11-year cap on the combined RDP. As a result, the score on this indicator has been reduced for all EU Member States included in the Index. The Index will continue to monitor these developments in 2026.

45. Special market exclusivity incentives for orphan medicinal product development, term of protection:
Since coming into force in 2000, Regulation (EC) No 141/2000 (the "EU Orphan Regulation") has provided innovators with a strong term of IP exclusivity. Specifically, Article 8 of the Regulation defines exclusivity as a baseline 10-year marketing exclusivity term, which may be extended by two years upon completion of additional pediatric studies. For over a quarter of a century, this Regulation has stood as an international example of how strong IP incentives can incentivize the R&D and innovation necessary to tackle some of the toughest health challenges in the world. The Regulation has directly resulted in more clinical research, product development, and medicines available to patients with rare diseases in the EU and beyond.

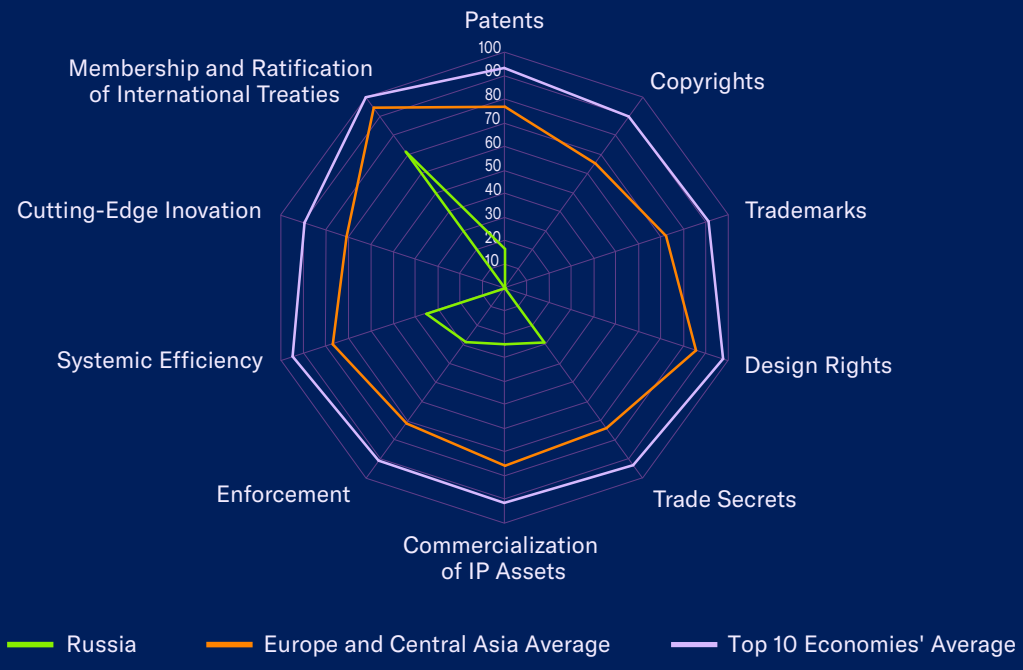
Despite this track record of success, the Regulation has been under review for an extended period, most recently as part of the pharmaceutical package. Like the term of protection relating to RDP, the finalized agreement between the Parliament, Council, and Commission has weakened the term of protection offered to innovators. While it is possible to obtain 11 years of protection for products "addressing a high unmet medical need," the baseline term of protection has been reduced from 10 to nine years. As a result, the score on this indicator has been reduced for all EU Member States included in the Index. The Index will continue to monitor these developments in 2026.



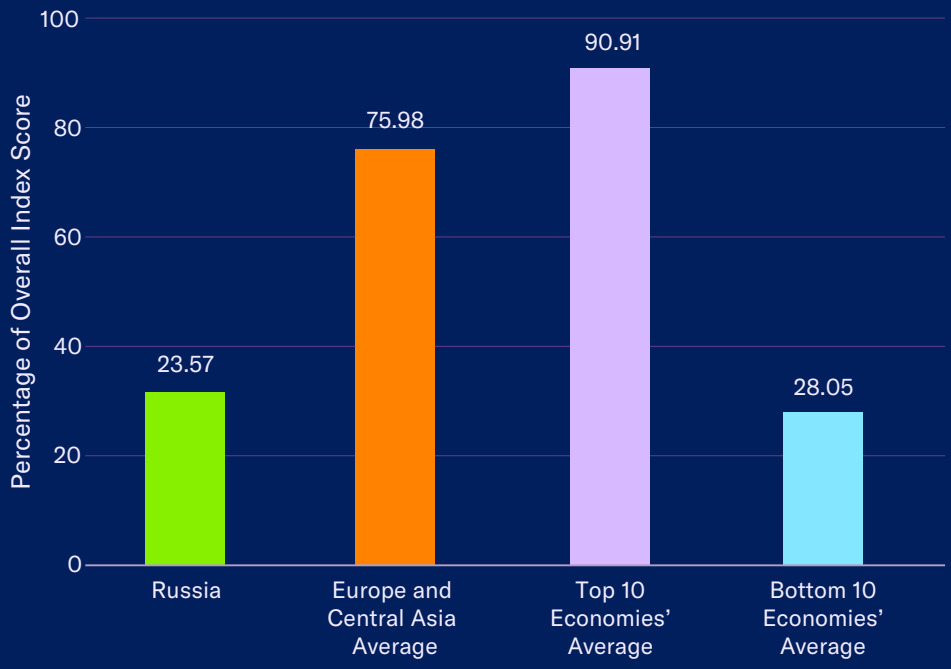
Russia

Rank
54/55

Category Scores



Overall Score in Comparison



Russia

Rank
54/55

Key Areas of Strength

- ROSPATENT has in place numerous PPHs and is a full participant in the GPPH
- Participant in international IP treaties benchmarked in the Index

Key Areas of Weakness

- Continued deterioration of national IP environment in 2025: establishment of additional legal grounds for the seizing of foreign assets and continued use and threatened expansion of compulsory licensing
- No special IP incentives for orphan medicinal product development
- 2022 Federal laws 46-FZ and 213-FZ nullify existing duly granted IP protection under Civil Code Part IV for all major IP rights covered in IP Index
- Deep and abiding uncertainty over the extent to which rights holders will, in practice, at any point in the future be able to register and enforce their IP rights in Russia
- Use and threat of compulsory licenses and the overriding of IP rights as public health policy: compulsory license issued in 2020 and new 2021 amendments to Civil Code Part IV broaden existing basis for action
- Administrative and regulatory barriers in place for licensing activities – including direct government intervention
- Increasingly punitive localization requirements targeting ICT and biopharmaceutical sector
- For biopharmaceuticals industrial localization policies have fused together with IP policy and broader health policy on the pricing and procurement of medicines

Indicator	Score
Category 1: Patents Rights and Limitations	**1.50**
1. Term of protection	0.00
2. Patentability requirements	0.00
3. Patentability of CIIs	0.00
4. Plant variety protection	0.00
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	0.50
Category 2: Copyrights and Limitations	**0.00**
10. Term of protection	0.00
11. Exclusive rights	0.00
12. Expeditious legal remedies disabling access to infringing content online	0.00
13. Cooperative action against online piracy	0.00
14. Limitations and exceptions	0.00
15. TPM and DRM	0.00
16. Government use of licensed software	0.00
Category 3: Trademarks Rights and Limitations	**0.00**
17. Term of protection	0.00
18. Protection of well-known marks	0.00
19. Exclusive rights, trademarks	0.00
20. Frameworks against online sale of counterfeit goods	0.00
Category 4: Design Rights and Limitations	**0.00**
21. Industrial Design Term of Protection	0.00
22. Exclusive rights, industrial design rights	0.00
Category 5: Trade Secrets and the Protection of Confidential Information	**0.85**
23. Protection of trade secrets (Civil Remedies)	0.00
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.60
Category 6: Commercialization of IP Assets	**1.42**
26. Barriers to market access	0.00
27. Barriers to technology transfer	0.00
28. Registration and disclosure requirements of licensing deals	0.50
29. Direct Government intervention in setting licensing terms	0.00
30. IP as an economic asset	0.25
31. Tax incentives for the creation of IP assets	0.67
Category 7: Enforcement	**1.97**
32. Physical counterfeiting rates	0.34
33. Software piracy rates	0.38
34. Civil and procedural remedies	0.00
35. Pre-established damages	0.00
36. Criminal standards	0.25
37. Effective border measures	0.50
38. Transparency and public reporting by Customs	0.50
Category 8: Systemic Efficiency	**1.75**
39. Coordination of IP rights enforcement	0.25
40. Consultation with stakeholders during IP policy formation	0.50
41. Educational campaigns and awareness raising	0.25
42. Targeted incentives for the creation and use of IP assets for SMEs	0.25
43. IP-intensive industries, national economic impact analysis	0.50
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**5.00**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
49. Patent Law Treaty and Patent Cooperation Treaty	1.00
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	0.00

Total Score: 12.49

Spotlight on the National IP Environment

Past Editions versus Current Score

Russia's overall score has decreased from 12.50 out of 53 indicators in the 13th edition to 12.49. This reflects a score decrease on indicator 32.

Area of Note

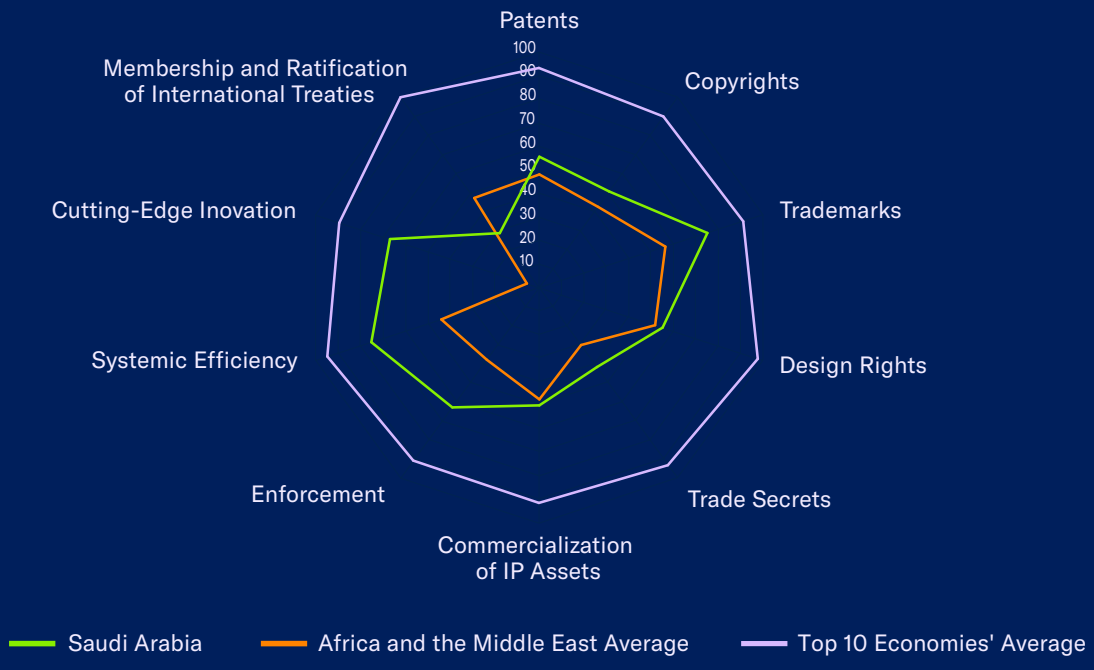
As noted in previous editions of the Index, the Russian Government has, over the last four years, made significant negative changes to its national IP environment affecting most major IP rights benchmarked in the Index. Under several federal laws and decrees, the Government has reduced levels of IP protection and increased the ability to expropriate the IP of primarily entities or organizations "associated with foreign states who commit unfriendly actions against Russian legal entities and individuals." This includes the expansion and use of compulsory licensing as a tool for acquiring IP; the introduction of a wholesale government-approved parallel importation scheme; and the suspension and/or the restriction of the payment of licensing fees, royalties, and any other associated payments in relation to the use of patented technologies, utility models, or industrial designs. As a result of these actions, scores on indicators 1, 2, 3, 4, 7, 10, 11, 12, 13, 15, 17, 18, 19, 21, 22, 23, 27, 34, and 35 were reduced to 0 in the eleventh edition of the Index. There were no positive changes in 2025, and thus, these reductions remain in place.

Moreover, additional negative developments have further hollowed out Russia's national IP environment. Of note is the establishment of additional legal grounds for seizing foreign assets. The Russian Government now has expansive powers to arbitrarily seize the tangible and intangible assets of not only state-affiliated foreign entities but also foreign corporate entities and private individuals. Similarly, in 2025, Russia continued to use — and threatened to expand — compulsory licensing. Until now, such licenses have primarily been used for biopharmaceuticals, including for diabetes and weight loss medicines in 2024/25, but a government-established special review committee has been in place since 2024, reviewing compulsory licensing applications across a wide swathe of IP rights and technologies. The Index will continue to monitor these developments in 2026.

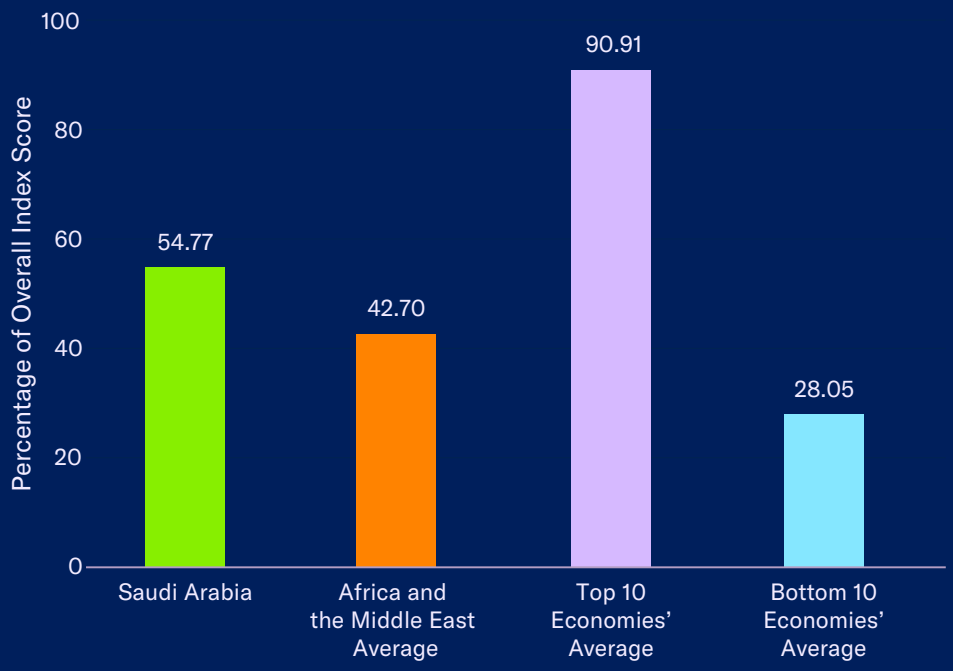
Saudi Arabia

Rank
24/55

Category Scores



Overall Score in Comparison



Saudi Arabia

Rank
24/55

Key Areas of Strength

- Royal Decree M/45 extends design rights term of protection from 10 to 15 years
- IP incentives for orphan medicinal development in place through Saudi FDA
- Saudi IP authority (SAIP) continues to assume leadership on IP policy and enforcement with a marked increase in online copyright and trademark enforcement, including through the
- National Committee for the Enforcement of Intellectual Property Rights
- SAIP joined multiple PPHs in 2019 and 2020
- Increased consultation and awareness raising activities in 2019
- Strong and sustained focus by Saudi authorities and institutions to encourage IP commercialization and technology transfer
- *Ex officio* authority in place for customs officials

Key Areas of Weakness

- Pharmaceutical patent protection and linkage mechanism suspended through SFDA actions in 2017; subsequent mechanism does not provide effective patent linkage
- Gaps in copyright legal framework, chiefly relating to protection online
- Increasing number of localization requirements
- Industry reports a lack of effective enforcement of RDP; government has allowed indirect reliance on innovators' data when reviewing follow-on products

Indicator	Score
Category 1: Patents Rights and Limitations	**5.00**
1. Term of protection	1.00
2. Patentability requirements	0.50
3. Patentability of CIIs	0.75
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	0.75
Category 2: Copyrights and Limitations	**3.53**
10. Term of protection	0.53
11. Exclusive rights	0.50
12. Expeditious legal remedies disabling access to infringing content online	1.00
13. Cooperative action against online piracy	0.00
14. Limitations and exceptions	0.50
15. TPM and DRM	0.50
16. Government use of licensed software	0.50
Category 3: Trademarks Rights and Limitations	**3.00**
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.75
20. Frameworks against online sale of counterfeit goods	0.75
Category 4: Design Rights and Limitations	**1.10**
21. Industrial Design Term of Protection	0.60
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	**1.25**
23. Protection of trade secrets (Civil Remedies)	0.50
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.50
Category 6: Commercialization of IP Assets	**3.00**
26. Barriers to market access	0.50
27. Barriers to technology transfer	0.75
28. Registration and disclosure requirements of licensing deals	0.50
29. Direct Government intervention in setting licensing terms	0.50
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	0.00
Category 7: Enforcement	**4.40**
32. Physical counterfeiting rates	0.62
33. Software piracy rates	0.53
34. Civil and procedural remedies	0.50
35. Pre-established damages	0.50
36. Criminal standards	0.75
37. Effective border measures	0.75
38. Transparency and public reporting by Customs	0.75
Category 8: Systemic Efficiency	**3.75**
39. Coordination of IP rights enforcement	1.00
40. Consultation with stakeholders during IP policy formation	0.75
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	0.50
43. IP-intensive industries, national economic impact analysis	0.50
Category 9: Cutting-Edge Innovation	**2.00**
44. IP incentives for orphan medicinal product development	1.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	1.00
Category 10: Membership and Ratification of International Treaties	**2.00**
47. WIPO Internet Treaties	0.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.00
49. Patent Law Treaty and Patent Cooperation Treaty	1.00
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	0.00

Total Score: 29.03

Spotlight on the National IP Environment

Past Editions versus Current Score

Saudi Arabia's overall score has increased from 28.46 out of 53 indicators in the 13th edition to 29.03. This reflects score increases on indicators 32, 37, and 38.

Patent Rights and Limitations

5. Pharmaceutical-related patent enforcement and resolution mechanism:
As noted in previous editions of the Index, in 2022, the Saudi FDA, in cooperation with the Saudi Authority for Intellectual Property (SAIP), published "The Procedure to Deal with Patents When Registering Generic Products in Saudi Food and Drug Authority (SFDA)." This document outlines a new procedure for the Saudi FDA to follow when registering a follow-on drug application. The Procedure states that follow-on applicants must submit a statement (Annex 1) affirming that the follow-on application does not infringe any existing IP rights. This declaration is to be accompanied by a "Freedom to operate" analysis and certification by an IP agent licensed by the SAIP that no outstanding patent exclusivity is in place. In late 2025, the SFDA published a new version of this Procedure ("Version 2").

As noted by the Index at the time of publication, the production of this Procedure and the subsequent work that went into updating it are positive moves by the Saudi FDA and SAIP. Unfortunately, neither the original Procedure nor the 2025 update establishes an effective 'linkage' system. This means that a drug regulatory authority does not require that a follow-on biopharmaceutical product be approved only when there is no relevant market exclusivity period in place for the original reference product. Further, the procedure currently lacks a notification mechanism for the relevant rights holder, and there is no automatic stay period in place, which would allow time to resolve any disputes before the approval and launch of the follow-on product.

Linking the approval of follow-on biopharmaceutical products to the exclusivity status of a reference product is an effective way to balance the protection of pharmaceutical exclusivity with the early market entry of follow-on products. A well-balanced linkage system recognizes the crucial role of IP protection in promoting innovation, and the role of follow-on products in providing patients with access to lower-cost biopharmaceuticals. Having a functioning linkage regime that gives rights holders a meaningful ability to prevent the launch of follow-on products during the granted term of exclusivity would be a substantial improvement to the biopharmaceutical IP environment in Saudi Arabia. The Index will monitor these developments in 2026.

Enforcement

37. Effective border measures; and
38. Transparency and public reporting by Customs authorities of trade-related IP infringement:
As noted in the Index, over the past few years, SAIP has led a concerted effort to strengthen the enforcement of IP rights in Saudi Arabia through both institutional improvements and increased transparency and engagement with rights holders. In 2025, this continued with the signing of a new agreement between SAIP and the Saudi Zakat, Tax, and Customs Authority (ZATCA). The agreement deepens cooperation between the two agencies and seeks to improve IP enforcement at the border.

The 2004 Ministerial Decision No. 1277 ("Regulations of Border Procedures for the Protection of Intellectual Property Rights of Trademarks and Copyrights") defines the legal framework relating to border enforcement against suspected copyright and trademark infringement. Article 2 provides Saudi border officials with clear *ex officio* authority to take action against suspected infringing goods: "The Customs Authorities may suspend the clearance of goods suspected of bearing imitated trademarks upon having prima facie evidence to this effect, and they shall notify the importer and the trademark owner, if his address is known, of the suspension."

While Article 2 only refers to "trademarks," Article 1 of the Regulations states clearly that "provisions of these Regulations shall apply to intellectual property rights about trademarks and copyrights." However, the Regulations do not explicitly refer to transshipped goods or goods in transit. It remains unclear if the defined *ex officio* authority also extends to these goods. A clarification from the Saudi Government that this is the case would lead to a further increase in the score for indicator 37.

With respect to indicator 38, data on border enforcement is included in SAIP's annual report on IP rights enforcement. In 2024, the agency, together with ZATCA, seized close to 7 million counterfeit articles from 29 exporting markets. These reports have been published regularly for the past few years and include detailed seizure statistics. As a result of these positive efforts, the scores for indicators 37 and 38 have increased by 0.25 and 0.25, respectively.

Membership and Ratification of International Treaties

Being a contracting party to key international IP treaties reflects a given economy's broader participation in the international IP community and embrace of the highest IP standards. As such, treaty participation is a strong signal of an economy's choice to participate in the international IP system and to adhere to established standards and best practices. Saudi Arabia's score on this category of the Index has increased from a score of 1.00 (25%) in the fifth edition of the Index to a score of 2.00, or 28.57%, of the total available score in the 14th edition. This is notably lower than that of other BRIC economies, including China and Russia, and substantially lower than the average score for developed, high-income OECD economies.

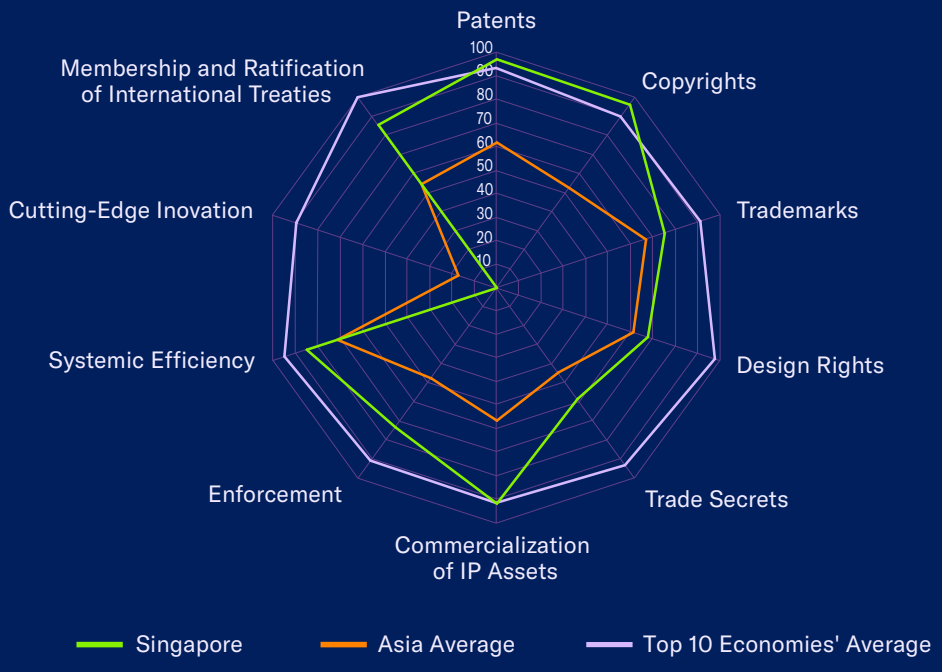
Overall, Saudi Arabia is a contracting party to the Patent Cooperation Treaty, the Patent Law Treaty, and the Hague Agreement Concerning the International Registration of Industrial Designs. Saudi Arabia is not a contracting party to: the WIPO Internet treaties; the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks; the Singapore Treaty on the Law of Trademarks; the International Convention for the Protection of New Varieties of Plants, Act of 1991; or the Convention on Cybercrime, 2001.

In a positive development, in late 2024, Saudi Arabia hosted the final concluding negotiations of the WIPO-administered Riyadh Design Law Treaty. The Treaty aims to harmonize the registration of design rights further internationally, making it easier for creators worldwide to create and protect their design-based IP assets. At the time of research, the treaty had 24 contracting parties. The Index is currently reviewing the treaty to determine whether it will be included and benchmarked in future editions.

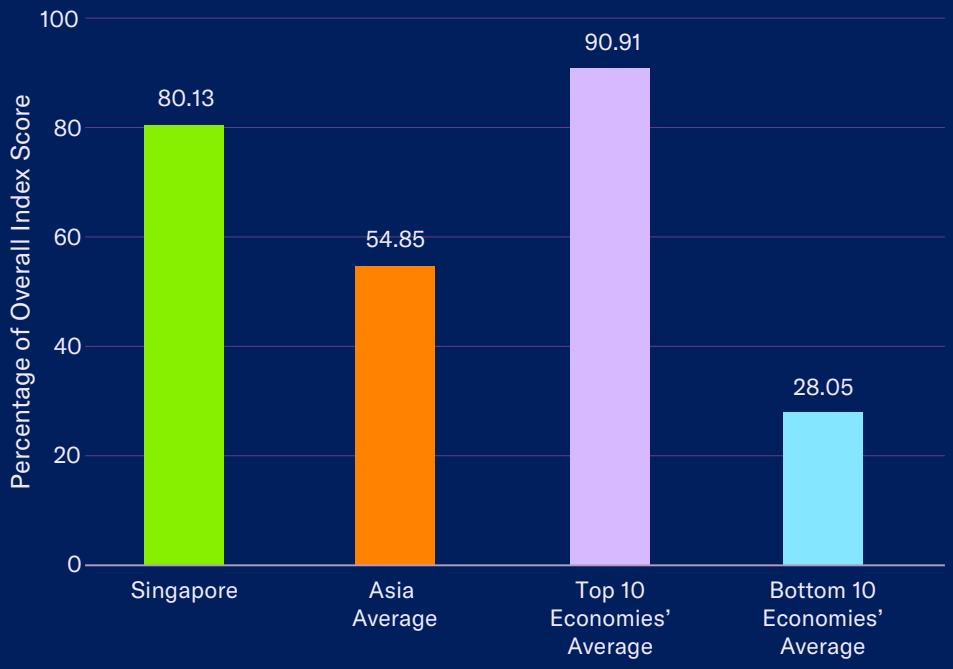
Singapore

Rank
13/55

Category Scores



Overall Score in Comparison



Singapore

Rank
13/55

Key Areas of Strength

- 2021 Copyright Act contains substantial liability provisions relating to sale and distribution of set-top boxes
- R&D and IP tax incentives scheme implemented in 2019
- Advanced national IP framework in place
- Global leader on online copyright enforcement
- Singapore is an active participant in efforts to accelerate patent prosecution; IPOS has several PPHs in place and is a member of the GPPH

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- 2021 Copyright Act expanded existing copyright exceptions regime
- Estimated software piracy has decreased from 35% in 2009 to 27% today – but still high for developed high-income economy
- Lack of transparency and data on customs seizures of IP infringing goods

Indicator	Score
Category 1: Patents Rights and Limitations	**8.75**
1. Term of protection	1.00
2. Patentability requirements	1.00
3. Patentability of CIIs	1.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	1.00
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	1.00
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	0.75
Category 2: Copyrights and Limitations	**6.74**
10. Term of protection	0.74
11. Exclusive rights	1.00
12. Expeditious legal remedies disabling access to infringing content online	1.00
13. Cooperative action against online piracy	1.00
14. Limitations and exceptions	1.00
15. TPM and DRM	1.00
16. Government use of licensed software	1.00
Category 3: Trademarks Rights and Limitations	**3.00**
17. Term of protection	1.00
18. Protection of well-known marks	1.00
19. Exclusive rights, trademarks	0.75
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**1.35**
21. Industrial Design Term of Protection	0.60
22. Exclusive rights, industrial design rights	0.75
Category 5: Trade Secrets and the Protection of Confidential Information	**1.75**
23. Protection of trade secrets (Civil Remedies)	1.00
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.50
Category 6: Commercialization of IP Assets	**5.50**
26. Barriers to market access	1.00
27. Barriers to technology transfer	1.00
28. Registration and disclosure requirements of licensing deals	0.75
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	1.00
Category 7: Enforcement	**5.13**
32. Physical counterfeiting rates	0.65
33. Software piracy rates	0.73
34. Civil and procedural remedies	1.00
35. Pre-established damages	1.00
36. Criminal standards	0.75
37. Effective border measures	0.75
38. Transparency and public reporting by Customs	0.25
Category 8: Systemic Efficiency	**4.25**
39. Coordination of IP rights enforcement	1.00
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	0.50
43. IP-intensive industries, national economic impact analysis	0.75
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**6.00**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
49. Patent Law Treaty and Patent Cooperation Treaty	1.00
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	1.00

Total Score: 42.47

Spotlight on the National IP Environment

Past Editions versus Current Score

Singapore's overall score has increased from 42.46 out of 53 indicators in the 13th edition to 42.47. This reflects a score increase on indicator 32.

Copyrights and Limitations

14. Scope of limitations and exceptions to copyrights and related rights; and
15. Technological protection measures (TPM) and digital rights management (DRM) legislation:
As noted in last year's Index, in 2024, the Ministry of Law and the Intellectual Property Office of Singapore (IPOS) held a public consultation on changes to copyright exceptions and limitations relating to TPM and DRM. Specifically, IPOS and the Ministry were seeking comments on the extent to which: i) current TPM and DRM exceptions were adequate and should remain in place; and ii) whether a new set of TPM and DRM exceptions should be introduced.

2021 amendments to the Copyright Act included significant changes to Singapore's copyright exceptions regime, including for TPM and DRM. Conceptually, the new Act shifted the regime from a 'fair dealing' framework to a 'fair use' framework. As noted in the Index at the time, a new Section 204 broadened existing educational exceptions to include digital materials found online. Under the amended law, educational institutions and students can generally use all materials found online without seeking explicit permission from the rights holder.

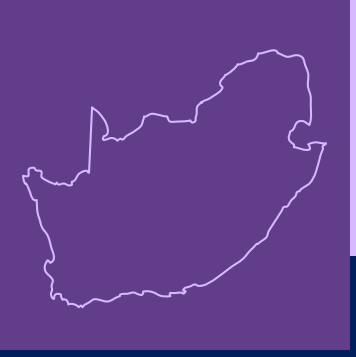
Given the vast quantity of information available online — much of it made available without rights holders' permission or knowledge — there is a risk that this expanded exception is enabling the use of infringing materials. The Act did include some limitations on the exception. For instance, under Subsection 204(2)(g), if users are made aware that the material is infringing, there is a clearly defined obligation to cease using the material and take reasonable steps to prevent its further dissemination to the public. Likewise, under Subsection 204(2)(f), there is an indirect access control measure, in that work accessed over the Internet can only be circulated through a network operated by or through an educational institution, and whose access is limited to staff and students.

Still, as the Index pointed out, it remains unclear how effective these limitations are. The 2021 amendments also clarified the extent to which text and data mining are allowed for research purposes. Text and data mining are important areas of future economic activity, as advances in computational power, AI, and machine learning enable scientific breakthroughs and innovation through the analysis of large volumes of data.

Like similar exceptions introduced in other jurisdictions — including the European Union's Directive 2019/790 on Copyright and Related Rights in the Digital Single Market (CDSM Directive) — under Section 244(2)(d) of the Act, copying or communicating for computational analysis can only be carried out on works that have been lawfully obtained or accessed. But given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights.

As noted in last year's Index, it was not clear from the proposed amendments that this safeguard would be retained. Specifically, the consultation sought "feedback on whether the prohibition on circumventing access control measures has impaired or adversely affected, or is likely to impair or adversely affect, any dealings with copyright works or protected performances that would be non-infringing based on a permitted use in Annex B." The most notable exception listed in Annex B relates to Part 5, Division 8 of the Copyright Act, that is, "Permitted use of copyright works and protected performances for computational data analysis."

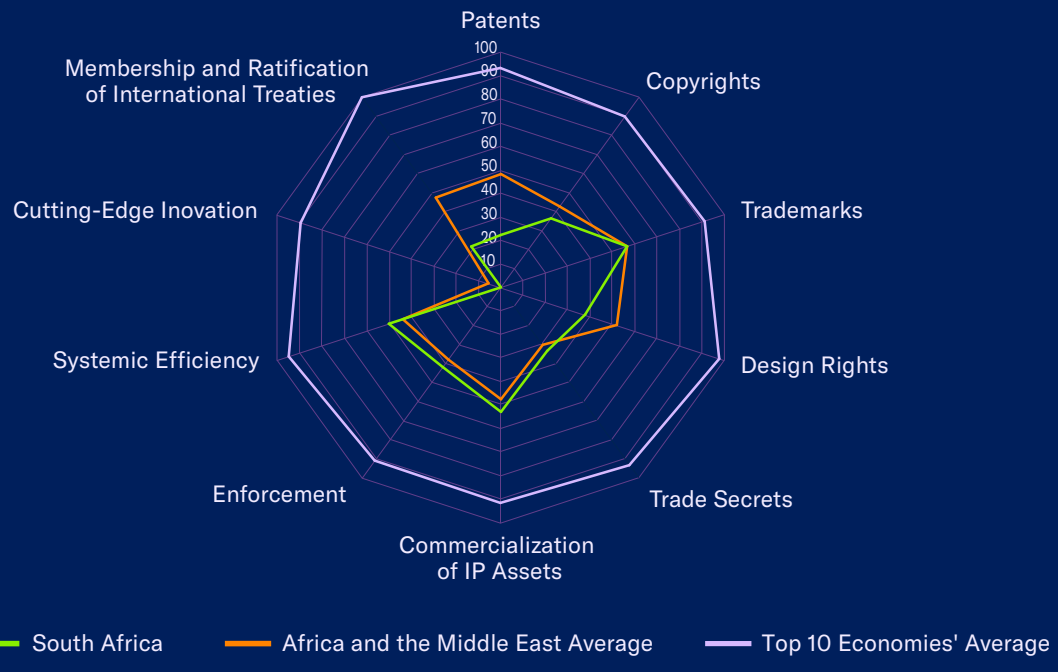
Following completion of the consultation, the Ministry and IPOS issued a statement claiming that there would be no changes to existing exceptions relating to computational data analysis or, more broadly, to the current TPM and DRM regime. The Index will continue to monitor these developments in 2026.



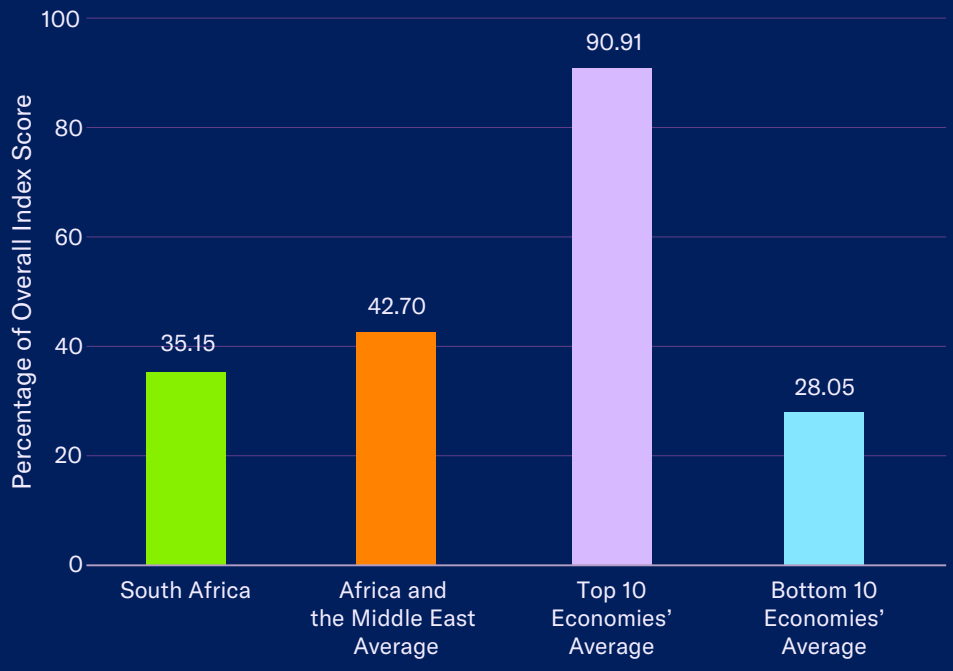
South Africa

Rank
46/55

Category Scores



Overall Score in Comparison



South Africa

Rank
46/55

Key Areas of Strength

- 2021 Cyber Crime Act strengthens potential criminal sanctions for the misappropriation and illicit accessing of trade secrets and confidential information
- Basic IP framework in place

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Growing emphasis on localization and local content requirements in economic and industrial policy
- *IP Policy Phase I* does not fundamentally address South Africa's gaps in IP protection — focus is not on innovation and development of new IP in South Africa but of use of existing developed IP through CLs, parallel imports and restricting patentability of pharmaceuticals
- Proposed copyright amendments create uncertainty for rights holders through expansive 'fair use' definitions
- Major gaps in laws and enforcement across all categories of the Index

Indicator	Score
Category 1: Patents Rights and Limitations	**2.00**
1. Term of protection	1.00
2. Patentability requirements	0.00
3. Patentability of CIIs	0.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.00
9. Patent Opposition	0.00
Category 2: Copyrights and Limitations	**2.53**
10. Term of protection	0.53
11. Exclusive rights	0.50
12. Expeditious legal remedies disabling access to infringing content online	0.00
13. Cooperative action against online piracy	0.50
14. Limitations and exceptions	0.25
15. TPM and DRM	0.50
16. Government use of licensed software	0.25
Category 3: Trademarks Rights and Limitations	**2.25**
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**0.75**
21. Industrial Design Term of Protection	0.50
22. Exclusive rights, industrial design rights	0.25
Category 5: Trade Secrets and the Protection of Confidential Information	**1.00**
23. Protection of trade secrets (Civil Remedies)	0.50
24. Protection of trade secrets (Criminal Sanctions)	0.50
25. Regulatory data protection term	0.00
Category 6: Commercialization of IP Assets	**3.17**
26. Barriers to market access	0.50
27. Barriers to technology transfer	0.50
28. Registration and disclosure requirements of licensing deals	0.75
29. Direct Government intervention in setting licensing terms	0.25
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	0.67
Category 7: Enforcement	**2.93**
32. Physical counterfeiting rates	0.50
33. Software piracy rates	0.68
34. Civil and procedural remedies	0.50
35. Pre-established damages	0.25
36. Criminal standards	0.50
37. Effective border measures	0.50
38. Transparency and public reporting by Customs	0.00
Category 8: Systemic Efficiency	**2.50**
39. Coordination of IP rights enforcement	0.25
40. Consultation with stakeholders during IP policy formation	0.75
41. Educational campaigns and awareness raising	0.75
42. Targeted incentives for the creation and use of IP assets for SMEs	0.25
43. IP-intensive industries, national economic impact analysis	0.50
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**1.50**
47. WIPO Internet Treaties	0.50
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.00
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	0.50
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	0.00

Total Score: 18.63

Spotlight on the National IP Environment

Past Editions versus Current Score

South Africa's overall score remains unchanged at 18.63 out of 53 indicators.

Area of Note

As noted below under Category 2: Copyrights and Limitations, South Africa has been reforming its copyright laws for over a decade. In 2024 testimony before Parliament, the Department of Trade, Industry, and Competition outlined plans to expand these reform efforts to other areas of South Africa's national IP environment, including patents and design rights. Specifically, the Department is proposing to translate key ideas contained in the 2018 document, *Intellectual Property Policy of The Republic of South Africa Phase I*, into new legislation and/or official policies. As noted in the Index at the time of its publication, this document — and the thinking it represents — is fundamentally flawed. It focuses almost exclusively on ways in which South Africa could better access existing and developed forms of IP rather than on how IP can be created, commercialized, and become an industrial asset in South Africa.

For all economies — emerging and developed alike — what drives innovation, technological advances, and, ultimately, economic development and growth is the creation of new forms of intangible assets and IP. *The IP Policy* is silent on this. Instead, it proposes to introduce new, more restrictive standards of patentability, change the existing framework for the issuance and use of compulsory licenses, permit parallel importation of medicines, and establish a new pre- and post-grant patent opposition mechanism.

At the time of the research, no draft bill had been published, but legislative plans presented to Parliament fully embraced these ideas. They particularly focused on compulsory licensing and parallel imports, which were identified as the second of three key priority areas. As the South African government pursues a program of national IP rights reforms, we encourage them to use the findings of the Index and the accompanying Statistical Annex as a guide in 2025 and beyond.

Copyrights and Limitations

11. Legal measures which provide necessary exclusive rights that prevent infringement of copyrights and related rights (including web hosting, streaming, and linking); 12. Expeditious injunctive-style relief and disabling of infringing content online; 14. Scope of limitations and exceptions to copyrights and related rights; and 15. Technological protection measures and digital rights management legislation:
In 2025, there was no discernible progress on meaningful copyright reform in South Africa. As detailed in previous editions of the Index, South Africa has, over the past decade, been engaged in reforming its copyright laws, with draft amendments considered for both the Copyright Act and the Performers' Protection Act. At the time of the research, the bill was still under review by the Constitutional Court after a hearing held in May 2025. The proposed legislation has long suffered from serious deficiencies; however, South African policymakers correctly identified the need to modernize the existing copyright laws. This remains as true today as it was in 2015, when the efforts began.

As in the rest of the world, the ICT and internet revolutions are fundamentally changing how South Africans interact socially and economically. Having an effective, modern copyright regime that encourages innovation and creativity is critical to making the most of the socio-economic opportunities that these deep structural changes offer. In 2010, the South African Government, together with WIPO, examined the contribution of copyright-based industries to the South African economy. The report found that these industries contributed 4.11% to GDP and 4.08% to national employment. While substantial, these contributions are smaller than those in other economies with more modernized copyright frameworks, such as the United States and Korea, where WIPO estimated contributions to be over 10%.

Given the size and breadth of South Africa's creative sector, with the right IP-based incentives in place, the copyright industries could become an even more powerful driver of economic growth and development. Unfortunately, the draft amendments do not fundamentally address the current shortcomings in South Africa's copyright regime. Instead, they add more uncertainty and potential difficulties for rights holders. Most notably, the draft amendments have consistently sought to introduce a new, more expansive system of copyright exceptions and limitations.

For many years, there has been a lack of clarity in South Africa about what constitutes copyright infringement and what constitutes fair reproduction and use, with no comprehensive definition in the current Copyright Act and only limited case law. All the draft copyright amendments have expanded the current exceptions regime. The latest drafts have introduced a new general doctrine of "fair use" exceptions to all copyrighted work, as well as several remarkably broad statutory exceptions and limitations, particularly for educational use. Exceptions and limitations to copyright should be evaluated against the three-step test embodied in the Berne Convention and the WTO TRIPS Agreement.

As noted by the Index throughout the review of the draft law, it was always unclear how the new exceptions and proposed system of fair use would work in practice without negating the exclusive rights of copyright owners and imperiling the legitimate markets for creative works. Similarly, although the proposed amendments would introduce protection for DRM and TPMs into the Copyright Act (currently, legal provisions only exist in the Electronic Communications and Transactions Act), these provisions are undermined by the broad limitations and exceptions regime.

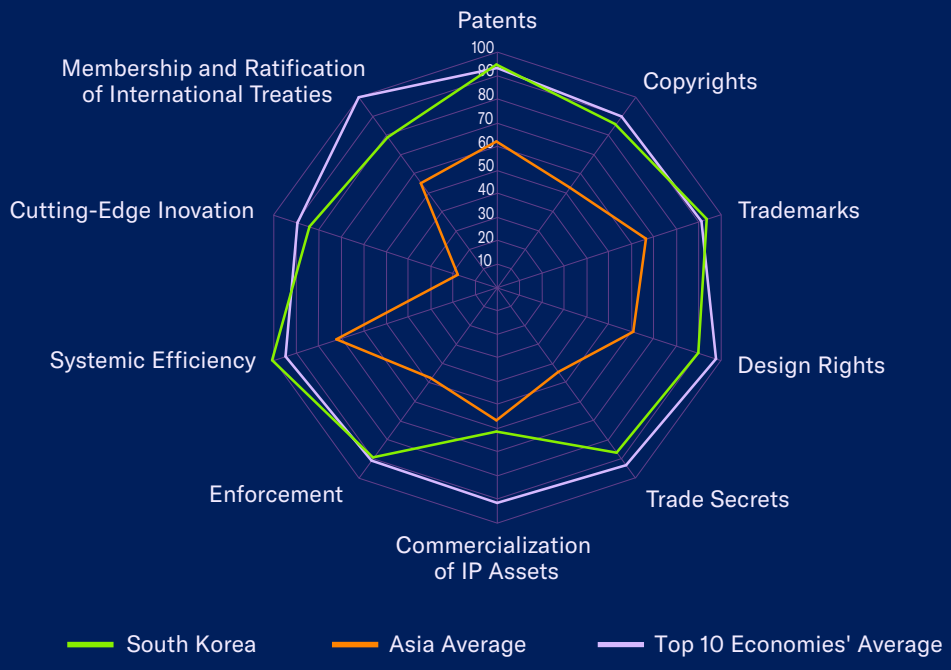
Overall, the proposed amendments do little to fundamentally strengthen rights holders' ability to enforce their rights or address the growing issue of online piracy. Notably, the draft legislation still does not include additional enforcement measures, such as disabling access through an injunctive relief program. The last decade has seen a sharp increase in the number of economies using judicial or administrative mechanisms to disable access to infringing content effectively.

The Index will continue to monitor these developments in 2026.

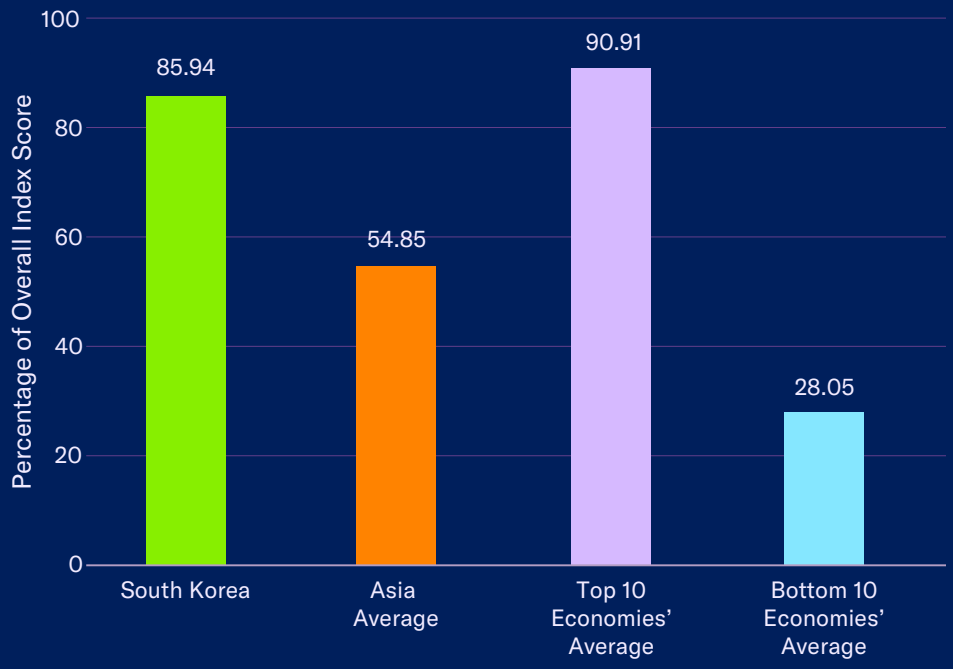
South Korea

Rank
10/55

Category Scores



Overall Score in Comparison



South Korea

Rank
10/55

Key Areas of Strength

- 2024 amendments to the Unfair Competition Prevention and Trade Secret Protection Act significantly strengthened existing penalties and damages for trade secret violations and misappropriation of confidential information
- Extended data exclusivity period (referred to as ‘re-examination’ period) of 10 years for designated orphan drugs available since 2016
- Increasingly active stance taken toward combating online piracy; this stands as an example to Southeast Asia and emerging markets around the world of what strong and consistent protection of copyright can achieve in terms of stimulating innovation, cultural production, and economic activity
- Patenting standards are in line with international best practices
- Relatively robust legal framework for trademark and design protection
- Membership in Global PPH and IP5 and new post-grant patent opposition mechanism help streamline patent office review
- KIPO provides SMEs with a variety of educational and technical assistance programs as well as right to reduced filing fees

Key Areas of Weakness

- Not a contracting party to the Patent Law Treaty or the Convention on Cybercrime
- Some barriers to market access that discriminate against foreign IP owners
- Onerous licensing registration requirements

Indicator	Score
Category 1: Patents Rights and Limitations	**8.50**
1. Term of protection	1.00
2. Patentability requirements	1.00
3. Patentability of CIIs	1.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.50
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	1.00
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	1.00
Category 2: Copyrights and Limitations	**5.99**
10. Term of protection	0.74
11. Exclusive rights	1.00
12. Expeditious legal remedies disabling access to infringing content online	1.00
13. Cooperative action against online piracy	1.00
14. Limitations and exceptions	0.75
15. TPM and DRM	1.00
16. Government use of licensed software	0.50
Category 3: Trademarks Rights and Limitations	**3.75**
17. Term of protection	1.00
18. Protection of well-known marks	1.00
19. Exclusive rights, trademarks	0.75
20. Frameworks against online sale of counterfeit goods	1.00
Category 4: Design Rights and Limitations	**1.80**
21. Industrial Design Term of Protection	0.80
22. Exclusive rights, industrial design rights	1.00
Category 5: Trade Secrets and the Protection of Confidential Information	**2.60**
23. Protection of trade secrets (Civil Remedies)	1.00
24. Protection of trade secrets (Criminal Sanctions)	1.00
25. Regulatory data protection term	0.60
Category 6: Commercialization of IP Assets	**3.67**
26. Barriers to market access	0.75
27. Barriers to technology transfer	0.75
28. Registration and disclosure requirements of licensing deals	0.25
29. Direct Government intervention in setting licensing terms	0.50
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	0.67
Category 7: Enforcement	**6.24**
32. Physical counterfeiting rates	0.81
33. Software piracy rates	0.68
34. Civil and procedural remedies	0.75
35. Pre-established damages	1.00
36. Criminal standards	1.00
37. Effective border measures	1.00
38. Transparency and public reporting by Customs	1.00
Category 8: Systemic Efficiency	**5.00**
39. Coordination of IP rights enforcement	1.00
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	1.00
43. IP-intensive industries, national economic impact analysis	1.00
Category 9: Cutting-Edge Innovation	**2.50**
44. IP incentives for orphan medicinal product development	1.00
45. IP incentives for orphan medicinal product development, term of protection	0.50
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	1.00
Category 10: Membership and Ratification of International Treaties	**5.50**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	1.00

Total Score: 45.55

Spotlight on the National IP Environment

Past Editions versus Current Score

South Korea's overall score remains unchanged at 45.55 out of 53 indicators.

Area of Note

There were several positive IP developments in South Korea in 2025. To begin with, in late 2025, the national IP authority, KIPO, was transformed into a full-fledged executive department, the Ministry of Intellectual Property. As noted in the Index, South Korea has long emphasized its national IP environment, particularly the governance and support structures for IP-intensive industries. In 2025, there were also important reforms to the IP enforcement environment, including increased punitive damages for trademark and design infringement and the introduction of new incentives to report overseas trade secret misappropriation. The Index applauds the Korean Government's continued efforts to reform its national IP environment. The Index will continue to monitor these developments in 2026.

Patent Rights and Limitations

7. Patent term restoration for pharmaceutical products:
The Korean Patent Act provides a clear five-year term restoration for any patent term lost during the regulatory review and product registration process for biopharmaceuticals. However, as noted in past editions of the Index, the industry has raised several concerns over the practical availability of this restoration. This includes, for example, the inclusion of clinical trials conducted outside Korea in calculating the patent term to be restored; the extent to which additional uses of a patented invention are included under any restoration granted; and the wholesale rejection of all term restoration for unsuccessful applications. In late 2024, legislative changes introduced several new changes and potential barriers. Under amendments to the Patent Act, a new 14-year maximum patent term (including any term restoration) has been introduced, together with new limitations on the number of patents eligible for restoration for each product. These changes came into effect in 2025. The Index will monitor the extent to which these legislative changes affect rights holders' ability to access term restoration on a non-discriminatory and fair basis.

Copyrights and Limitations

14. Scope of limitations and exceptions to copyrights and related rights:
Like many other Index economies, South Korea is increasing its use of machine learning and AI-based technologies and applications. AI-based technologies are important areas of future economic activity, as advances in computational power and new technologies enable scientific research and innovation through the analysis of large volumes of data. However, there are real concerns about how the development, application, and use of these technologies will affect creators and rights holders worldwide.

Over the last few years, the Korean Government has introduced several new initiatives to establish an appropriate legal and policy environment for the use and application of these technologies. As noted last year, this includes actions taken by both the executive and legislative branches of the Korean Government. For example, in late 2023, the Ministry of Culture, Sports, and Tourism released A Guide on Generative AI and Copyright.

The Guide is the culmination of the work of a special working group established by the Ministry and the Korea Copyright Commission (KCC). While not a binding legal document, the Guide provides a summary of the existing legal framework and its applicability to the development and use of generative AI. As such, the Guide makes an important contribution not only to policy discussions in Korea but also globally. Notably, the Guide states that "an AI business, even when using a work solely for AI training, should try to prevent possible disputes by securing authorization from the rights holder prior to the use, whether by paying adequate remuneration or through other means."

The Korean National Assembly has also been considering several bills related to AI and machine learning, including government-sponsored legislation and member bills. In late 2024, the Assembly enacted the "AI Framework Act." The purpose of the Act is to promote the development and use of AI in South Korea. The Act provides a legal definition of AI, establishes a national AI plan and a presidential strategic AI committee, and charges the executive branch with developing an AI-specific regulatory framework.

In late 2025, the Ministry of Science and ICT released the "AI Draft Enforcement Decree of the Framework Act on Artificial Intelligence." The enforcement decree was expected to take effect in early 2026. With respect to the interplay between IP rights and AI, the Act itself is largely silent on IP issues, including the interaction between AI and copyright protection.

In response to this omission, in mid-2025, a group of 12 National Assembly members, led by Representative Kim Ki-hyun, proposed an amendment to the Act to introduce a mechanism to verify the use of copyrighted works in AI training and development.

Given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights. At the time of research, the proposed amendment was still pending. The Index will continue to monitor these developments in 2026.

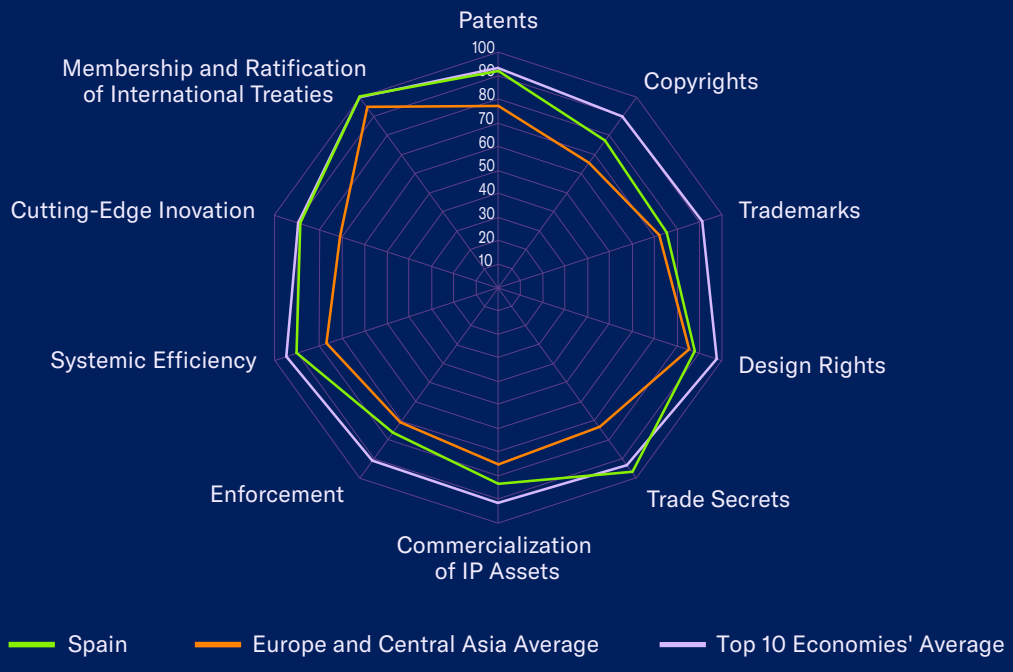
Trade Secrets and the Protection of Confidential Information

25. Regulatory data protection term: Amendments to the Pharmaceutical Affairs Law and South Korea's data exclusivity regime took effect in 2025. Historically, South Korea has provided a period of so-called 'drug re-examination' through subsidiary regulation, with a baseline period of protection for new drugs being six years. The 2025 changes introduce a more formalized regulatory system for data protection. Local legal analysis suggests that this new system should provide rights holders with more legal certainty. As the baseline term of protection under the new system was not amended, Korea's score on this indicator remains unchanged at 0.6. The Index will continue to monitor these developments in 2026.

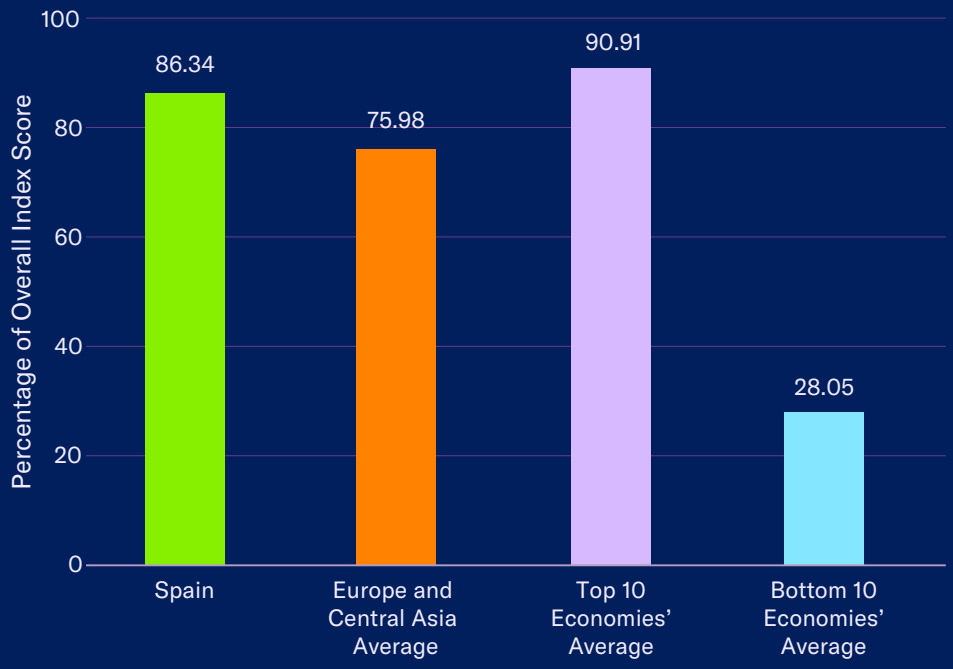
Spain

Rank
9/55

Category Scores



Overall Score in Comparison



Spain

Rank
9/55

Key Areas of Strength

- Royal Decree-Law 24/2021 transposed EU Directive 2019/790 on Copyright and Related Rights in the CDSM Directive into law
- 2021 Protocol to Strengthen the Protection of Intellectual Property Rights further strengthens Spanish enforcement efforts
- Stronger copyright enforcement measures in place through Royal Decree Law 2/2018; continued enforcement efforts through Ministry of Culture
- Since 2000, Orphan Regulation has provided a world-leading 10-year term of orphan market exclusivity resulting in new biopharmaceutical R&D and development of new treatments and medicines for rare diseases
- As an EU Member State, Spain has in place an advanced IP system

Key Areas of Weakness

- EU package of new pharmaceutical laws fundamentally weakens biopharmaceutical IP rights including RDP and orphan incentives
- New EU-wide compulsory licensing regime risks undermining patent rights in Europe
- Regulation 2019/933 and existing SPC exemption for exports of biopharmaceuticals poses significant risk to Spain's and EU's research and IP based biopharma industry
- Counterfeiting and piracy levels remain high compared to other EU economies with software piracy estimated at 42%

Indicator	Score
Category 1: Patents Rights and Limitations	**8.25**
1. Term of protection	1.00
2. Patentability requirements	1.00
3. Patentability of CIIs	1.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.50
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	0.75
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	1.00
Category 2: Copyrights and Limitations	**5.38**
10. Term of protection	0.63
11. Exclusive rights	0.75
12. Expeditious legal remedies disabling access to infringing content online	1.00
13. Cooperative action against online piracy	1.00
14. Limitations and exceptions	0.75
15. TPM and DRM	0.75
16. Government use of licensed software	0.50
Category 3: Trademarks Rights and Limitations	**3.00**
17. Term of protection	1.00
18. Protection of well-known marks	0.75
19. Exclusive rights, trademarks	0.75
20. Frameworks against online sale of counterfeit goods	0.50
Category 4: Design Rights and Limitations	**1.75**
21. Industrial Design Term of Protection	1.00
22. Exclusive rights, industrial design rights	0.75
Category 5: Trade Secrets and the Protection of Confidential Information	**2.90**
23. Protection of trade secrets (Civil Remedies)	1.00
24. Protection of trade secrets (Criminal Sanctions)	1.00
25. Regulatory data protection term	0.90
Category 6: Commercialization of IP Assets	**5.00**
26. Barriers to market access	0.75
27. Barriers to technology transfer	0.75
28. Registration and disclosure requirements of licensing deals	0.75
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	1.00
Category 7: Enforcement	**5.33**
32. Physical counterfeiting rates	0.75
33. Software piracy rates	0.58
34. Civil and procedural remedies	0.75
35. Pre-established damages	0.50
36. Criminal standards	0.75
37. Effective border measures	1.00
38. Transparency and public reporting by Customs	1.00
Category 8: Systemic Efficiency	**4.50**
39. Coordination of IP rights enforcement	0.75
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
43. IP-intensive industries, national economic impact analysis	1.00
Category 9: Cutting-Edge Innovation	**2.65**
44. IP incentives for orphan medicinal product development	1.00
45. IP incentives for orphan medicinal product development, term of protection	0.90
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.75
Category 10: Membership and Ratification of International Treaties	**7.00**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
49. Patent Law Treaty and Patent Cooperation Treaty	1.00
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	1.00

Total Score: 45.76

Spotlight on the National IP Environment

Past Editions versus Current Score

Spain's overall score has decreased from 45.97 out of 53 indicators to 45.76. This reflects a score decrease on indicators 25, 32, and 45.

Area of Note

In 2023, the European Commission published a package of proposed legislative changes to almost all facets of the biopharmaceutical market authorization process and related incentives. The Commission, Parliament, and Council have introduced multiple proposals. Although the proposed reforms are intended to create a 21st-century life sciences landscape that fosters innovation, enhances access to innovative therapies for patients, and elevates Europe's competitiveness, many of the proposed changes would do the opposite by fundamentally weakening the EU's legal framework governing biopharmaceutical IP rights. At the time of research, European institutions had agreed on a final package, and a legislative text was being finalized and expected to take effect soon after Index publication. Under this finalized deal, IP rights related to regulatory data protection (RDP), orphan drugs, and patent protection — through an expansion of existing Bolar exemptions — would all be negatively affected. The impact of these proposals on specific Index indicator scores is detailed below. Some of these changes affect several categories of the Index and could affect multiple indicators, including, for example, changes to Bolar exemptions.

A Bolar exemption (or exception) allows biopharmaceutical follow-on applicants to begin testing and regulatory approval for their follow-on products without obtaining consent from a rights holder, in this case, the market authorization holder of a biopharmaceutical reference product. This type of exception originates in the United States, specifically in the 1984 Drug Price Competition and Patent Term Restoration Act (Hatch-Waxman Act). The rationale for these exclusivity exemptions is to ensure there is no undue delay in the market supply of follow-on products once the reference product's exclusivity expires. These exceptions are not intended to shorten or undermine rights holders' legitimately granted exclusivity periods. The expansion of existing EU Bolar exemptions risks weakening IP exclusivity periods at the level of each EU Member State — including, for example, duly granted patent protection — by prematurely launching IP-rights-infringing generic or biosimilar products. The exact impact of this expansion will depend on the individual national characteristics of each EU Member State. The Index will continue to monitor these developments at the Member State level as the pharmaceutical package is nationally implemented.

Patent Rights and Limitations

6. Legislative criteria and use of compulsory licensing of patented products and technologies: In December 2025, the European Council and European Parliament formally adopted, as regulation, a new cross-European compulsory licensing regime. While this agreement constitutes an improvement over preceding drafts — this includes, for instance, the exclusion of trade secrets and know-how — it remains unclear why the EU needs a cross-European compulsory licensing regime.

The proposals are fundamentally based on the notion that the COVID-19 pandemic highlighted the need for a clearer and more effective pan-European compulsory licensing mechanism. However, as indicated by this Index and rights holders, the actual evidence and experiences from the pandemic suggest otherwise. Together with the proposed rollback of IP protections in the pharmaceutical reform package discussed above, this new compulsory licensing regime will further undermine biopharmaceutical IP rights in the EU. At the time of research, no finalized legal text had been published. The Index will continue to monitor these developments.

7. Patent term restoration for pharmaceutical products:
Since 2015, the European Commission has sought to recalibrate certain elements of patent term restoration for biopharmaceuticals, namely the Supplementary Protection Certificates (SPCs). Notably, Regulation 2019/933 created an SPC manufacturing and export exemption. The exemption allows companies to manufacture generic and biosimilar products in the EU during the SPC period for export to third (non-EU) economies and to stockpile them during the last six months of the SPC's validity for the domestic market. As a result of this action, the score for this indicator was reduced by 0.25 across all EU Member States in the eighth edition of the Index. Unlike Regulation 2019/933 and the SPC exemption, proposals for a new centralized process for granting and administering SPCs would be a positive addition to the EU's IP environment.

In 2022, as part of the introduction of the Unitary Patent system and the Patent Court, the European Commission outlined several options for reforming the SPC system, including a new centralized system for SPC protection and applications. In 2023, the Commission released a formal legislative proposal for both a unitary SPC and a new centralized procedure for other applications, and the European Parliament subsequently responded to it.

The Commission and Parliament should be congratulated for recognizing that a potential centralized procedure for SPC protection would provide legal, administrative, and financial efficiencies to all affected parties. In this sense, the proposed legislation fills a gap and is a net positive.

Unfortunately, fundamental aspects of the proposed procedure would insert a new level of uncertainty and potential delay into the patent term restoration process. For example, both the Commission's proposal and Parliament's response include a novel mechanism for SPC opposition. The purpose of the SPC system is to restore patent term lost due to the unique and lengthy sanitary registration requirements for biopharmaceutical products. This restoration applies to an existing, valid, and in-force patent. By the time an SPC (Supplementary Protection Certificate) application is submitted, there will have already been numerous opportunities for relevant parties to challenge the validity of the underlying patent. These challenges can occur administratively or judicially, either regionally through the European Patent Office (EPO), nationally as defined by each Member State, or through the Unified Patent Court. As such, it seems unnecessary to add a novel layer of potential opposition. The most likely outcome is simply additional delays, bureaucracy, and costs imposed on applicants. At the time of research, no finalized legal text had been published. The Index will continue to monitor these developments.

Copyrights and Limitations

14. Scope of limitations and exceptions to copyrights and related rights:
As noted last year, the AI Act now provides a legislative framework governing the development and deployment of AI-based technologies in the EU. The first of its kind in the world, the Act defines different levels and types of AI deployment, with some activities prohibited and other forms of deployment and systems regulated based on perceived level of risk. The European Commission established the European AI Office to coordinate and oversee the implementation and enforcement of the Act.

In 2025, further developments occurred in the interaction between copyright protection and AI, with the European Commission, AI Office, and EUIPO all releasing new guidance documents. While these documents address some of the key challenges creators and rights holders face — most notably the *AI Code of Practice* and the EUIPO's *The Development of Generative Artificial Intelligence from a Copyright Perspective* — none of them carry any legal weight or impose any additional regulatory requirements on AI developers and platforms.

AI and machine learning are important areas of future economic activity, as advances in computational power and new technologies enable scientific research and innovation through the analysis of large volumes of data. However, given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights. It remains to be seen whether the AI Act and its subsequent implementation will provide rights holders with a meaningful avenue of enforcing their copyrights. The Index will continue to monitor these developments in 2026.

Trade Secrets and the Protection of Confidential Information

25. Regulatory data protection (RDP) term:
As noted in previous editions, in 2023, the European Commission published proposed legislative changes to the EU's RDP regime. In December 2025, the Council and the European Parliament agreed on the final General Pharmaceutical Legislation. Article 10 of Directive 2004/27/EC (amending 2001/83/EC) has historically provided new pharmaceutical products with eight years of data exclusivity, two years of marketing exclusivity (in which generic and follow-on applicants are allowed to submit bio-equivalence studies), and one additional year of protection for significant new indications of existing products.

On this basis, all EU Member States have, up until this edition of the Index, achieved the maximum available score of 1.00 on this indicator. The General Pharmaceutical Legislation has weakened this term of protection. The final legislation provides eight years of data protection and one year of market protection, for a baseline of eight+ one years. This reduces market protection from two years to one year, weakening the EU's RDP framework. The agreement also conditions the restoration of lost RDP terms on criteria such as conducting clinical trials in multiple EU Member States or seeking EU marketing authorization within 90 days of the first global submission. The deal includes an 11-year cap on the combined RDP. As a result, the score on this indicator has been reduced for all EU Member States included in the Index. The Index will continue to monitor these developments in 2026.

Incentives for Cutting-edge Innovation

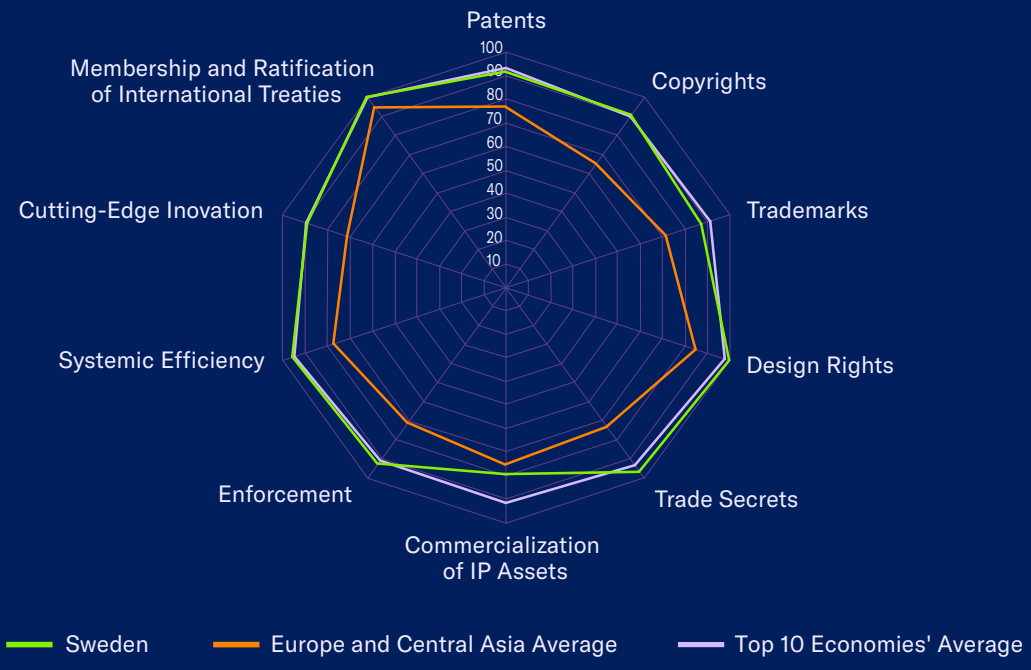
45. Special market exclusivity incentives for orphan medicinal product development, term of protection:
Since coming into force in 2000, Regulation (EC) No 141/2000 (the "EU Orphan Regulation") has provided innovators with a strong term of IP exclusivity. Specifically, Article 8 of the Regulation defines exclusivity as a baseline 10-year marketing exclusivity term, which may be extended by two years upon completion of additional pediatric studies. For over a quarter of a century, this Regulation has stood as an international example of how strong IP incentives can incentivize the R&D and innovation necessary to tackle some of the toughest health challenges in the world. The Regulation has directly resulted in more clinical research, product development, and medicines available to patients with rare diseases in the EU and beyond.

Despite this track record of success, the Regulation has been under review for an extended period, most recently as part of the pharmaceutical package. Like the term of protection relating to RDP, the finalized agreement between the Parliament, Council, and Commission has weakened the term of protection offered to innovators. While it is possible to obtain an 11-year period of protection for products "addressing a high unmet medical need," the baseline term of protection has been reduced from 10 to nine years. As a result, the score on this indicator has been reduced for all EU Member States included in the Index. The Index will continue to monitor these developments in 2026.

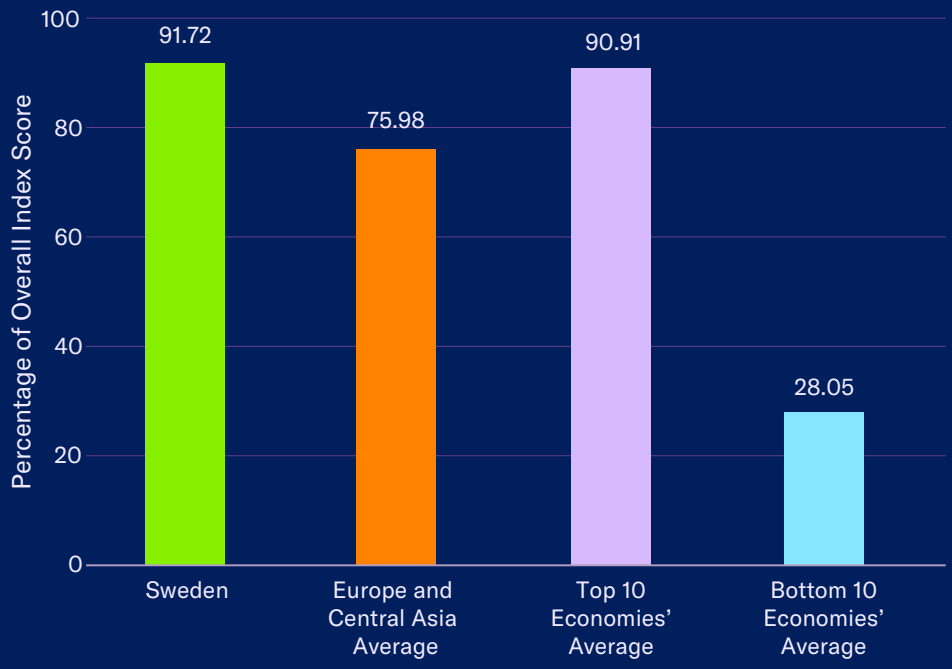
Sweden

Rank
5/55

Category Scores



Overall Score in Comparison



Sweden

Rank
5/55

Key Areas of Strength

- Acceded to the Convention on Cybercrime in 2021
- Online copyright enforcement has improved over the past few years with stronger police enforcement and court decisions clarifying ISP responsibility
- 2020 case law creates more certainty as to under what circumstances Swedish ISPs and internet mediators will be ordered to disable access to infringing content
- Since 2000, Orphan Regulation has provided a world-leading 10-year term of orphan market exclusivity resulting in new biopharmaceutical R&D and development of new treatments and medicines for rare diseases
- Strong and sophisticated national IP environment

Key Areas of Weakness

- EU package of new pharmaceutical laws fundamentally weakens biopharmaceutical IP rights including RDP and orphan incentives
- New EU-wide compulsory licensing regime risks undermining patent rights in Europe
- No R&D or IP specific tax incentives in place
- Regulation 2019/933 and existing SPC exemption for exports of biopharmaceuticals poses significant risk to Sweden's and EU's research and IP based biopharma industry

Indicator	Score
Category 1: Patents Rights and Limitations	**8.25**
1. Term of protection	1.00
2. Patentability requirements	1.00
3. Patentability of CIIs	1.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.50
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	0.75
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	1.00
Category 2: Copyrights and Limitations	**6.35**
10. Term of protection	0.60
11. Exclusive rights	1.00
12. Expeditious legal remedies disabling access to infringing content online	1.00
13. Cooperative action against online piracy	0.75
14. Limitations and exceptions	1.00
15. TPM and DRM	1.00
16. Government use of licensed software	1.00
Category 3: Trademarks Rights and Limitations	**3.50**
17. Term of protection	1.00
18. Protection of well-known marks	1.00
19. Exclusive rights, trademarks	1.00
20. Frameworks against online sale of counterfeit goods	0.50
Category 4: Design Rights and Limitations	**2.00**
21. Industrial Design Term of Protection	1.00
22. Exclusive rights, industrial design rights	1.00
Category 5: Trade Secrets and the Protection of Confidential Information	**2.90**
23. Protection of trade secrets (Civil Remedies)	1.00
24. Protection of trade secrets (Criminal Sanctions)	1.00
25. Regulatory data protection term	0.90
Category 6: Commercialization of IP Assets	**4.75**
26. Barriers to market access	1.00
27. Barriers to technology transfer	1.00
28. Registration and disclosure requirements of licensing deals	1.00
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	0.00
Category 7: Enforcement	**6.46**
32. Physical counterfeiting rates	0.90
33. Software piracy rates	0.81
34. Civil and procedural remedies	0.75
35. Pre-established damages	1.00
36. Criminal standards	1.00
37. Effective border measures	1.00
38. Transparency and public reporting by Customs	1.00
Category 8: Systemic Efficiency	**4.75**
39. Coordination of IP rights enforcement	1.00
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
43. IP-intensive industries, national economic impact analysis	1.00
Category 9: Cutting-Edge Innovation	**2.65**
44. IP incentives for orphan medicinal product development	1.00
45. IP incentives for orphan medicinal product development, term of protection	0.90
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.75
Category 10: Membership and Ratification of International Treaties	**7.00**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
49. Patent Law Treaty and Patent Cooperation Treaty	1.00
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	1.00

Total Score: 48.61

Spotlight on the National IP Environment

Past Editions versus Current Score

Sweden's overall score has decreased from 48.81 out of 53 indicators to 48.61. This reflects a score decrease on indicators 25 and 45.

Area of Note

In 2023, the European Commission published a package of proposed legislative changes to almost all facets of the biopharmaceutical market authorization process and related incentives. The Commission, Parliament, and Council have introduced multiple proposals. Although the proposed reforms are intended to create a 21st-century life sciences landscape that fosters innovation, enhances access to innovative therapies for patients, and elevates Europe's competitiveness, many of the proposed changes would do the opposite by fundamentally weakening the EU's legal framework governing biopharmaceutical IP rights. At the time of research, European institutions had agreed on a final package, and a legislative text was being finalized and expected to take effect soon after Index publication. Under this finalized deal, IP rights related to regulatory data protection (RDP), orphan drugs, and patent protection — through an expansion of existing Bolar exemptions — would all be negatively affected. The impact of these proposals on specific Index indicator scores is detailed below. Some of these changes affect several categories of the Index and could affect multiple indicators, including, for example, changes to Bolar exemptions.

A Bolar exemption (or exception) allows biopharmaceutical follow-on applicants to begin testing and regulatory approval for their follow-on products without obtaining consent from a rights holder, in this case, the market authorization holder of a biopharmaceutical reference product. This type of exception originates in the United States, specifically in the 1984 Drug Price Competition and Patent Term Restoration Act (Hatch-Waxman Act). The rationale for these exclusivity exemptions is to ensure there is no undue delay in the market supply of follow-on products once the reference product's exclusivity expires. These exceptions are not intended to shorten or undermine rights holders' legitimately granted exclusivity periods. The expansion of existing EU Bolar exemptions risks weakening IP exclusivity periods at the level of each EU Member State — including, for example, duly granted patent protection — by prematurely launching IP-rights-infringing generic or biosimilar products. The exact impact of this expansion will depend on the individual national characteristics of each EU Member State. The Index will continue to monitor these developments at the Member State level as the pharmaceutical package is nationally implemented.

Patent Rights and Limitations

As noted last year, in 2024, the Swedish Government published a proposal to amend the Patent Act. The amendments are primarily aimed at better aligning Swedish patent law with the European Patent Convention, the European Unitary Patent, and the Unified Patent Court. With respect to the unitary patent, Sweden is a full participating Member State and has been part of the EU's enhanced cooperation in this area. Sweden is also a party to the Agreement on a Unified Patent Court. These legislative changes have now been enacted and came into effect in 2025.

6. Legislative criteria and use of compulsory licensing of patented products and technologies:
December 2025, the European Council and European Parliament formally adopted, as regulation, a new cross-European compulsory licensing regime. While this agreement constitutes an improvement over preceding drafts — this includes, for instance, the exclusion of trade secrets and know-how — it remains unclear why the EU needs a cross-European compulsory licensing regime. The proposals are fundamentally based on the notion that the COVID-19 pandemic highlighted the need for a clearer and more effective pan-European compulsory licensing mechanism. However, as indicated by this Index and rights holders, the actual evidence and experiences from the pandemic suggest otherwise. Together with the proposed rollback of IP protections in the pharmaceutical reform package discussed above, this new compulsory licensing regime will further undermine biopharmaceutical IP rights in the EU. At the time of research, no finalized legal text had been published. The Index will continue to monitor these developments.

7. Patent term restoration for pharmaceutical products:
Since 2015, the European Commission has sought to recalibrate certain elements of patent term restoration for biopharmaceuticals, namely the Supplementary Protection Certificates (SPCs). Notably, Regulation 2019/933 created an SPC manufacturing and export exemption. The exemption allows companies to manufacture generic and biosimilar products in the EU during the SPC period for export to third (non-EU) economies and to stockpile them during the last six months of the SPC's validity for the domestic market. As a result of this action, the score for this indicator was reduced by 0.25 across all EU Member States in the eighth edition of the Index.

Unlike Regulation 2019/933 and the SPC exemption, proposals for a new centralized process for granting and administering SPCs would be a positive addition to the EU's IP environment. In 2022, as part of the introduction of the Unitary Patent system and Patent Court, the European Commission outlined several options for reforming the SPC system, including a new centralized system for SPC protection and applications. In 2023, the Commission released a formal legislative proposal for both a unitary SPC and a new centralized procedure for other applications, and the European Parliament subsequently responded to it.

The Commission and Parliament should be congratulated for recognizing that a potential centralized procedure for SPC protection would provide legal, administrative, and financial efficiencies to all affected parties. In this sense, the proposed legislation fills a gap and is a net positive.

Unfortunately, fundamental aspects of the proposed procedure would insert a new level of uncertainty and potential delay into the patent term restoration process. For example, both the Commission's proposal and Parliament's response include a novel mechanism for SPC opposition. The purpose of the SPC system is to restore patent term lost due to the unique and lengthy sanitary registration requirements for biopharmaceutical products. This restoration applies to a valid and enforceable patent that has already been granted. By the time we submit an SPC application, related parties will have had numerous opportunities to challenge the validity of the underlying patent. They can do this through administrative or judicial means, either regionally via the EPO, nationally in accordance with the rules of each Member State, or through the Unified Patent Court.

As such, it seems unnecessary to add a novel layer of potential opposition. The most likely outcome is simply additional delays, bureaucracy, and costs imposed on applicants. At the time of research, no finalized legal text had been published. The Index will continue to monitor these developments.

Copyrights and Limitations

14. Scope of limitations and exceptions to copyrights and related rights:
As noted last year, the AI Act now provides a legislative framework governing the development and deployment of AI-based technologies in the EU. The first of its kind in the world, the Act defines different levels and types of AI deployment, with some activities prohibited and other forms of deployment and systems regulated based on perceived level of risk. The European Commission established the European AI Office to coordinate and oversee the implementation and enforcement of the Act.

In 2025, further developments occurred in the interaction between copyright protection and AI, with the European Commission, AI Office, and EUIPO all releasing new guidance documents. While these documents address some of the key challenges creators and rights holders face — most notably the *AI Code of Practice* and the EUIPO's *The Development of Generative Artificial Intelligence from a Copyright Perspective* — none of them carry any legal weight or impose any additional regulatory requirements on AI developers and platforms.

AI and machine learning are important areas of future economic activity, as advances in computational power and new technologies enable scientific research and innovation through the analysis of large volumes of data. However, given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights. It remains to be seen whether the AI Act and its subsequent implementation will provide rights holders with a meaningful avenue of enforcing their copyrights. The Index will continue to monitor these developments in 2026.

Trade Secrets and the Protection of Confidential Information

25. Regulatory data protection (RDP) term:
As noted in previous editions, in 2023, the European Commission published proposed legislative changes to the EU's RDP regime. In December 2025, the Council and the European Parliament agreed on the final General Pharmaceutical Legislation. Article 10 of Directive 2004/27/EC (amending 2001/83/EC) has historically provided new pharmaceutical products with eight years of data exclusivity, two years of marketing exclusivity (in which generic and follow-on applicants are allowed to submit bio-equivalence studies), and one additional year of protection for significant new indications of existing products.

On this basis, all EU Member States have, up until this edition of the Index, achieved the maximum available score of 1.00 on this indicator. The General Pharmaceutical Legislation has weakened this term of protection. The final legislation provides eight years of data protection and one year of market protection, for a baseline of eight + one years. This reduces market protection from two years to one year, weakening the EU's RDP framework. The agreement also conditions the restoration of lost RDP terms on criteria such as conducting clinical trials in multiple EU Member States or seeking EU marketing authorization within 90 days of the first global submission. The deal includes an 11-year cap on the combined RDP. As a result, the score on this indicator has been reduced for all EU Member States included in the Index. The Index will continue to monitor these developments in 2026.

Commercialization of IP Assets and Market Access

31. Tax incentives for the creation of IP assets:
In early 2025, the Swedish Government published proposals for reforming existing R&D tax incentives. As noted in the Index, Swedish tax law has historically not offered any targeted R&D or IP-specific tax incentives. Unlike most other high-income OECD economies included in the Index, Sweden has no general R&D tax incentive, patent, or IP box incentive in place. Instead, the tax code provides a complex tax credit for Social Security charges related to R&D staff. These charges can be reduced by about 10% per qualifying employee. Consequently, Sweden scores a 0 on this indicator.

This stands in stark contrast to Sweden's overall performance on the IP Index, which has consistently been in the top five over the last half-decade. Unfortunately, the Government's proposed tax reform package would not fundamentally change the existing system. There are no proposals for introducing a stronger general R&D tax incentive or an innovation or patent box. Instead, the draft bill would just simplify the existing relief mechanism. Given Sweden's otherwise world-class national IP environment, it is a real missed opportunity that the Government is not embarking on a more meaningful reform effort to address one of Sweden's few remaining weaknesses.

Incentives for Cutting-edge Innovation

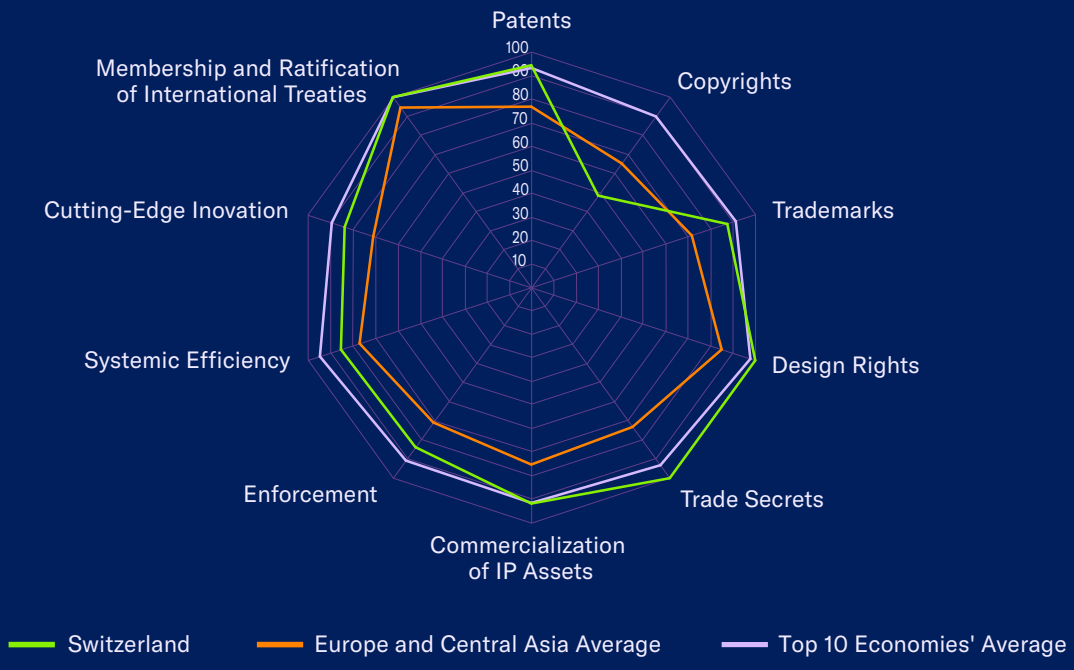
45. Special market exclusivity incentives for orphan medicinal product development, term of protection:
Since coming into force in 2000, Regulation (EC) No 141/2000 (the "EU Orphan Regulation") has provided innovators with a strong term of IP exclusivity. Specifically, Article 8 of the Regulation defines exclusivity as a baseline ten-year marketing exclusivity term, which may be extended by two years upon completion of additional pediatric studies. For over a quarter of a century, this Regulation has stood as an international example of how strong IP incentives can incentivize the R&D and innovation necessary to tackle some of the toughest health challenges in the world.

The Regulation has directly resulted in more clinical research, product development, and medicines available to patients with rare diseases in the EU and beyond. Despite this track record of success, the Regulation has been under review for an extended period, most recently as part of the pharmaceutical package. Like the term of protection relating to RDP, the finalized agreement between the Parliament, Council, and Commission has weakened the term of protection offered to innovators. While it is possible to obtain 11 years of protection for products "addressing a high unmet medical need," the baseline term of protection has been reduced from 10 to nine years. As a result, the score on this indicator has been reduced for all EU Member States included in the Index. The Index will continue

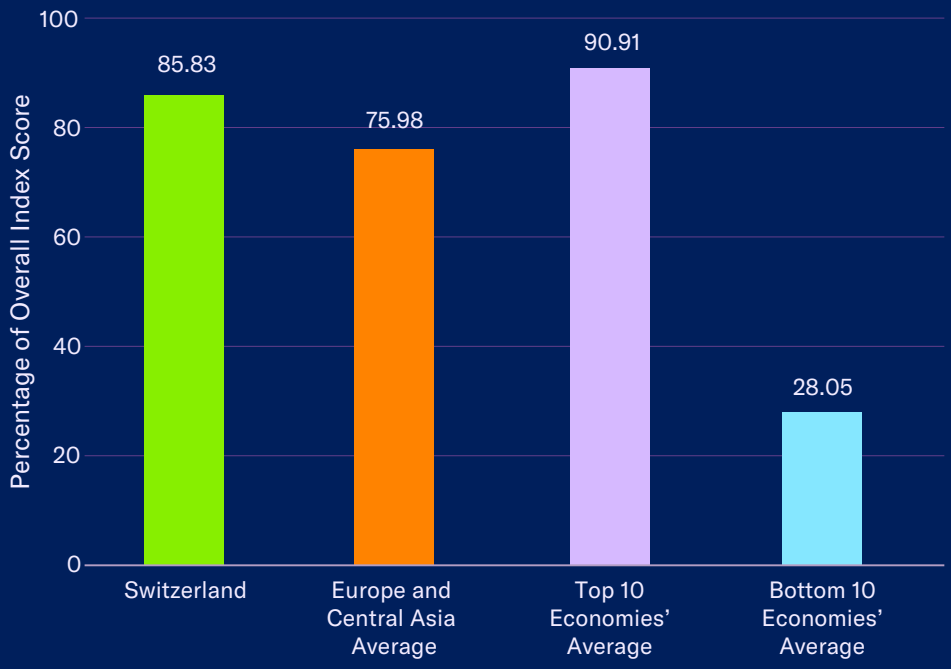
Switzerland

Rank
11/55

Category Scores



Overall Score in Comparison



Switzerland

Rank
11/55

Key Areas of Strength

- R&D and IP tax incentives in place since 2019
- Strong and sophisticated national IP environment
- Strong patent rights and enforcement environment
- Orphan drugs incentives in place through extended data exclusivity period of up to 15 years for designated orphan drugs
- Switzerland a founding member of EPO and full participant in PPH initiatives

Key Areas of Weakness

- 2020 copyright law amendments only partially address issue of online infringement; amendments do not include option of disabling access to infringing content online or content hosted by foreign sites
- Overly broad interpretation of limitations and exceptions for copyright; this remains unchanged after 2020 amendments
- Crucial gaps in enforcement and prosecution of online copyright infringement

Indicator	Score
Category 1: Patents Rights and Limitations	**8.50**
1. Term of protection	1.00
2. Patentability requirements	1.00
3. Patentability of CIIs	1.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.50
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	1.00
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	1.00
Category 2: Copyrights and Limitations	**3.38**
10. Term of protection	0.63
11. Exclusive rights	0.50
12. Expeditious legal remedies disabling access to infringing content online	0.00
13. Cooperative action against online piracy	0.50
14. Limitations and exceptions	0.25
15. TPM and DRM	0.50
16. Government use of licensed software	1.00
Category 3: Trademarks Rights and Limitations	**3.50**
17. Term of protection	1.00
18. Protection of well-known marks	1.00
19. Exclusive rights, trademarks	1.00
20. Frameworks against online sale of counterfeit goods	0.50
Category 4: Design Rights and Limitations	**2.00**
21. Industrial Design Term of Protection	1.00
22. Exclusive rights, industrial design rights	1.00
Category 5: Trade Secrets and the Protection of Confidential Information	**3.00**
23. Protection of trade secrets (Civil Remedies)	1.00
24. Protection of trade secrets (Criminal Sanctions)	1.00
25. Regulatory data protection term	1.00
Category 6: Commercialization of IP Assets	**5.50**
26. Barriers to market access	1.00
27. Barriers to technology transfer	1.00
28. Registration and disclosure requirements of licensing deals	0.75
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	1.00
Category 7: Enforcement	**5.86**
32. Physical counterfeiting rates	0.82
33. Software piracy rates	0.79
34. Civil and procedural remedies	0.75
35. Pre-established damages	0.75
36. Criminal standards	0.75
37. Effective border measures	1.00
38. Transparency and public reporting by Customs	1.00
Category 8: Systemic Efficiency	**4.25**
39. Coordination of IP rights enforcement	1.00
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	0.75
42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
43. IP-intensive industries, national economic impact analysis	0.75
Category 9: Cutting-Edge Innovation	**2.50**
44. IP incentives for orphan medicinal product development	1.00
45. IP incentives for orphan medicinal product development, term of protection	0.50
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	1.00
Category 10: Membership and Ratification of International Treaties	**7.00**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
49. Patent Law Treaty and Patent Cooperation Treaty	1.00
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	1.00

Total Score: 45.49

Spotlight on the National IP Environment

Past Editions versus Current Score

Switzerland's overall score remains unchanged at 45.49 out of 53 indicators.

Patent Rights and Limitations

As noted last year, in 2024 the Swiss Federal Council proposed amendments to the Patent Act that would introduce a new "clearing house" for patents relating to plant varieties, to be hosted by the Federal Institute of Intellectual Property (IPI). Under a new notification procedure, prospective plant breeders would notify the IPI of their intention to use a specific plant variety and inquire about the existence of any related patent rights. The IPI would subsequently forward this notification to the registered rights holder, who would have 90 days to assert any existing rights. Under a draft Article 35d(3), a rights holder's failure to make such an assertion would automatically allow the prospective breeder to utilize the relevant plant variety for its commercial purposes, regardless of any preexisting and duly granted patent rights. No further action was taken on this in 2025, and the reform package is still pending. The Index will continue to monitor these developments in 2026.

Copyrights and Limitations

11. Legal measures that provide necessary exclusive rights that prevent infringement of copyrights and related rights (including Web hosting, streaming, and linking); 12. Expeditious injunctive-style relief and disabling of infringing content online; and 13. Availability of frameworks that promote cooperative action against online piracy:
As noted in previous editions of the Index, online piracy in Switzerland is a long-standing issue and a departure from Switzerland's otherwise gold-standard IP regime. In 2017, the Swiss Federal Department of Justice and Police published draft amendments and announced that copyright reforms would finally go ahead. These amendments finally became law in 2020. While addressing some of the shortcomings in the existing legal framework, the amendments did not fundamentally change the dynamics of copyright enforcement and online piracy in Switzerland. Notably, the amendments did not include any requirement or option to disable access to illegal content, whether through the judiciary or an administrative mechanism. These limitations and questions about the ultimate effectiveness of the Swiss amendments and rights holders' ability to enforce their rights remained unaddressed in 2025.

In fact, the USTR noted in the *2025 Special 301 Report* that Switzerland continued to have "high levels of online piracy and lacked effective enforcement." In a separate development, following a 2025 proposal from the Federal Council, the Federal Assembly was considering introducing a new ancillary right of compensation for media companies and online publishers.

Under the proposal, the exception and online publication of small extracts of relevant content by large third parties will entitle the creator to compensation. At the time of research, the draft bill was still being debated. The Index will continue to monitor these developments in 2026.

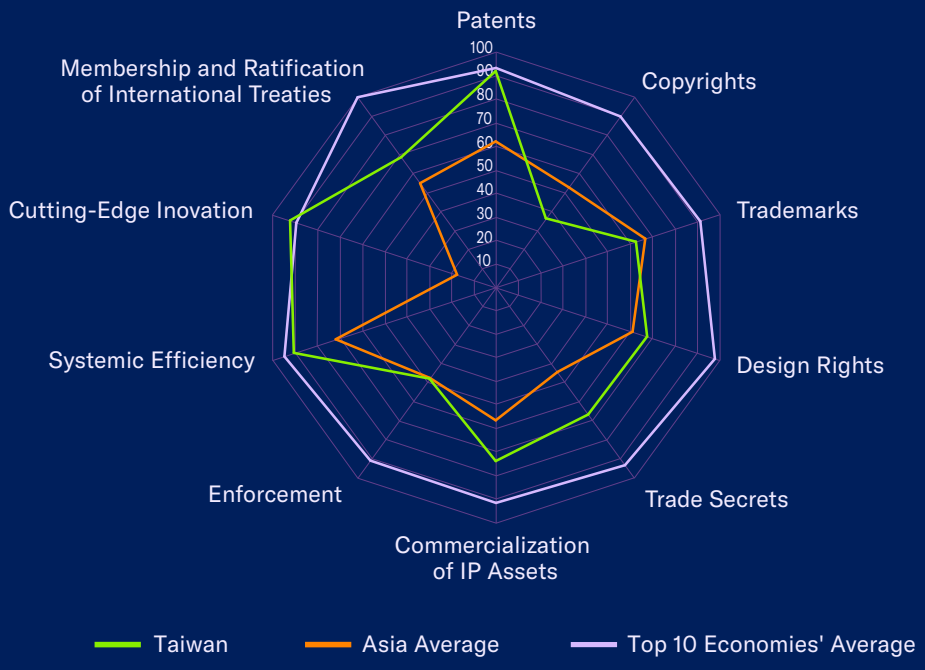
14. Scope of limitations and exceptions to copyrights and related rights:
In early 2025, the Federal Council announced the Swiss Government's legislative strategy regarding private-sector development and the use of AI-based technologies and applications. Overall, Switzerland is set to take a relatively hands-off approach to regulating AI products and services. While the federal authorities are expected to draft and introduce new legislation in 2026, the purpose of this package is to adopt the Council of Europe's "Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law." The "Framework" is a largely principle-based document focusing on the ethical dimensions of AI use and development. It contains large exemption areas, makes no reference to copyright or IP issues, and includes no relevant enforcement provision. These efforts are part of Switzerland's broader "Digital Switzerland Strategy 2025," a national policy promoting "digital transformation that is responsible and sustainable ecologically, economically, and socially."

In a separate development, the Federal Assembly was debating a member's motion, 24.4596, "Better protection of intellectual property against AI misuse." The motion calls on the Federal Council to better protect creative content, particularly media and journalistic content, when used by AI developers and service providers. The Index will continue to monitor these developments in 2026.

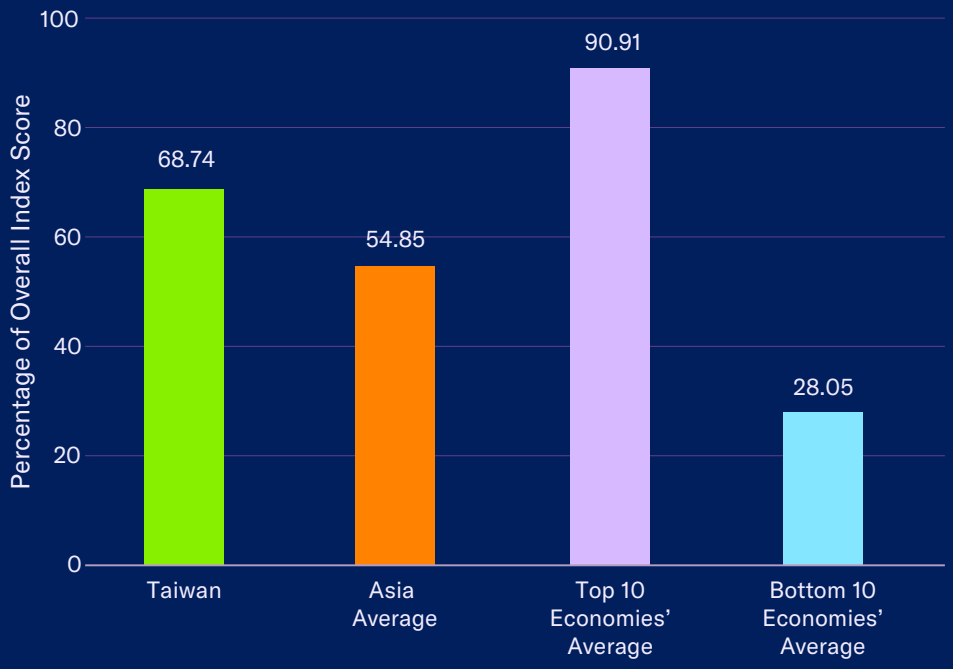
Taiwan

Rank
20/55

Category Scores



Overall Score in Comparison



Taiwan

Rank
20/55

Key Areas of Strength

- TIPO offers support for SMEs developing IP assets through fast-track examination procedure and expanded technical assistance
- Patent framework in line with international standards
- Pharmaceutical linkage regime strengthens protection and enforcement of biopharmaceutical IP rights
- 2020 Amendments to trade secrets law improved IP environment
- Term of protection for industrial design rights extended from 12 to 15 years
- TIPO offers support for SMEs developing IP assets through fast-track examination procedure and expanded technical assistance
- A 10-year exclusivity period for designated orphan drugs has been in place since 2000
- Though facing political hurdles to becoming a contracting party, Taiwan has in many cases implemented the provisions of several international IP treaties

Key Areas of Weakness

- Important gaps in digital copyright regime not addressed by the 2022 Copyright Act amendments
- New Copyright Act introduces unprecedentedly broad exceptions regime relating to educational, personal-use and non-profit copyright exceptions
- Relatively high rates of online piracy and physical counterfeiting

Indicator	Score
Category 1: Patents Rights and Limitations	**8.25**
1. Term of protection	1.00
2. Patentability requirements	1.00
3. Patentability of CIIs	1.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	1.00
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	1.00
8. Membership of a Patent Prosecution Highway	0.50
9. Patent Opposition	0.75
Category 2: Copyrights and Limitations	**2.53**
10. Term of protection	0.53
11. Exclusive rights	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.25
13. Cooperative action against online piracy	0.25
14. Limitations and exceptions	0.50
15. TPM and DRM	0.50
16. Government use of licensed software	0.25
Category 3: Trademarks Rights and Limitations	**2.50**
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.50
Category 4: Design Rights and Limitations	**1.35**
21. Industrial Design Term of Protection	0.60
22. Exclusive rights, industrial design rights	0.75
Category 5: Trade Secrets and the Protection of Confidential Information	**2.00**
23. Protection of trade secrets (Civil Remedies)	0.75
24. Protection of trade secrets (Criminal Sanctions)	0.75
25. Regulatory data protection term	0.50
Category 6: Commercialization of IP Assets	**4.42**
26. Barriers to market access	1.00
27. Barriers to technology transfer	0.75
28. Registration and disclosure requirements of licensing deals	0.75
29. Direct Government intervention in setting licensing terms	0.50
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	0.67
Category 7: Enforcement	**3.35**
32. Physical counterfeiting rates	0.44
33. Software piracy rates	0.66
34. Civil and procedural remedies	0.50
35. Pre-established damages	0.25
36. Criminal standards	0.25
37. Effective border measures	0.50
38. Transparency and public reporting by Customs	0.75
Category 8: Systemic Efficiency	**4.50**
39. Coordination of IP rights enforcement	0.75
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	1.00
43. IP-intensive industries, national economic impact analysis	0.75
Category 9: Cutting-Edge Innovation	**2.75**
44. IP incentives for orphan medicinal product development	1.00
45. IP incentives for orphan medicinal product development, term of protection	1.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.75
Category 10: Membership and Ratification of International Treaties	**3.75**
47. WIPO Internet Treaties	0.75
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	0.50
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.50
53. Post-TRIPS FTA	0.00

Total Score: 35.40

Spotlight on the National IP Environment

Past Editions versus Current Score

Taiwan's overall score remains unchanged at 35.40 out of 51.50 indicators.

Patent Rights and Limitations

5. Pharmaceutical-related patent enforcement and resolution mechanism:
The Taiwanese authorities first announced a patent linkage system in 2017, and it came into effect in 2019. This system covers both chemical and biological products and allows rights holders to record their patent information in a list maintained by Taiwan's Food and Drug Administration (TFDA). In conjunction with sanitary registration, follow-on manufacturers must declare that their product does not infringe any listed patent and notify the patent holder.

As noted in the Index at the time, the introduction of this linkage system was a positive development, and Taiwan's score increased on this indicator. However, since the introduction of the linkage mechanism, there has been some uncertainty about what constitutes a 'new' medicine. Specifically, the TFDA has taken the view that changes to a product's dosage or strength do not qualify as 'new' and, consequently, are not eligible for inclusion in the mechanism. This view has been challenged in several lawsuits by rights holders whose products have been removed from the TFDA's linkage registration system.

As noted last year, the 2023 and 2024 verdicts in a handful of these court cases were not consistent. Consequently, there is continued uncertainty for rights holders and innovators in Taiwan. This is regrettable for Taiwan's national IP environment and innovation ecosystem, as changes in the form and application of a known biopharmaceutical substance are among the most important forms of medical innovation. At the time of the research, the Taiwanese Government had not proposed any legislative changes or broader definitions of what constitutes a new drug under the Pharmaceutical Affairs Act. The Index will continue to monitor these developments in 2026.

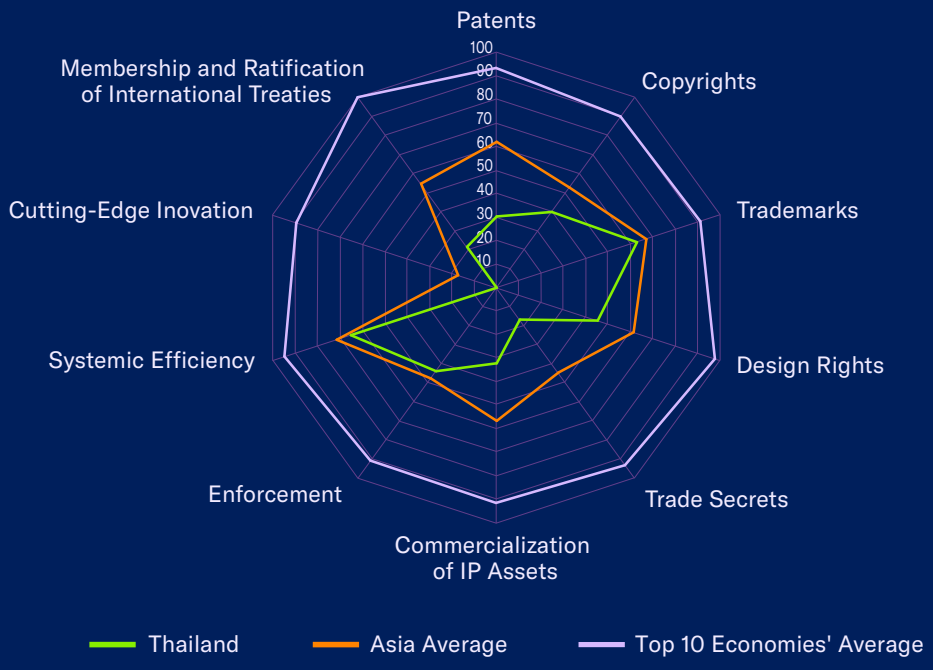
7. Patent term restoration for pharmaceutical products:
A positive feature of Taiwan's national IP environment is Section 53 of the Patent Act, which provides a clear, unambiguous five-year maximum patent term restoration period for biopharmaceuticals or agrochemicals. As noted in previous editions of the Index, rights holders continue to report that, since 2018, uncertainty surrounds how current regulatory practices recognize and assess the period of exclusivity to be restored. Specifically, the current Patent Examination Guidelines no longer align with international best practices. The Index will continue to monitor these developments in 2026.

8. Membership of a Patent Prosecution Highway (PPH):
As noted throughout the Index, the Taiwan Intellectual Property Office (TIPO) actively pursues PPH agreements worldwide. Until this year, the Office had signed PPH agreements with six jurisdictions and IP offices in the United States, Japan, Spain, South Korea, Poland, and Canada. In 2025, TIPO announced the conclusion of another PPH with the French national IP office. PPH initiatives and increased cooperation between IP offices are among the most tangible ways to improve and harmonize the administration and functioning of the international IP system, benefiting inventors and rights holders. The Index recognizes and applauds Taiwan's continued strong efforts to engage in these international initiatives. The signing of additional PPH agreements, or Taiwan's joining the Global Patent Prosecution Highway, would result in Taiwan achieving the maximum score of 1.00 on this indicator. The Index will continue to monitor these developments in 2026.

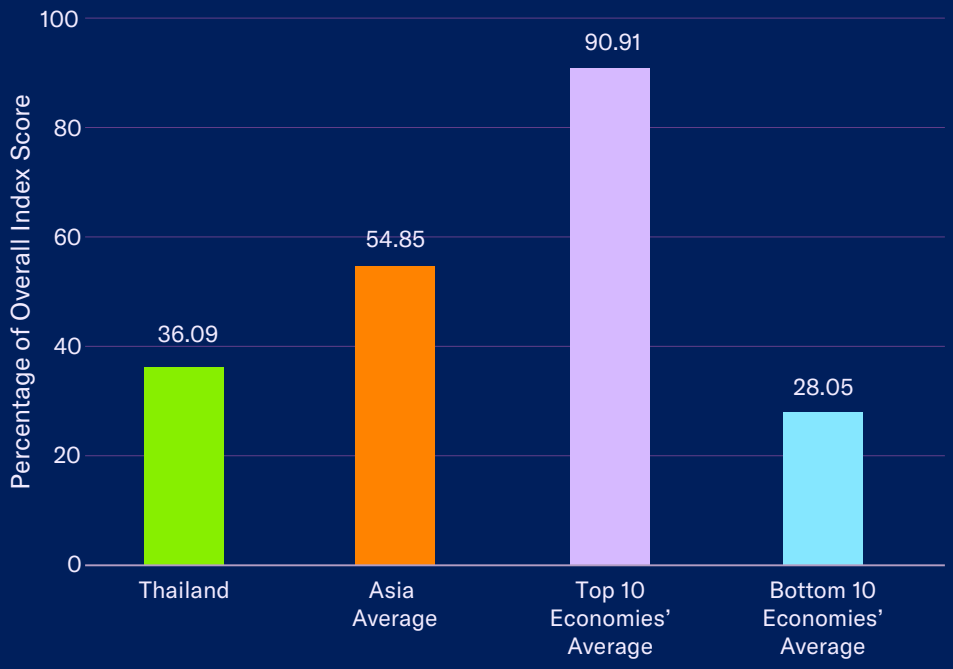
Thailand

Rank
45/55

Category Scores



Overall Score in Comparison



Thailand

Rank
45/55

Key Areas of Strength

- 2022 Copyright Act amendments introduce notice-and-takedown scheme and additional remedies for the circumvention of technological protection measures including the manufacture, sale, rental, or importation of circumvention devices
- 2022 Thailand Research and Innovation Utilization Promotion Act (TRIUP) improves technology transfer environment
- Injunctive style relief mechanism under Computer Crime Act used against trademark infringement
- Customs Act amendments have resulted in greater anti-counterfeiting efforts against infringing goods in-transit
- Thailand moved from the Priority Watch List to the Watch List on USTR's Special 301 Out-of-Cycle Review as a result of stronger enforcement and coordination within Thai Government
- Basic level of protection and registration system in place for copyrights, trademarks, and designs

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Inadequate patent protection, including gaps in patentability for high-tech arts including life sciences and CIIs
- History of long patent backlogs
- Many sector-specific IP rights missing including patent term restoration for biopharmaceuticals and RDP
- History of the use of compulsory licensing for biopharmaceuticals
- High physical counterfeiting and digital piracy rates with software piracy estimated at 64%
- Limited participation in international treaties

Indicator	Score
Category 1: Patents Rights and Limitations	**2.72**
1. Term of protection	1.00
2. Patentability requirements	0.25
3. Patentability of CIIs	0.25
4. Plant variety protection	0.72
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.50
9. Patent Opposition	0.00
Category 2: Copyrights and Limitations	**2.78**
10. Term of protection	0.53
11. Exclusive rights	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.50
13. Cooperative action against online piracy	0.25
14. Limitations and exceptions	0.25
15. TPM and DRM	0.50
16. Government use of licensed software	0.50
Category 3: Trademarks Rights and Limitations	**2.50**
17. Term of protection	1.00
18. Protection of well-known marks	0.25
19. Exclusive rights, trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.75
Category 4: Design Rights and Limitations	**0.90**
21. Industrial Design Term of Protection	0.40
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	**0.50**
23. Protection of trade secrets (Civil Remedies)	0.25
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.00
Category 6: Commercialization of IP Assets	**1.92**
26. Barriers to market access	0.00
27. Barriers to technology transfer	0.50
28. Registration and disclosure requirements of licensing deals	0.00
29. Direct Government intervention in setting licensing terms	0.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	0.67
Category 7: Enforcement	**3.06**
32. Physical counterfeiting rates	0.47
33. Software piracy rates	0.34
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.25
36. Criminal standards	0.25
37. Effective border measures	0.75
38. Transparency and public reporting by Customs	0.75
Category 8: Systemic Efficiency	**3.25**
39. Coordination of IP rights enforcement	1.00
40. Consultation with stakeholders during IP policy formation	0.50
41. Educational campaigns and awareness raising	0.75
42. Targeted incentives for the creation and use of IP assets for SMEs	0.50
43. IP-intensive industries, national economic impact analysis	0.50
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**1.50**
47. WIPO Internet Treaties	0.50
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	0.00

Total Score: 19.13

Spotlight on the National IP Environment

Past Editions versus Current Score

Thailand's overall score has decreased from 19.14 out of 53 indicators on the 13th edition to 19.13. This reflects a score decrease on indicator 32.

Patent Rights and Limitations

2. Patentability requirements; 3. Patentability of computer-implemented inventions; 6. Legislative criteria and use of compulsory licensing of patented products and technologies; and 9. Patent opposition:
Revisions to the Thai Patent Act have been ongoing for years, with several draft proposals put forward since 2018. In late 2024, the national IP office, the DIP, presented a new proposal. While the DIP and Thai authorities should be commended for seeking to update the legislation, unfortunately, the proposed new Act does not address long-standing challenges.

As detailed throughout the Index, rights holders have long faced difficulties registering their patentable subject matter in Thailand, particularly for biopharmaceutical innovation and computer-implemented inventions, with restrictions in place for both areas. Equally, Thailand's compulsory licensing laws have stood firmly outside international standards, with several licenses issued over the past two decades. Thailand has also had in place a system of pre-grant patent opposition. Finally, the administration of the registration process has long been challenging, with patent prosecution times in Thailand stretching over a decade, depending on the technology field. Regrettably, the proposed legislation does little to address these core challenges. At the time of research, the draft bill had not been enacted. The Index will continue to monitor these developments in 2026.

Copyrights and Limitations

12. Expeditious injunctive-style relief and disabling of infringing content online:
As noted in the Index, Thailand has been reforming various parts of its national IP environment for over half a decade. This includes changes to statutory law, regulations, and IP office examination manuals. With respect to copyright law, the government enacted a new Copyright Act in anticipation of Thailand's accession to the WIPO Internet Treaties. Key amendments included: the creation of a notice-and-takedown scheme; the definition of liability for service providers; and additional remedies for circumventing technological protection measures. Following these reforms, Thailand acceded to the WIPO Copyright Treaty in late 2022.

Despite long-standing challenges related to high levels of physical and digital infringement, in 2025, there were continued improvements in rights holders' ability to enforce their copyrights. Specifically, over the past few years, the DIP, Ministry of Digital Economy and Society, Police, and Criminal Court have sought to improve the speed and delivery of orders to disable access to infringing content by making the application process completely digital. The Criminal Court has further expedited this process by launching a specialized division for technology crimes to handle all matters related to cybercrime, including online copyright piracy. The Index will continue to monitor these developments in 2026.

Trademark Rights and Limitations

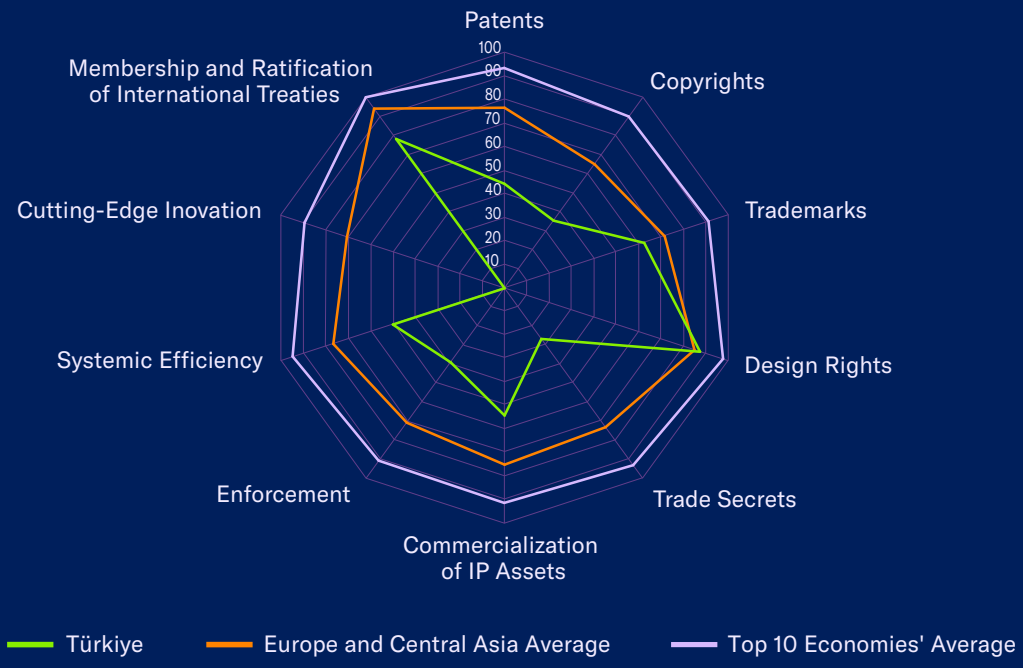
19. Legal measures available that provide necessary exclusive rights to redress unauthorized uses of trademarks; and 20. Availability of frameworks that promote action against online sale of counterfeit goods:
As noted in the Index, the availability of physical counterfeit goods is high in Thailand. As e-commerce grows, a growing proportion of counterfeit trade is moving online. Over the last half-decade, the Thai Government has recognized this problem and introduced a variety of measures to curb the availability and flow of counterfeit goods. Specifically, the Thai Government has sought to broker greater private sector engagement from online platforms in anti-counterfeiting; increase public sector-led enforcement through the creation of a dedicated unit for online violations within the DIP; and make use of the 2016 Computer Crime Act to order the disabling of access to several websites on the basis of infringement of trademark rights.

These efforts continued in 2025. In May, the Thai FDA announced a new strategic partnership with Thailand's largest e-commerce platforms, Lazada and Shopee, to eliminate the sale of illicit medical products online. The partnership includes greater coordination and integration of enforcement activities through proactive surveillance and inspections. The FDA, together with law enforcement, conducted a significant raid in March that seized nearly half a million counterfeit items, including medical devices, consumer health products, and cosmetics. Separately, the DIP, in collaboration with law enforcement, conducted several raids throughout the year targeting trademark infringement and the online and brick-and-mortar sellers of counterfeit goods. These are positive efforts, and the Index applauds Thailand's continued activity against hard goods piracy. The Index will continue to monitor these developments in 2026.

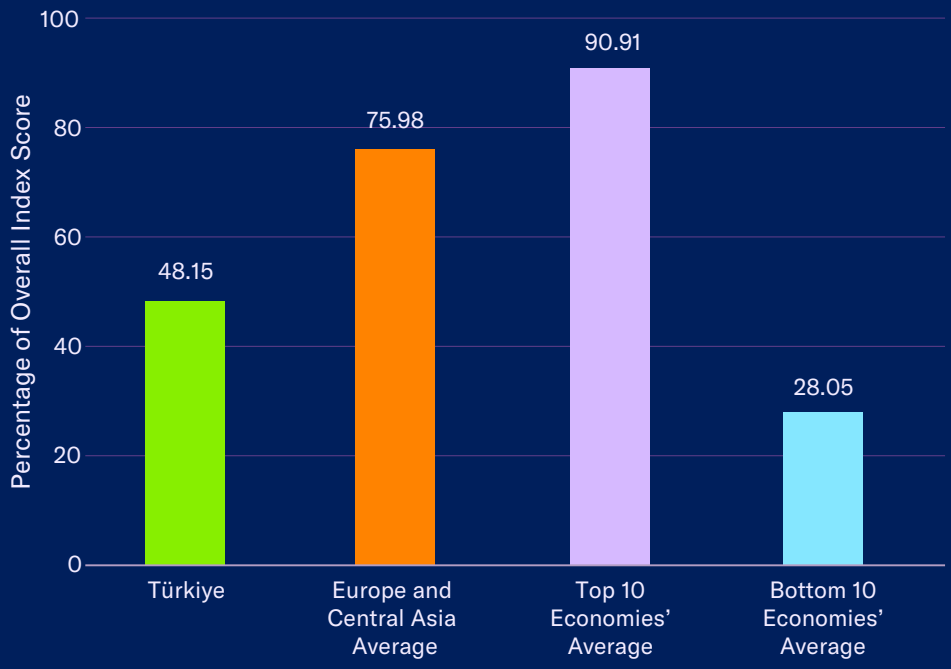
Türkiye

Rank
30/55

Category Scores



Overall Score in Comparison



Türkiye

Rank
30/55

Key Areas of Strength

- Biopharmaceutical localization environment reformed following WTO ruling in 2023
- Efforts to align national IP environment with EU standards
- Active promotion of importance of IP protection and use as an economic asset among the public and SMEs
- Generous R&D and IP specific tax incentives in place

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Localization policies targeting high-tech sectors becoming more prominent feature of industrial and economic policy
- RDP is not granted to biologics and starts from first authorization the EU-Türkiye Customs Union for small molecules
- Key gaps persist in copyright environment and patent protection and enforcement
- Industrial localization policies for biopharmaceuticals have fused together with IP policy and broader health policy on the pricing and procurement of medicines
- High counterfeiting and piracy rates with software piracy estimated at 56%

Indicator	Score
Category 1: Patents Rights and Limitations	**4.00**
1. Term of protection	1.00
2. Patentability requirements	0.50
3. Patentability of CIIs	0.50
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.50
9. Patent Opposition	0.50
Category 2: Copyrights and Limitations	**2.49**
10. Term of protection	0.74
11. Exclusive rights	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.25
13. Cooperative action against online piracy	0.25
14. Limitations and exceptions	0.25
15. TPM and DRM	0.25
16. Government use of licensed software	0.50
Category 3: Trademarks Rights and Limitations	**2.50**
17. Term of protection	1.00
18. Protection of well-known marks	0.75
19. Exclusive rights, trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.25
Category 4: Design Rights and Limitations	**1.75**
21. Industrial Design Term of Protection	1.00
22. Exclusive rights, industrial design rights	0.75
Category 5: Trade Secrets and the Protection of Confidential Information	**0.80**
23. Protection of trade secrets (Civil Remedies)	0.25
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.30
Category 6: Commercialization of IP Assets	**3.25**
26. Barriers to market access	0.00
27. Barriers to technology transfer	0.50
28. Registration and disclosure requirements of licensing deals	0.50
29. Direct Government intervention in setting licensing terms	0.50
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	1.00
Category 7: Enforcement	**2.73**
32. Physical counterfeiting rates	0.29
33. Software piracy rates	0.44
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.25
36. Criminal standards	0.25
37. Effective border measures	0.50
38. Transparency and public reporting by Customs	0.75
Category 8: Systemic Efficiency	**2.50**
39. Coordination of IP rights enforcement	0.50
40. Consultation with stakeholders during IP policy formation	0.50
41. Educational campaigns and awareness raising	0.75
42. Targeted incentives for the creation and use of IP assets for SMEs	0.25
43. IP-intensive industries, national economic impact analysis	0.50
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**5.50**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.75
49. Patent Law Treaty and Patent Cooperation Treaty	0.75
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	0.00

Total Score: 25.52

Spotlight on the National IP Environment

Past Editions versus Current Score

Türkiye's overall score remains unchanged at 25.52 out of 53 indicators.

Copyrights and Limitations

14. Scope of limitations and exceptions to copyrights and related rights:
Like many other Index economies, the use of machine learning and AI-based technologies and applications is increasing in Türkiye. In response, over the last few years, various parts of the Turkish Government have announced new initiatives to establish a modern legal and policy environment for these technologies. For example, in 2021, the Ministry of Industry and Technology published the *National Artificial Intelligence Strategy 2021-2025*. This *Strategy* sets out the overarching policy objectives for developing and harnessing AI and machine learning technologies to create an AI ecosystem in Türkiye and improve national economic growth and development.

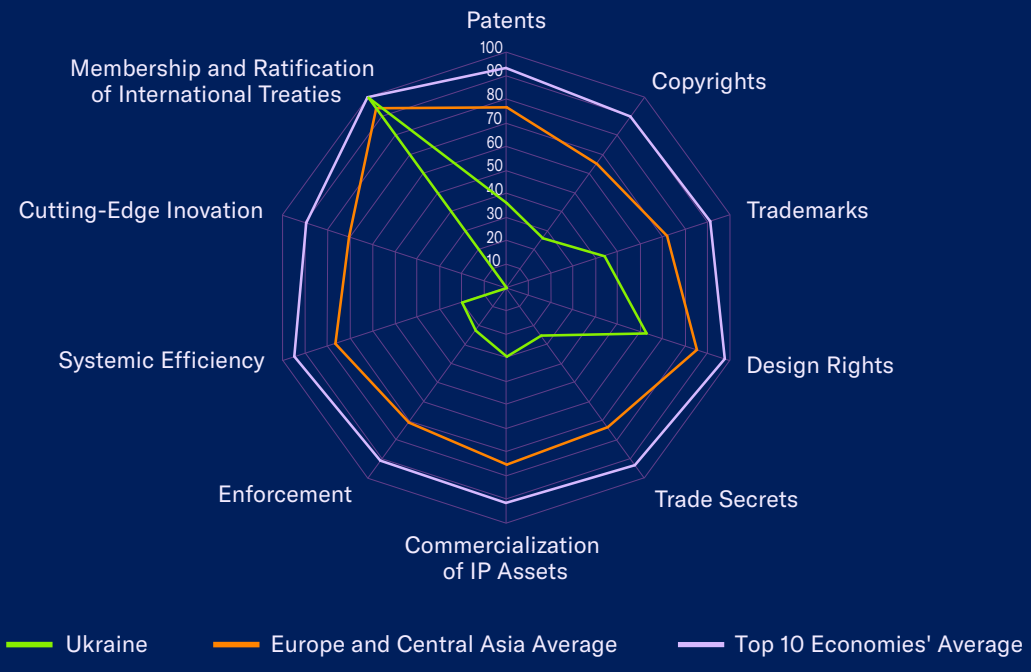
Similarly, over the past two years, the Turkish parliament — the Grand National Assembly — has considered several new AI laws. In 2024, a draft AI bill was first introduced, followed by another draft law in 2025. As noted in the Index, AI and machine learning are important areas of future economic activity, as advances in computational power and new technologies enable scientific research and innovation through the analysis of large volumes of data.

However, there are real concerns about how the development, application, and use of these technologies will affect creators and rights holders worldwide. Neither the *National Artificial Intelligence Strategy* nor the draft AI laws address IP issues or the interaction between AI and copyright protection. For example, while objectives 2.1M3 and 4.1M3 of the Strategy address IP aspects of AI development, neither falls within the scope of copyright. The draft parliamentary bills are entirely silent on these issues. Given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights. The Index will continue to monitor these developments in 2026.

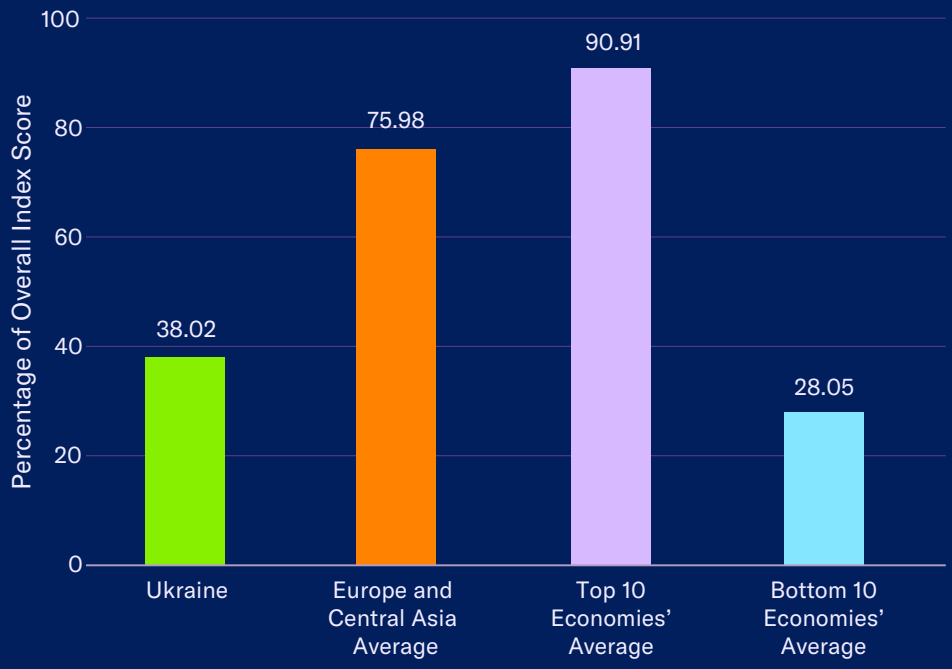
Ukraine

Rank
41/55

Category Scores



Overall Score in Comparison



Ukraine

Rank
41/55

Key Areas of Strength

- 2020 amendments to law on design rights extend term of protection to 25 years
- Growing body of case law on protection of trade secrets
- Amendments to Customs Code strengthens enforcement capacity
- Efforts to align IP legislation to EU standards and implement the Deep and Comprehensive Free Trade Area (DCFTA)
- New first instance Court for IP matters (the 'High Court') set up in 2017 – should help improve consistency and expertise within judiciary
- Contracting party to all international IP treaties included in the Index

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- 2020 amendments to Law on Protection of Rights to Inventions and Utility Models weaken national IP environment especially in relation to life sciences
- 2020 amendments restrict patentability of biopharmaceutical inventions and introduce export exemption for products under patent term restoration (modelled on EU's Regulation 2019/933)
- Major gaps across all categories of the Index through both a lack of relevant IP laws and weak enforcement
- 80% software piracy rate in BSA latest estimates and continued lack of effective effort to reduce use of unlicensed software by public sector
- High rates of physical counterfeiting; Ukraine is a key transit point for counterfeiting entering EU
- Gaps in customs activities, notably lack of effective procedures for destruction of counterfeits

Indicator	Score
Category 1: Patents Rights and Limitations	**3.25**
1. Term of protection	1.00
2. Patentability requirements	0.00
3. Patentability of CIIs	0.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.25
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.75
8. Membership of a Patent Prosecution Highway	0.00
9. Patent Opposition	0.25
Category 2: Copyrights and Limitations	**1.83**
10. Term of protection	0.58
11. Exclusive rights	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.00
13. Cooperative action against online piracy	0.25
14. Limitations and exceptions	0.50
15. TPM and DRM	0.25
16. Government use of licensed software	0.00
Category 3: Trademarks Rights and Limitations	**1.75**
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights, trademarks	0.25
20. Frameworks against online sale of counterfeit goods	0.00
Category 4: Design Rights and Limitations	**1.25**
21. Industrial Design Term of Protection	1.00
22. Exclusive rights, industrial design rights	0.25
Category 5: Trade Secrets and the Protection of Confidential Information	**0.75**
23. Protection of trade secrets (Civil Remedies)	0.25
24. Protection of trade secrets (Criminal Sanctions)	0.00
25. Regulatory data protection term	0.50
Category 6: Commercialization of IP Assets	**1.75**
26. Barriers to market access	0.25
27. Barriers to technology transfer	0.25
28. Registration and disclosure requirements of licensing deals	0.50
29. Direct Government intervention in setting licensing terms	0.25
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	0.00
Category 7: Enforcement	**1.57**
32. Physical counterfeiting rates	0.37
33. Software piracy rates	0.20
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.25
36. Criminal standards	0.25
37. Effective border measures	0.25
38. Transparency and public reporting by Customs	0.00
Category 8: Systemic Efficiency	**1.00**
39. Coordination of IP rights enforcement	0.25
40. Consultation with stakeholders during IP policy formation	0.25
41. Educational campaigns and awareness raising	0.25
42. Targeted incentives for the creation and use of IP assets for SMEs	0.00
43. IP-intensive industries, national economic impact analysis	0.25
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**7.00**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
49. Patent Law Treaty and Patent Cooperation Treaty	1.00
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	1.00

Total Score: 20.15

Spotlight on the National IP Environment

Past Editions versus Current Score

Ukraine's overall score has decreased from 20.16 out of 53 indicators to 20.15. This reflects a score decrease on indicator 32.

Area of Note

In 2025, military hostilities continued in Ukraine due to Russia's 2022 invasion. Despite these difficulties, the Government of Ukraine and the ministries and agencies that make up the Ukrainian state continued to function. This includes the Ukrainian National Office for Intellectual Property and Innovations (UANIPIO), which continues to provide users with a full range of its services and deepen its existing partnerships and cooperation agreements with several EU Member States and European institutions in 2025. For example, in 2025, UANIPIO restored standard deadlines and timelines for most administrative activity relating to the registration and maintenance of IP rights.

In 2025, the Ukrainian government continued to strengthen Ukraine's political and institutional ties with the EU, following the EU's granting of official candidate status for EU membership in 2022. At the time of research, Ukraine had completed the EU's initial membership screening process. As Ukraine continues to rebuild and reconstruct its economy, IP policy and innovation should remain central to its efforts. For all economies — emerging and developed alike — what drives innovation, technological advances, and, ultimately, economic development and growth is the creation of new forms of intangible assets and IP.

Covering 53 indicators across 10 categories, the Index has, for a decade, provided a clear model of the type and strength of IP rights that international innovators, creators, and rights holders need to fully develop and commercialize their ideas and products. As the Government of Ukraine continues to pursue a program of national IP rights reforms, we encourage them to use the findings of the Index and the accompanying Statistical Annex as a guide in 2026 and beyond.

Patent Rights and Limitations

2. Patentability requirements; 3. Patentability of computer-implemented inventions; 5. Pharmaceutical-related patent enforcement and resolution mechanism; 6. Legislative criteria and use of compulsory licensing of patented products and technologies; and 9. Patent opposition: In 2025, the government made several changes to Ukraine's patent statute, the "Law on Protection of Rights to Inventions and Utility Models" (the 'Law'). This includes the introduction of a new regime relating to so-called Bolar exceptions for pharmaceutical inventions and an updated Procedure 877 relating to compulsory licensing. Neither of these proposals fundamentally improves the patenting environment for rights holders.

As noted throughout the Index, the protection of patents in Ukraine has long been problematic. Patentability standards stand firmly outside international best practices, with restrictions in place on many innovation-based and high-tech industries. For example, the Law has historically excluded computer programs from patentable subject matter. While there have been examples of patents granted for CIIs, these are a small minority of the total number of patents filed and granted.

WIPO statistics show a small number of Ukrainian patent applications (patent publications by technology) were under the categories “Computer technology” and “IT methods for management.”

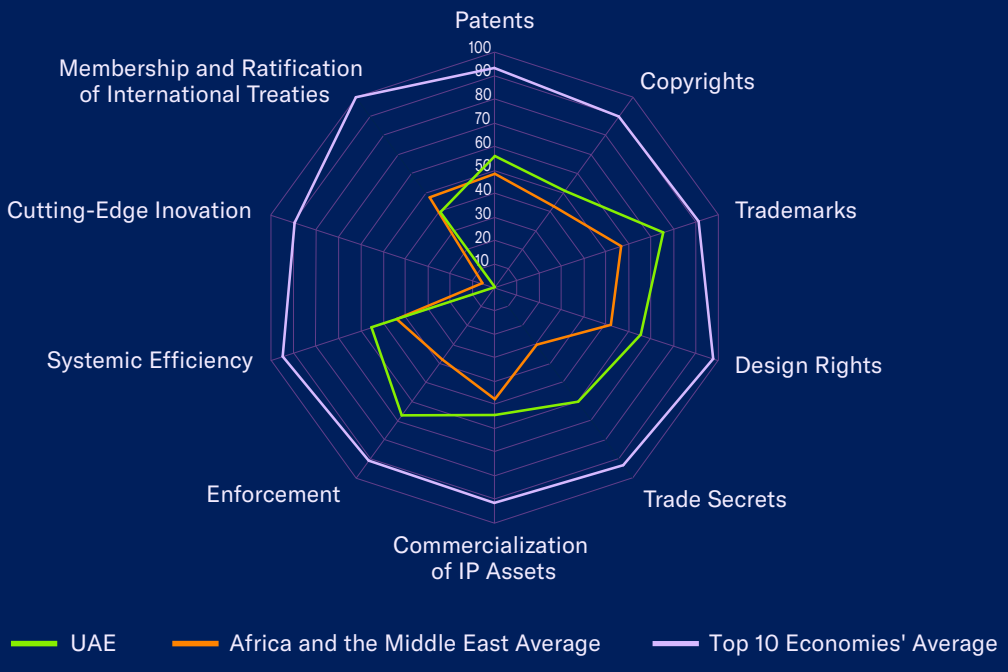
Data for the period 1994-2019 show a total of 824 patent applications published under the categories “Computer technology” and “IT methods for management.” This compares with a total of 65,000 applications during this period, or 1.27% of all published applications. Similarly, there have been restrictions on the patentability of biopharmaceutical subject matter, with many second-use claims and follow-on products defined under Article 7 as ineligible for patent protection. Since 2020, Ukraine has also had a pre- and post-grant patent opposition mechanism in place. As the Index noted at the time, the presence of a pre-grant patent opposition system within a given jurisdiction poses the potential (and often practice) of unduly delaying the grant of a patent. In fact, many Index economies with pre-grant opposition systems have experienced systematic and severe delays in the patent prosecution process.

Unfortunately, the 2025 amendments to the Law have not addressed any of these structural deficiencies. A strong pro-patenting legal framework that readily enables and incentivizes inventors to protect their innovations is a prerequisite for achieving high-tech, innovation-led economic growth and development. The Index will continue to monitor these developments in 2026.

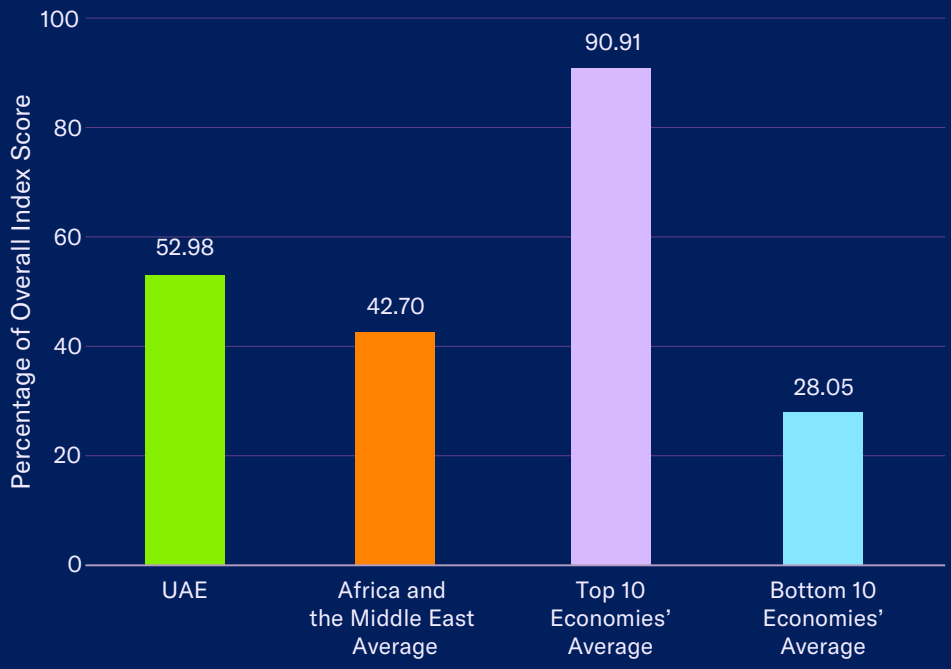
United Arab Emirates

Rank
27/55

Category Scores



Overall Score in Comparison



United Arab Emirates

Rank
27/55

Key Areas of Strength

- 2024 e-commerce law, Federal Decree-Law No. 14, and new system of administrative injunctive-style relief significantly strengthened IP environment
- Term of protection for design rights extended in 2021
- Acceded to Madrid Protocol in 2021
- 2021 Trademark Law improves environment for well-known marks and raises potential damages
- 2021 Trademark Law provides stronger border measures against counterfeit goods
- Defined RDP term introduced in 2020
- Foreign Direct Investment Law offers possibility of 100% foreign ownership granting foreign investors a potential exemption from the requirement of having an Emirati partner holding a minimum of 51% of a company's shares
- Enhanced anti-counterfeiting efforts, including criminal penalties
- Awareness raising and capacity building efforts on importance and value of IP rights

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Limited participation in international treaties

Indicator	Score
Category 1: Patents Rights and Limitations	**5.00**
1. Term of protection	1.00
2. Patentability requirements	0.50
3. Patentability of CIIs	0.50
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.75
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.00
9. Patent Opposition	0.25
Category 2: Copyrights and Limitations	**3.53**
10. Term of protection	0.53
11. Exclusive rights	0.75
12. Expeditious legal remedies disabling access to infringing content online	1.00
13. Cooperative action against online piracy	0.00
14. Limitations and exceptions	0.50
15. TPM and DRM	0.50
16. Government use of licensed software	0.25
Category 3: Trademarks Rights and Limitations	**3.00**
17. Term of protection	1.00
18. Protection of well-known marks	0.75
19. Exclusive rights, trademarks	0.75
20. Frameworks against online sale of counterfeit goods	0.50
Category 4: Design Rights and Limitations	**1.30**
21. Industrial Design Term of Protection	0.80
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	**1.80**
23. Protection of trade secrets (Civil Remedies)	0.50
24. Protection of trade secrets (Criminal Sanctions)	0.50
25. Regulatory data protection term	0.80
Category 6: Commercialization of IP Assets	**3.25**
26. Barriers to market access	0.25
27. Barriers to technology transfer	0.50
28. Registration and disclosure requirements of licensing deals	0.50
29. Direct Government intervention in setting licensing terms	0.50
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	1.00
Category 7: Enforcement	**4.70**
32. Physical counterfeiting rates	0.52
33. Software piracy rates	0.68
34. Civil and procedural remedies	0.75
35. Pre-established damages	0.50
36. Criminal standards	0.75
37. Effective border measures	0.75
38. Transparency and public reporting by Customs	0.75
Category 8: Systemic Efficiency	**2.75**
39. Coordination of IP rights enforcement	0.25
40. Consultation with stakeholders during IP policy formation	0.50
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
43. IP-intensive industries, national economic impact analysis	0.25
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**2.75**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	0.75

Total Score: 28.08

Spotlight on the National IP Environment

Past Editions versus Current Score

The UAE's overall score has increased from 25.58 out of 53 indicators in the 13th edition to 28.08. This reflects score increases on indicators 5, 38, 42, and 53.

Patent Rights and Limitations

In 2025, there were several positive developments in patent policy. To begin with, the Ministry of Economy and the USPTO agreed to an accelerated patent-grant program in July. Under this program, applicants who have obtained a U.S. patent and file a corresponding application in the UAE will benefit from accelerated review. The Ministry also introduced the "Patent Hive" program, which aims to cut processing and examination times from an average of 42 months to six months. This program will also offer reduced application fees and a new range of technical assistance programs to be developed in partnership with WIPO. The Ministry launched a new initiative on environmentally sustainable technologies: the "Green Intellectual Property" track.

These are all positive efforts to improve the patenting environment in the UAE. This is especially true for the accelerated patent grant program. Increased cooperation between IP offices is one of the most tangible ways to improve and harmonize the administration and functioning of the international IP system, benefiting inventors and rights holders. One established avenue for patenting is through an economy's relevant IP or patent office joining international efforts to streamline and improve patent prosecution by securing membership in the Patent Prosecution Highway (PPH).

The UAE is not currently a member of the Global Patent Prosecution Highway, nor does it have bilateral PPH agreements with other IP offices. Building on the new accelerated patent grant program and additional PPH initiatives would further improve the patenting environment and lead to a higher score on indicator 8. Membership in a Patent Prosecution Highway (PPH).

5. Pharmaceutical-related patent enforcement and resolution mechanism:
In a positive development, in 2025, the government introduced a potential new pre-marketing patent enforcement and resolution mechanism for biopharmaceuticals in the UAE. As noted in the Index, up until 2017, Ministry of Health Decree 404 provided an early patent adjudication mechanism for pharmaceuticals. Under the system, the Ministry of Health would deny marketing approval for a product that infringes on a patent existing either in the UAE or in the economy from which the product has been imported. Officials were to either reject an application or place it on hold until the patent expires. However, in 2017, the UAE government approved the marketing of two generic versions of a pharmaceutical product that was still under patent in the country of origin.

In late 2024, a new law was promulgated — Federal Decree-Law No. 38 of 2024 — regulating all aspects of medical products. The new law affects almost all facets of the biopharmaceutical market authorization process, including important aspects of biopharmaceutical IP protection. With respect to IP rights, both Articles 6 and 18 provide broad protection.

Article 6(e), which outlines the market approval procedures and process for innovative and follow-on products, states that applicants have the right to market their products in "accordance with the established rules for intellectual property and trademarks" and that follow-on applicants should "ensure compliance with the applicable laws and regulations concerning the protection of intellectual property and trademarks and provide evidence of the use of information and data for innovative products."

Similarly, Article 18 of the Law states that "documents and data related to an innovative Medical Product and a Medical Product with at least one new active ingredient, whether developed in the State or imported, are subject to a protection period. The Executive Regulations of this Decree-Law shall specify the period, mechanism, and system related to regulatory protection." Having a functioning linkage regime that gives rights holders a meaningful ability to prevent the launch of follow-on products during the granted term of exclusivity would strengthen the biopharmaceutical IP environment in the UAE.

At the time of the research, no Executive Regulations or additional information had been made publicly available that provided details on the rights and responsibilities of innovators and follow-on applicants. Nevertheless, the introduction of Federal Decree-Law No. 38 provides the basis for a potential pre-approval enforcement mechanism and an explicit form of statutory protection. On this basis, the score on this indicator increased by 0.75. The Index will continue to monitor these developments in 2026.

Enforcement

38. Transparency and public reporting by Customs authorities of trade-related IP infringement:
Historically, the UAE's Federal Customs Authority has not published regular and systematic statistics and data on trade-related IP infringement.

While this indicator primarily focuses on what happens at the national/central government level, the UAE's federal structure includes a great deal of delegation and devolved authority to the level of each emirate, including border enforcement. As a result, this year's Index examined customs activity at the sub-national level of each of the UAE's seven emirates. Both Dubai and Abu Dhabi — two of the largest emirates and home to the UAE's largest and most active seaports publish regular, systematic statistics on border enforcement related to IP infringement. For example, in 2025, Dubai Customs released data on the total seizures of trade-related IP-infringing goods for 2024, the estimated value of these seizures, and the types of goods seized. Similarly, in its Annual Report, Abu Dhabi Customs provided an estimate of the total value in AED of counterfeit goods seized in 2024. As a result of this positive activity, the score on this indicator increased by 0.75.

Systemic Efficiency

42. Targeted incentives for the creation and use of IP assets for SMEs:
As noted last year, historically, the UAE has offered only limited incentives for the creation and use of IP assets by SMEs. Registration fees for SMEs have not been discounted, and there has been no expedited review process. The technical assistance programs that have been in place have not been emirate-wide; they have been available only in Dubai. In 2024, this began to change when the Ministry of Economy launched two new SME-specific, emirates-wide IP support programs targeting patent registration and financial support: the "Intangible Finance Committee" and the "Patent Incubator." Both programs aim to increase and improve the development and registration of IP assets by SMEs by providing access to financing, technical assistance, and registration support.

In 2025, these positive efforts continued with the Ministry, first launching a new technical assistance program — in partnership with Dubai Science Park — and second, reducing trademark registration fees by 50% for qualifying SMEs. The latter policy is part of a broader effort under Cabinet Resolution 102 (2025) to incentivize greater trademark registrations. Of note is the introduction of a new 'One-Day' expedited registration service. As a result of these positive efforts, the score on this indicator increased by 0.25.

Membership and Ratification of International Treaties

53. At least one post-TRIPS FTA with substantive IP provisions and chapters in line with international best practices:
Over the last five years, the UAE has concluded a growing number of stand-alone Comprehensive Economic Partnership Agreements (CEPAs) with several other Index economies on a bilateral basis, including India, Israel, Indonesia, and Türkiye. In 2025, another such agreement came into effect, the UAE-Australia CEPA. All these CEPAs include a dedicated IP chapter. This is a positive feature of the agreements, which reflects a recognition of the importance of IP-intensive industries and the centrality of IP rights to future trade and economic development in all economies.

As has been noted in the Index, this is not always the case. Many 21st-century post-TRIPS FTAs do not include a dedicated IP chapter or otherwise skirt meaningful provisions on IP rights. The UAE's CEPAs include several substantive IP provisions identified in the Index. For example, the UAE-Kenya CEPA (Section G, Article 13.33) contains a clearly defined RDP term of five years for submitted clinical test data as part of sanitary registration for a new medicinal product.

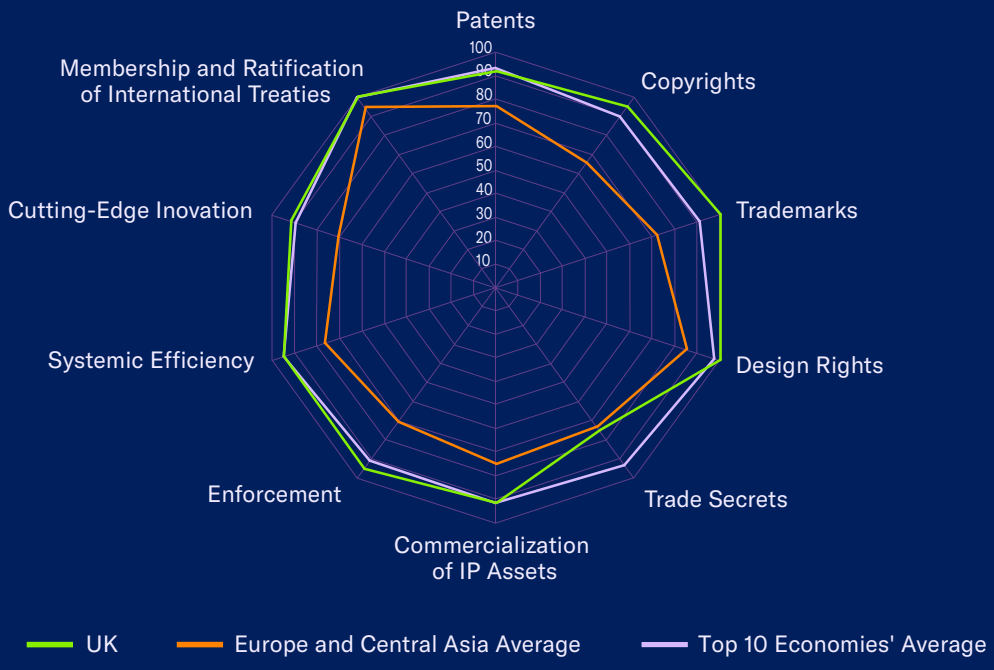
Similarly, Article 14.25 of the 2025 Australia-UAE CEPA ensures that recordal of a trademark license is not required to establish the validity of such a license or the legitimate use of the mark in question. These are both important post-TRIPS IP standards covered as discrete indicators in the Index.

Historically, this indicator has been scored based on whether an economy is a signatory to, and has ratified or acceded to, a modern post-TRIPS FTA that includes substantive IP provisions in line with international best practices, as identified in the Index. Therefore, this indicator does not consider the allocation of partial scores in situations where a post-TRIPS FTA contains only a limited number of substantive IP provisions, in line with international best practices identified in the Index. To take better account of the increasing number of post-TRIPS FTAs that include some substantive IP provisions identified in the Index, from this edition of the Index onward, it will be possible to achieve a partial score ranging from 0, 0.25, 0.5, 0.75, and 1. Like all other indicators in this category, score allocation will still be evenly divided between the signature and ratification or accession to an international treaty. As a result of the change in the scoring methodology, the score for this indicator increased by 0.75.

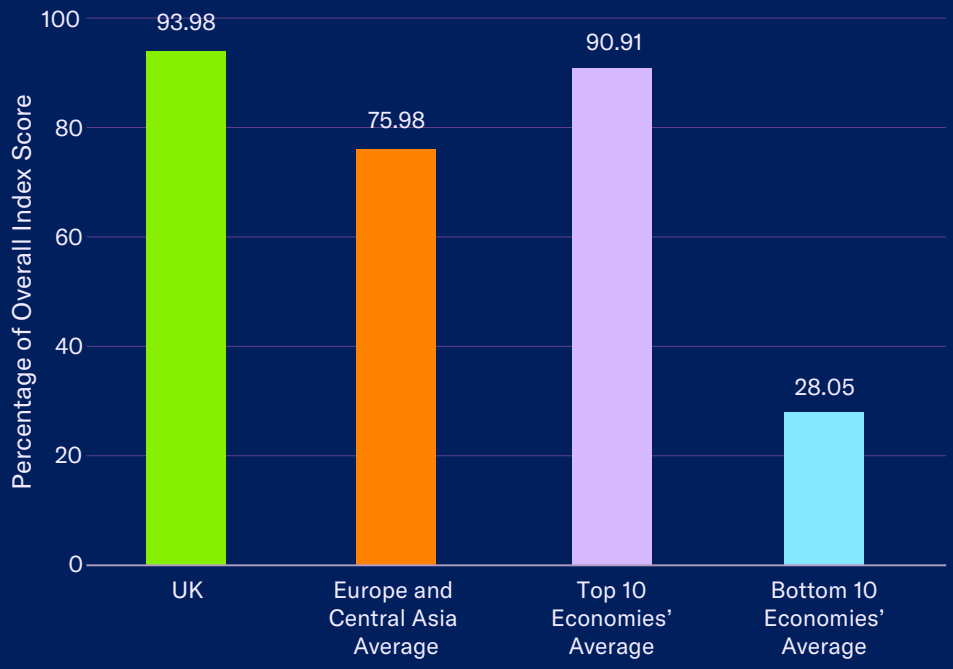
United Kingdom

Rank
2/55

Category Scores



Overall Score in Comparison



United Kingdom

Rank
2/55

Key Areas of Strength

- Strong and sophisticated national IP environment
- UK is a model for injunctive style relief for rights holders when battling online infringement
- Overall strong cross-sectoral enforcement environment highlighted by the work of a specialist crime unit and cross-industry and government cooperation
- Since 2000, Orphan Regulation (now SI 2019/1385) has provided a world-leading 10-year term of orphan market exclusivity, resulting in new biopharmaceutical R&D and development of new treatments and medicines for rare diseases

Key Areas of Weakness

- UK Government chose to retain EU SPC exemption for exports of biopharmaceuticals and to calculate the term from the first marketing authorization either in the UK or the European Economic Area
- Plausibility Doctrine rulings raise uncertainty on patent terms for biopharmaceuticals and UK competitiveness in life sciences
- Limited criminal sanctions available for the theft and misappropriation of trade secrets

Indicator	Score
Category 1: Patents Rights and Limitations	**8.25**
1. Term of protection	1.00
2. Patentability requirements	1.00
3. Patentability of CIIs	1.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.50
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	0.75
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	1.00
Category 2: Copyrights and Limitations	**6.63**
10. Term of protection	0.63
11. Exclusive rights	1.00
12. Expeditious legal remedies disabling access to infringing content online	1.00
13. Cooperative action against online piracy	1.00
14. Limitations and exceptions	1.00
15. TPM and DRM	1.00
16. Government use of licensed software	1.00
Category 3: Trademarks Rights and Limitations	**4.00**
17. Term of protection	1.00
18. Protection of well-known marks	1.00
19. Exclusive rights, trademarks	1.00
20. Frameworks against online sale of counterfeit goods	1.00
Category 4: Design Rights and Limitations	**2.00**
21. Industrial Design Term of Protection	1.00
22. Exclusive rights, industrial design rights	1.00
Category 5: Trade Secrets and the Protection of Confidential Information	**2.25**
23. Protection of trade secrets (Civil Remedies)	1.00
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	1.00
Category 6: Commercialization of IP Assets	**5.50**
26. Barriers to market access	1.00
27. Barriers to technology transfer	1.00
28. Registration and disclosure requirements of licensing deals	0.75
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	1.00
Category 7: Enforcement	**6.68**
32. Physical counterfeiting rates	0.89
33. Software piracy rates	0.79
34. Civil and procedural remedies	1.00
35. Pre-established damages	1.00
36. Criminal standards	1.00
37. Effective border measures	1.00
38. Transparency and public reporting by Customs	1.00
Category 8: Systemic Efficiency	**4.75**
39. Coordination of IP rights enforcement	1.00
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
43. IP-intensive industries, national economic impact analysis	1.00
Category 9: Cutting-Edge Innovation	**2.75**
44. IP incentives for orphan medicinal product development	1.00
45. IP incentives for orphan medicinal product development, term of protection	1.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.75
Category 10: Membership and Ratification of International Treaties	**7.00**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
49. Patent Law Treaty and Patent Cooperation Treaty	1.00
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	1.00

Total Score: 49.81

Spotlight on the National IP Environment

Past Editions versus Current Score

The UK's overall score remains unchanged at 49.81.

Copyrights and Limitations

14. Scope of limitations and exceptions to copyrights and related rights:
As noted in past editions of the Index, over the last five years, both the British Parliament and the Government have been working on AI and machine learning policy reforms. This continued in 2025 with: i) the completion of a new consultation on copyright and AI; ii) the passing of a new statutory law, the Data (Use and Access) Act 2025 (DUA); and iii) the establishment of a new government-led expert working group on AI and copyright, chaired by the secretaries of Technology and Science.

In the Ministerial Foreword to the 2024 IPO document "Copyright and AI: Consultation," the government emphasizes the introduction of "a mechanism for right holders to reserve their rights, enabling them to license and be paid for the use of their work in AI training." Additionally, the government proposes "an exception to support use at scale of a wide range of material by AI developers where rights have not been reserved." The Government's goal is to foster innovation in the AI space while also maintaining the traditional strengths of the UK's copyright-reliant creative industries. At the time of the research, no reports had been published, and no further announcements had been made regarding the working group.

In a separate development, a judgment was handed down in the case of *Getty Images v Stability AI*. The case examined Getty's claims regarding both trademark and copyright infringement by Stability. The case was expected to provide a precedent-setting verdict and guidance on the interaction between UK copyright law and the development of AI technologies; however, it only addressed the issue of potential secondary infringement. As noted in the Index, AI and machine learning are important areas of future economic activity, as advances in computational power and new technologies enable scientific research and innovation through the analysis of large volumes of data. However, there are real concerns about how the development, application, and use of these technologies will affect creators and rights holders worldwide. Given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights. The Index will continue to monitor these developments in 2026.

Commercialization of IP Assets and Market Access

27. Barriers to technology transfer; and 29. Direct government intervention in setting licensing terms:
In 2025, the UK Government launched a consultation on SEP licensing. The consultation posits that "available evidence indicates there are systemic issues in the SEPs ecosystem around transparency and dispute resolution that may require government intervention."

It proposes several new government-led policies to address these issues, most notably, the establishment of a new "Rate Determination Track" that "would have the objective of providing all ecosystem stakeholders, but especially SMEs, the ability to obtain an independently adjudicated license rate, in an efficient and cost-effective way, where licensing negotiations are not proving successful."

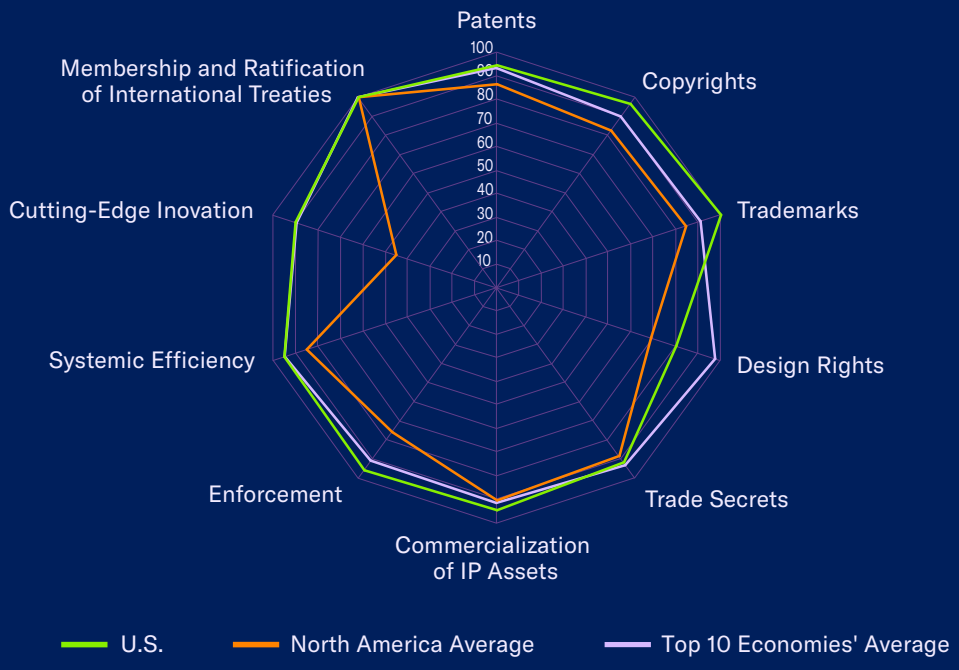
The British Government is not the first to ask questions about the SEP licensing marketplace; over the last decade, many other Index economies have held similar information-gathering exercises. For example, as noted in the Index, between 2017 and 2022, the Japanese Government held several consultations and meetings with stakeholders, examining in detail the SEP licensing process and the potential need for further government-led intervention in the SEP licensing marketplace. Similarly, the European Commission also reviewed the need for reforms to the SEP licensing process. SEP-based technologies are central to future innovation and economic growth; many of the cutting-edge industries loosely labeled as part of the "Fourth Industrial Revolution" — the Internet of Things, artificial intelligence, robotics, and 3-D printing — will rely on SEPs to function. However, disputes between licensors and licensees on what constitutes fair, reasonable, and nondiscriminatory (FRAND) licensing terms are not new, nor are they unique to the UK.

This is an evolving field of IP policy and jurisprudence for a subject matter that is deeply complex. Each licensing negotiation is unique and should not be subject to prescriptive government action or intervention, whether direct or indirect. Both in Japan and in the EU, policymakers reached this conclusion and abandoned efforts at government intervention or any deeper restrictions on SEP licensing. As such, it is critical that UK policymakers tread carefully and refrain from being overly prescriptive or restrictive when creating a new rate-setting authority. The Index will continue to monitor these developments in 2026.

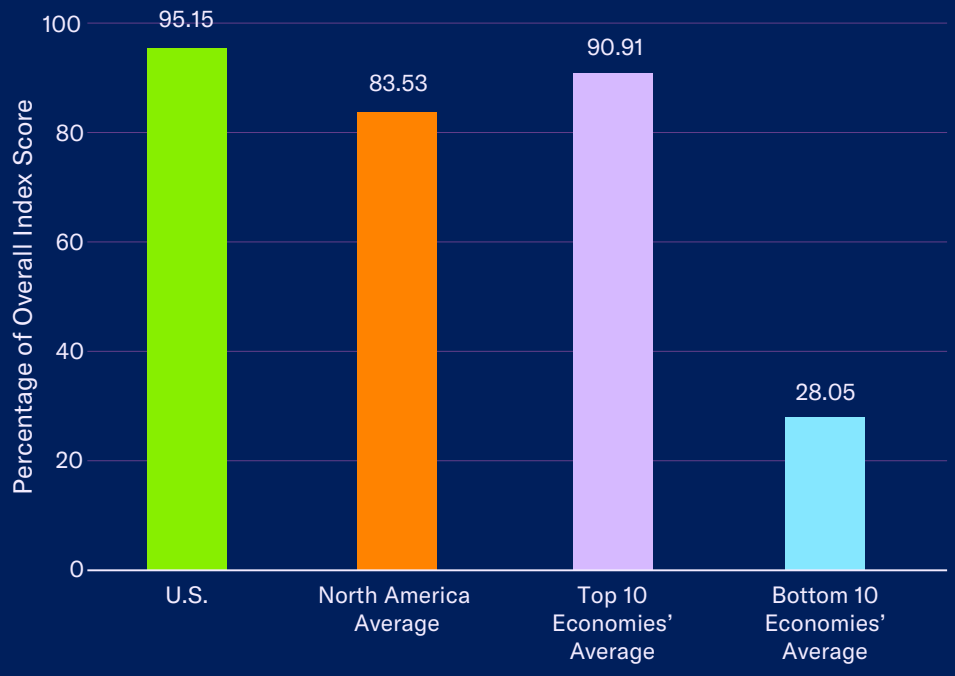
United States

Rank
1/55

Category Scores



Overall Score in Comparison



United States

Rank
1/55

Key Areas of Strength

- U.S. national IP system continues to provide international leadership
- Sector specific rights and protections in place across all categories of the Index
- Since mid-1980s, Orphan Drugs Act has provided a world leading seven-year term of orphan market exclusivity, resulting in new biopharmaceutical R&D and development of new treatments and medicines for rare diseases

Key Areas of Weakness

- Congressional bills seek to limit the number of patents a rights holder may assert in an infringement action; specifically targets biopharmaceuticals
- 2025 NIH changes to Intramural Research Program puts U.S. innovation and economic growth at risk
- 2023 NIST proposals for exerting “march-in rights” fundamentally undermines patent rights
- Long-standing uncertainty over patentability standards for high-tech sectors
- Long-standing uncertainty over PTAB proceedings
- No targeted legal basis for addressing online piracy along the lines of other global leaders

Indicator	Score
Category 1: Patents Rights and Limitations	**8.50**
1. Term of protection	1.00
2. Patentability requirements	0.75
3. Patentability of CIIs	1.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	1.00
6. Legislative criteria and active use of compulsory licensing	1.00
7. Pharmaceutical patent term restoration	1.00
8. Membership of a Patent Prosecution Highway	1.00
9. Patent Opposition	0.75
Category 2: Copyrights and Limitations	**6.75**
10. Term of protection	1.00
11. Exclusive rights	1.00
12. Expeditious legal remedies disabling access to infringing content online	0.75
13. Cooperative action against online piracy	1.00
14. Limitations and exceptions	1.00
15. TPM and DRM	1.00
16. Government use of licensed software	1.00
Category 3: Trademarks Rights and Limitations	**4.00**
17. Term of protection	1.00
18. Protection of well-known marks	1.00
19. Exclusive rights, trademarks	1.00
20. Frameworks against online sale of counterfeit goods	1.00
Category 4: Design Rights and Limitations	**1.60**
21. Industrial Design Term of Protection	0.60
22. Exclusive rights, industrial design rights	1.00
Category 5: Trade Secrets and the Protection of Confidential Information	**2.75**
23. Protection of trade secrets (Civil Remedies)	1.00
24. Protection of trade secrets (Criminal Sanctions)	1.00
25. Regulatory data protection term	0.75
Category 6: Commercialization of IP Assets	**5.67**
26. Barriers to market access	1.00
27. Barriers to technology transfer	1.00
28. Registration and disclosure requirements of licensing deals	1.00
29. Direct Government intervention in setting licensing terms	1.00
30. IP as an economic asset	1.00
31. Tax incentives for the creation of IP assets	0.67
Category 7: Enforcement	**6.71**
32. Physical counterfeiting rates	0.86
33. Software piracy rates	0.85
34. Civil and procedural remedies	1.00
35. Pre-established damages	1.00
36. Criminal standards	1.00
37. Effective border measures	1.00
38. Transparency and public reporting by Customs	1.00
Category 8: Systemic Efficiency	**4.75**
39. Coordination of IP rights enforcement	1.00
40. Consultation with stakeholders during IP policy formation	1.00
41. Educational campaigns and awareness raising	1.00
42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
43. IP-intensive industries, national economic impact analysis	1.00
Category 9: Cutting-Edge Innovation	**2.70**
44. IP incentives for orphan medicinal product development	1.00
45. IP incentives for orphan medicinal product development, term of protection	0.70
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	1.00
Category 10: Membership and Ratification of International Treaties	**7.00**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	1.00
49. Patent Law Treaty and Patent Cooperation Treaty	1.00
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	1.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	1.00

Total Score: 50.43

Spotlight on the National IP Environment

Past Editions versus Current Score

The United States' overall score has decreased from 50.44 out of 53 indicators in the 13th edition to 50.43. This reflects a score decrease on indicator 32.

Area of Note

Unlike many other high-income OECD economies, the U.S. federal government has not historically imposed national price controls or other restrictions or market-access barriers on health technologies, including life sciences and medical devices. This changed with the passage of the 2022 Inflation Reduction Act (IRA), which marks a sharp departure in U.S. health and life sciences policy. The law includes a series of fundamental changes to the pricing framework for medicines covered under Medicare Part B and Part D.

The law was presented as a way to grant the Department of Health and Human Services (HHS) and the Centers for Medicare and Medicaid Services (CMS) greater authority to negotiate the prices of a specific number of medicines covered under Medicare that do not have generic or biosimilar competition. However, it granted such sweeping powers to the Secretary of Health and Human Services and imposes such punitive damages on manufacturers that fail to agree or abide by the price setting mechanism, that it is a *de facto* expenditure and price control.

Efforts to introduce national price controls preceded the IRA. In 2025, the Trump administration announced the Executive Order "Delivering Most-Favored-Nation (MFN) Prescription Drug Pricing to American Patients." Under this Order, the President authorized the CMS to impose most-favored-nation pricing through a "rule-making plan to impose most-favored-nation pricing." At the time of the research, CMS announced a new national drug-pricing model for Medicaid called the GENEROUS (GENErating cost Reductions fOr U.S. Medicaid) Model.

These initiatives build on policy proposals from the first Trump administration. In late 2018, the administration announced plans to build an International Pricing Index and develop an MFN model for use by Medicare Part B. This plan was formalized in late 2020 by HHS and CMS. The MFN model would benchmark the price of a basket of 50 biopharmaceutical products against the prices of the same products in a sample of OECD economies. The comparator economies were chosen based on OECD membership and per capita gross domestic product (GDP) at purchasing power parity (PPP) of 60% or more than that of the United States. After several court rulings in late 2021, the CMS formally rescinded the proposed MFN model.

The imposition of national price controls and life sciences expenditure controls is not cost-free. Price controls and life sciences cost-containment policies directly affect the availability of new, innovative medicines and medical technologies for patients and consumers in the affected market. Economies that impose price controls and life sciences cost-containment policies tend to see fewer medicines introduced to the market, and patients generally must wait longer to access new, innovative medicines and medical technologies. But beyond access to new medicines and life sciences technologies, such policies also directly undermine future R&D investment and the development of new medicines.

With fewer resources, it stands to reason that life sciences manufacturers will invest less in R&D and be less likely to develop new life sciences products and services at the same rate as in the past. This logic holds true whether a new medicine was developed by a public or private research entity.

The U.S. has historically been the global leader in all types of clinical research, with particular strengths in cutting-edge, higher-risk early-phase trials and research on cancer, Alzheimer's Disease, diabetes, obesity, cardiovascular diseases, and biologics. While this leadership in life sciences innovation is a result of many different enabling factors — including scientific capacity, R&D infrastructure, human capital, strong IP protection, and a sophisticated technology transfer framework — one of the strongest drivers of life sciences innovation has been the existence of a relatively free market in the pricing of life sciences. The imposition of biopharmaceutical price controls through the IRA and MFN jeopardizes much of this research leadership and the future innovation that comes with it.

Patent Rights and Limitations

Press reports in 2025 suggest that the Commerce Department has been investigating the feasibility of introducing a new fee structure on the commercial value of granted U.S. patents, ranging from 1-5%. It is unclear how such a proposal would continue to stimulate R&D and innovation in the United States. The most likely outcome of introducing such a policy is a steep contraction in patenting activity (through a drop in both new applications and maintenance of granted patents), in domestic U.S. inventive activity, and in the wholesale offshoring of R&D investment across most major patent arts and technologies. At a Congressional hearing in February, Commerce Secretary Howard Lutnick stated that the Department does not plan to move forward with a valuation fee or tax on patents. At the time of research, no formal proposal had been published by the administration or presented to the public. The Index will continue to monitor these developments in 2026.

2. Patentability requirements; and
9. Patent opposition:
As noted in previous editions, there remains uncertainty about the patenting environment in the United States. Since the Supreme Court decisions in the *Bilski, Myriad, Mayo*, and *Alice* cases, there has been uncertainty about which inventions are patent-eligible in the United States. In 2025, efforts to address this continued in both Congress and at the USPTO. Similarly, discussions continued in both the executive and legislative branches about how to reform post-grant opposition and patent nullity proceedings, which were originally introduced under the 2011 America Invents Act (AIA).

In Congress, several bills were also under consideration to limit the number of patents a rights holder may assert in an infringement action. Not only do these bills discriminate and selectively target the life sciences sector with these restrictions, but they also embrace a fundamentally anti-IP and anti-innovation logic whereby the restriction of IP rights will lead to lower prices and greater access to a given product, in this case, biopharmaceutical treatments. At the time of research, the proposed laws had not been passed by Congress or signed into law. The Index will continue to monitor these developments in 2026.

Copyrights and Limitations

14. Scope of limitations and exceptions to copyrights and related rights:
Like many other advanced economies, the United States recognizes the importance of artificial intelligence (AI) and machine learning as key areas for technological development and future economic growth. Both the Federal Government and Congress are actively working on policy reforms related to these technologies.

In early 2025, President Trump signed Executive Order 14179, "Removing Barriers to American Leadership in Artificial Intelligence." This was followed up in July with the presentation of "Winning the AI Race: America's AI Action Plan."

Together, these initiatives aim to increase AI innovation, domestic AI-supporting infrastructure, and the production, commercialization, and export of American-made AI-based and derived products.

Separately, the Copyright Office issued two new reports examining copyright within the context of the development and application of AI and machine learning tools. The third report, Copyright and Artificial Intelligence Part 3: Generative AI Training, addresses IP rights within the context of AI development and language training models. The Copyright Office released this report with a disclaimer that reads, "The Office is releasing this pre-publication version of Part 3 in response to congressional inquiries and expressions of interest from stakeholders. A final version will be published in the near future, without any substantive changes expected in the analysis or conclusions." As of publication, no further editions of this report have been issued. Given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights.

Throughout 2025, Congress continued to examine several bills relating to AI and copyright, some of which would seek to strengthen existing legal protections. At the time of research, no new legislation had been voted on or signed into law by the President. There were also significant judicial developments in 2025. While the jurisprudence is still evolving, with only a handful of verdicts handed down, the USD 1.5 billion settlement in Bartz v. Anthropic is likely to set an important precedent for this type of dispute going forward. Under the terms of the settlement, Anthropic will, according to the suing rights holders, pay "the largest publicly reported copyright recovery in history, larger than any other copyright class action settlement or any individual copyright case litigated to final judgment." The Index will continue to monitor these developments in 2026.

Commercialization of IP Assets and Market Access

27. Barriers to technology transfer:
In 2025, several potentially negative developments affected the U.S. technology transfer environment. To begin with, the NIH's proposed new policy on patent licensing — the Intramural Research Program (IRP) Access Planning Policy — came into effect. As discussed in the Index when this was first proposed, the NIH would require licensees to submit plans for how successfully developed and commercialized medicinal products would be accessed by patients.

While the final policy applies only to NIH-owned inventions and research conducted at NIH, the NIH seems to have fundamentally misunderstood its own role and that of the private sector in the technology transfer process. The overwhelming majority of publicly funded research — whether through the NIH, academic institutions, or other parts of the federal government — does not produce, or even aim to produce, a finalized, commercially available product. The translation of basic research into new products, services, and technologies is achieved through partnerships with the private sector, which invests resources and bears all accompanying financial risk of the commercialization process.

In this respect, while critical, basic research — no matter how pathbreaking — is almost never in itself enough to lead to a final product or service. And while the commercialization process for each licensed technology and invention is itself unique — and the exact amount of expenditure and commercialization spending ratio between licensee and licensor varies from technology to technology and transaction to transaction — practical experience and research suggest that the overwhelming majority of investment needed in the development and bringing to market of a commercial product is done by the private sector entity to which the invention has been licensed.

For example, the Congressional Research Service, in a 2012 study, stated that: "Although research is often important to innovation, it appears that, on average, it constitutes approximately 25% of the cost of commercializing a new technology or technique, thus requiring the expenditure of a substantial amount of additional resources to bring most products or processes to the marketplace [emphasis added]."

Separately, the Commerce Department declared it was investigating Harvard University's compliance under the Bayh-Dole Act, with the possibility of initiating the Federal Government's right to exercise march-in rights. As the Index has noted in the past, when the Federal Government has announced plans to adopt a more expansionist view of march-in rights — most notably in 2023 and the National Institute of Standards and Technology's proposal — adopting such an interventionist mindset on march-in rights and the public-private licensing process would stand in marked contrast to the intended goals of the Bayh-Dole Act.

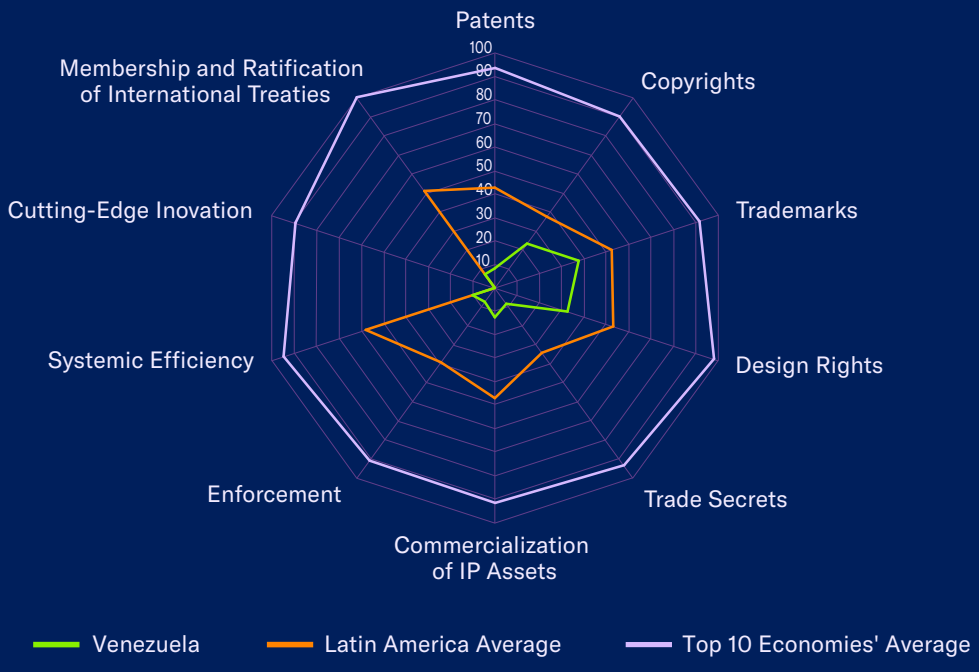
Bayh-Dole has, over the last 40 years, provided federal laboratories, small businesses, universities, and other entities that use federal funds with the incentives needed to work with the private sector to translate early-stage research into usable products in the marketplace for the benefit of the wider public. The importance of the Bayh-Dole framework to U.S. innovation cannot be overstated. In 2002, the Economist magazine called the law the "most inspired piece of legislation to be enacted in America in the last half-century."

Indeed, if such a flawed misinterpretation of Bayh-Dole and the Federal Government's role in the licensing process were adopted, it would likely lead to a significant contraction of the current U.S. R&D ecosystem, putting tens of thousands of future patents and accompanying innovation and economic growth at risk. That is not a risk worth taking.

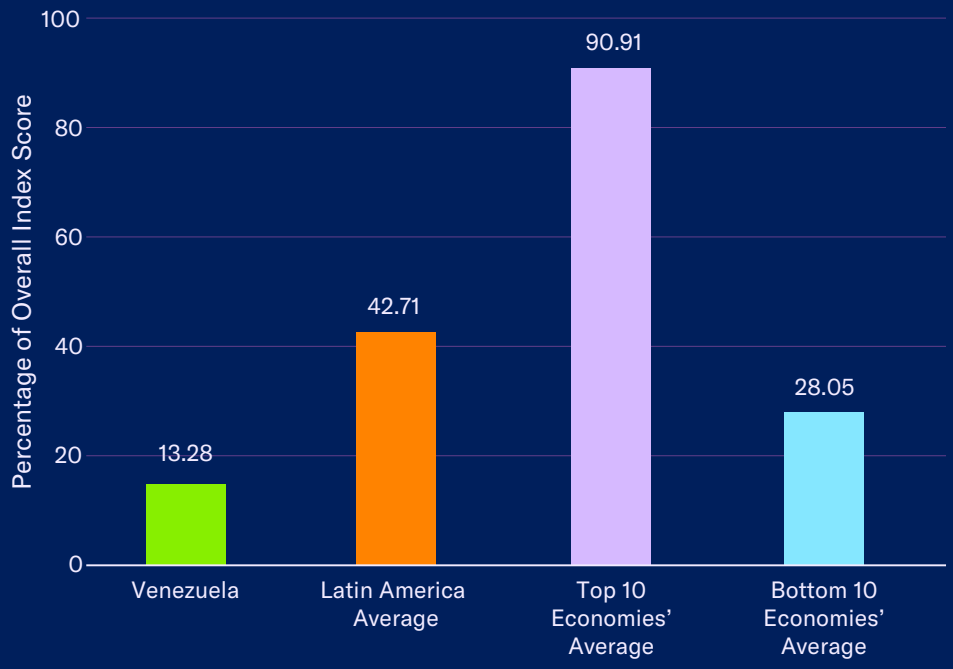
Venezuela

Rank
55/55

Category Scores



Overall Score in Comparison



Venezuela

Rank
55/55

Key Areas of Strength

- Basic copyright, trademark, and industrial design frameworks in place
- Awareness raising and capacity building efforts on importance and use of IP rights

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Weak patent framework, with sector-specific patents and other IP rights not available
- Major holes in copyright protection, notably in the digital sphere
- Trademark legislation does not directly address unregistered marks, with limited recognition of well-known marks
- Enforcement generally poor — penalties insufficient and administrative inaction
- Government interference and regulatory barriers to commercialization of IP assets

Indicator	Score
Category 1: Patents Rights and Limitations	**0.75**
1. Term of protection	0.50
2. Patentability requirements	0.00
3. Patentability of CIIs	0.25
4. Plant variety protection	0.00
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.00
9. Patent Opposition	0.00
Category 2: Copyrights and Limitations	**1.63**
10. Term of protection	0.63
11. Exclusive rights	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.00
13. Cooperative action against online piracy	0.25
14. Limitations and exceptions	0.25
15. TPM and DRM	0.00
16. Government use of licensed software	0.25
Category 3: Trademarks Rights and Limitations	**1.50**
17. Term of protection	1.00
18. Protection of well-known marks	0.25
19. Exclusive rights, trademarks	0.25
20. Frameworks against online sale of counterfeit goods	0.00
Category 4: Design Rights and Limitations	**0.65**
21. Industrial Design Term of Protection	0.40
22. Exclusive rights, industrial design rights	0.25
Category 5: Trade Secrets and the Protection of Confidential Information	**0.25**
23. Protection of trade secrets (Civil Remedies)	0.25
24. Protection of trade secrets (Criminal Sanctions)	0.00
25. Regulatory data protection term	0.00
Category 6: Commercialization of IP Assets	**0.75**
26. Barriers to market access	0.00
27. Barriers to technology transfer	0.00
28. Registration and disclosure requirements of licensing deals	0.25
29. Direct Government intervention in setting licensing terms	0.00
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	0.00
Category 7: Enforcement	**0.51**
32. Physical counterfeiting rates	0.15
33. Software piracy rates	0.11
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.00
36. Criminal standards	0.00
37. Effective border measures	0.00
38. Transparency and public reporting by Customs	0.00
Category 8: Systemic Efficiency	**0.50**
39. Coordination of IP rights enforcement	0.00
40. Consultation with stakeholders during IP policy formation	0.00
41. Educational campaigns and awareness raising	0.50
42. Targeted incentives for the creation and use of IP assets for SMEs	0.00
43. IP-intensive industries, national economic impact analysis	0.00
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**0.50**
47. WIPO Internet Treaties	0.50
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.00
49. Patent Law Treaty and Patent Cooperation Treaty	0.00
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
53. Post-TRIPS FTA	0.00

Total Score: 7.04

Spotlight on the National IP Environment

Past Editions versus Current Score

Venezuela's overall score has decreased from 7.05 out of 53 indicators in the 13th edition to 7.04. This reflects a score decrease on indicator 32.

Area of Note

In late 2025, President Nicolás Maduro was arrested and transported to the United States to stand trial on drug trafficking charges. At the time of the research, it remained unclear how this development would affect public policymaking in Venezuela. As noted in previous editions of the Index, rights holders in Venezuela have long faced a highly uncertain and challenging business environment. Venezuela lacks most basic IP laws and protections and has ranked last in the Index since its first inclusion in the fourth edition. The existing legal framework, as enshrined in the 1955 Industrial Property Law, predates the TRIPS Agreement, let alone more modern IP frameworks and international best practices. Venezuela remained on the USTR's Priority Watch List in the *2025 Special 301 Report*. The *Report* noted that Venezuela "did not make any notable progress toward improving IP protection in 2024."

In 2025, the Government of Venezuela launched a new national development plan, "7T" (*7 Transformaciones*). The plan provides socio-economic goals for the next seven years, 2025-2031. While the plan references research and development, innovation, and science and technology, it does not specifically address IP rights or any related IP policy. As noted last year, as part of these broader economic policy efforts, the Venezuelan Autonomous Intellectual Property Service (SAPI) is developing a *National Strategy on Intellectual Property*. At the time of the research, the SAPI was holding meetings and public consultations, and no finalized document had been made available to the public. As the Government of Venezuela pursues a program of national IP rights reforms, we encourage them to use the findings of the Index and the accompanying Statistical Annex as a guide in 2026 and beyond.

Patent Rights and Limitations

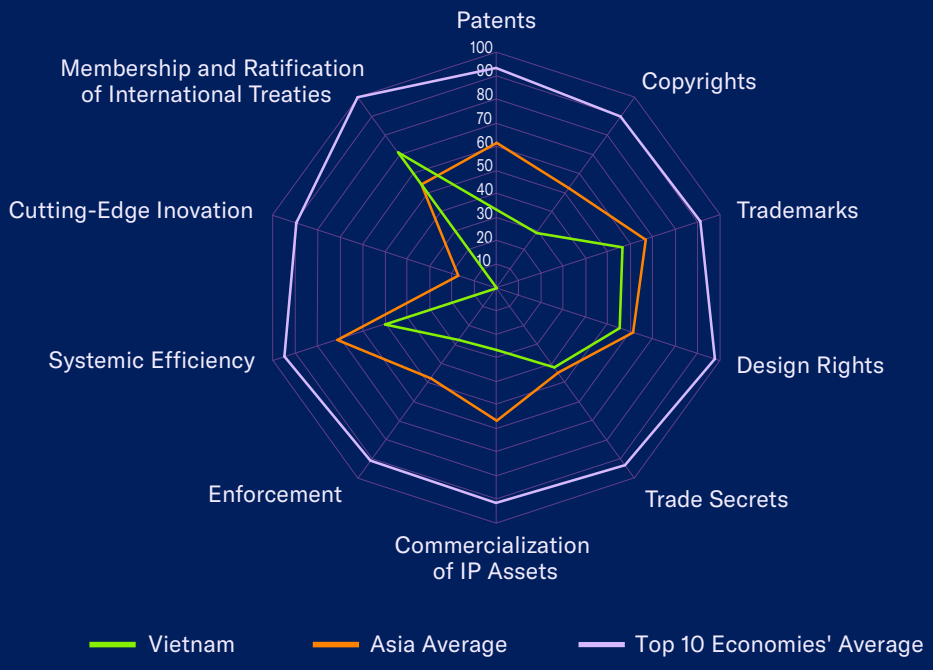
With respect to Category 1: Patents, Related Rights, and Limitations, legal standards of patentable subject matter in Venezuela are firmly outside existing international standards. In violation of TRIPS Article 27, chemical preparations, use of natural substances, second use, and new forms of pharmaceutical inventions have been explicitly excluded from patentable subject matter. Inventions created with public funds or means are also not patentable. The standard term of protection for patents has also been set at half the TRIPS minimum of 20 years, at 10 years. For the past two decades, inventors have faced significant challenges in obtaining patent protection. In 2002, authorities suspended the granting of pharmaceutical patents, and since then, SAPI has halted the processing and approval of patents across all fields and technologies.

As noted in preceding editions, in an encouraging development, local reports suggest that the SAPI has, over the last several years, begun to process and grant patents again. International patent statistics maintained by WIPO indicate that 317 patents were granted (direct and PCT national phase entries) in Venezuela in 2022, and a further 58 in 2023. No data is available for 2024 or 2025. As noted last year, should rights holders be able to consistently obtain patent protection under TRIPS standards for a minimum term of 20 years in accordance with Venezuela's WTO obligations in a timely fashion, this would mark a significant and positive improvement in Venezuela's national IP environment and would potentially result in a score increase on indicators 1 and 2. The Index will continue to monitor these developments in 2026.

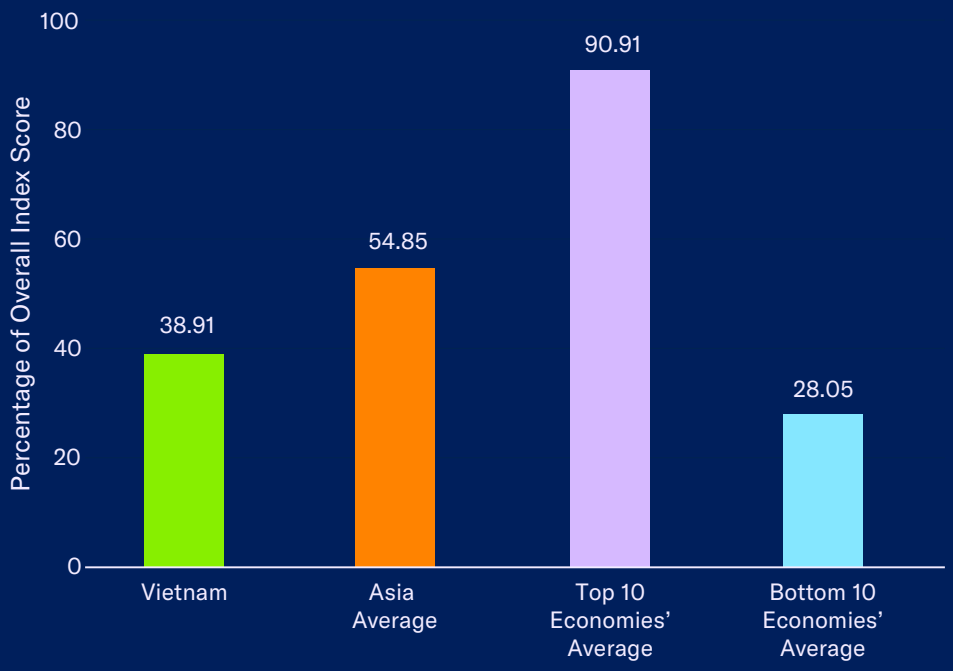
Vietnam

Rank
40/55

Category Scores



Overall Score in Comparison



Vietnam

Rank
40/55

Key Areas of Strength

- First criminal conviction issued for copyright infringement in 2024
- 2022 amendments to Law on Intellectual Property (IP Law) improve copyright protection
- Acceded to WIPO Performances and Phonograms Treaty in 2022
- Acceded to WIPO Copyright Treaty in 2021
- Ratified EU-Vietnam FTA in 2020
- Basic IP protections and enforcement framework in place
- Growing integration into international IP platforms, such as through EU-Vietnam FTA
- Long-standing effort to coordinate

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Inadequate protection of life sciences patents, with challenging enforcement environment
- 2022 amendments notwithstanding, gaps in copyright protection remain, including a lack of measures to address online infringements
- High physical counterfeiting rates and online infringement with an estimated software piracy rate of 74%
- Restrictions in place on digital trade and cross-border data transfers through Law on Cybersecurity
- Enforcement generally poor; penalties insufficient in practice; administrative inaction

Indicator	Score
Category 1: Patents Rights and Limitations	**3.00**
1. Term of protection	1.00
2. Patentability requirements	0.25
3. Patentability of CIIs	0.00
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and active use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.50
9. Patent Opposition	0.25
Category 2: Copyrights and Limitations	**2.03**
10. Term of protection	0.53
11. Exclusive rights	0.50
12. Expeditious legal remedies disabling access to infringing content online	0.25
13. Cooperative action against online piracy	0.25
14. Limitations and exceptions	0.00
15. TPM and DRM	0.50
16. Government use of licensed software	0.00
Category 3: Trademarks Rights and Limitations	**2.25**
17. Term of protection	1.00
18. Protection of well-known marks	0.25
19. Exclusive rights, trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.50
Category 4: Design Rights and Limitations	**1.10**
21. Industrial Design Term of Protection	0.60
22. Exclusive rights, industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	**1.25**
23. Protection of trade secrets (Civil Remedies)	0.50
24. Protection of trade secrets (Criminal Sanctions)	0.25
25. Regulatory data protection term	0.50
Category 6: Commercialization of IP Assets	**1.58**
26. Barriers to market access	0.00
27. Barriers to technology transfer	0.25
28. Registration and disclosure requirements of licensing deals	0.25
29. Direct Government intervention in setting licensing terms	0.00
30. IP as an economic asset	0.75
31. Tax incentives for the creation of IP assets	0.33
Category 7: Enforcement	**1.91**
32. Physical counterfeiting rates	0.40
33. Software piracy rates	0.26
34. Civil and procedural remedies	0.25
35. Pre-established damages	0.25
36. Criminal standards	0.50
37. Effective border measures	0.25
38. Transparency and public reporting by Customs	0.00
Category 8: Systemic Efficiency	**2.50**
39. Coordination of IP rights enforcement	0.75
40. Consultation with stakeholders during IP policy formation	0.50
41. Educational campaigns and awareness raising	0.75
42. Targeted incentives for the creation and use of IP assets for SMEs	0.00
43. IP-intensive industries, national economic impact analysis	0.50
Category 9: Cutting-Edge Innovation	**0.00**
44. IP incentives for orphan medicinal product development	0.00
45. IP incentives for orphan medicinal product development, term of protection	0.00
46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 10: Membership and Ratification of International Treaties	**5.00**
47. WIPO Internet Treaties	1.00
48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
49. Patent Law Treaty and Patent Cooperation Treaty	0.50
50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
51. Membership of the Convention on Cybercrime, 2001	0.00
52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
53. Post-TRIPS FTA	1.00

Total Score: 20.62

Spotlight on the National IP Environment

Past Editions versus Current Score

Vietnam's overall Index score remains unchanged at 20.62.

Area of Note

As discussed below under the relevant indicators, there were some significant changes to Vietnam's national IP environment in 2025, with many more potentially to come in 2026. Most importantly, at the time of research, the National Assembly was considering amendments to the Law on Intellectual Property. A draft Law on Artificial Intelligence, a new E-Commerce Law, and changes to several laws and regulations relating to technology transfer were also under consideration.

As detailed below under the relevant Index indicators, some of these proposed changes could improve Vietnam's national IP environment, for instance, by enhancing the patentability of certain forms of CIIs. That is good news. However, most of these changes do not fundamentally address Vietnam's key weaknesses. Vietnam's national IP environment lacks many fundamental IP rights and incentives: patentability standards continue to be outside of international norms (especially with restrictions in place for biopharmaceuticals and CIIs); the protection of copyright remains underdeveloped and ill-suited to the challenges of the internet era; levels of physical and online counterfeit goods remain high, but relevant enforcement mechanisms are weak and non-deterrent. Rights holders also face basic challenges with respect to technology transfer, licensing the use of IP assets, and the commercialization of IP assets. As the Vietnamese Government and National Assembly pursue a program of national IP rights reforms, we encourage them to use the findings of the Index and the accompanying *Statistical Annex* as a guide in 2026 and beyond.

Patent Rights and Limitations

3. Patentability of computer-implemented inventions (CIIs):
Rights holders have historically faced difficulty in protecting CIIs in Vietnam. Under the Law on Intellectual Property, Article 59, computer programs are formally excluded from being patentable subject matter. The available statistics on patent applications and grants by technology for Vietnam are incomplete. For example, in WIPO's patent statistics for Vietnam, no data re available for many fields of technology, including categories relevant to CIIs such as "IT methods for management." The available data suggest that virtually no applications were filed or granted for CIIs between 1980 and 2014.

In a positive move, proposed changes to the Law on Intellectual Property would allow the patenting of some forms of CII inventions. Specifically, under a revised Article 59, Subsection 2, the law would allow the patenting of inventions in "cases where a computer program or algorithm is embedded in a device to perform a specific technical process or business method associated with a specific technical system or technological platform." While a more expansive definition of patentable subject matter would better align Vietnam with international best practices and the standards defined in the Index, it would still be an improvement and could lead to a potential score increase on this indicator. The Index will monitor these developments in 2026.

7. Patent term restoration for pharmaceutical products:
As noted in previous editions of the Index, Vietnamese law has historically not provided restoration of patent term for biopharmaceutical products due to delays in the marketing approval process. Under the terms of the Vietnam-EU FTA, the Government of Vietnam committed to introducing a clearly defined period of term restoration. This is not reflected in the 2022 amendments to the IP Law. Instead, the main thrust of the amendments and Article 131(a) is to provide compensation to a rights holder in the form of a reduction in annual patent renewal fees for any relevant period of delay. Subsequent regulations implementing the IP Law published in 2023 have not altered this. Under Article 42 of Decree 65/2023, there is no mention of patent term restoration. Instead, compensation is again specified as a reduction in relevant usage and renewal fees during the delay period. This does not constitute patent term restoration. None of the draft amendments discussed in 2025 addresses this deficiency. Consequently, Vietnam's score on this indicator remains unchanged at 0.

Copyrights and Limitations

14. Scope of limitations and exceptions to copyrights and related rights:
Like many other Index economies, Vietnam is increasing its use of machine learning and AI-based technologies and applications. Over the past few years, the Vietnamese Government has launched new initiatives to establish an effective legal and policy environment for the use and application of these technologies. For example, in 2021, the Ministry of Science and Technology published a national AI strategy, and in 2025, the National Assembly began considering a draft AI law. As noted in the Index, AI and machine learning are important areas of future economic activity, as advances in computational power and new technologies enable scientific research and innovation through the analysis of large volumes of data. However, there are real concerns about how the development, application, and use of these technologies will affect creators and rights holders worldwide. Notably, the draft AI law recognizes this, as draft Article 19(c) states that general-purpose AI models must "establish internal policies to comply with intellectual property laws" and that any copyrighted work used must "have been legally accessed for the sole purpose of training artificial intelligence models." Given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights. The Index will continue to monitor these developments in 2026.

Enforcement

34. Civil and procedural remedies;
35. Pre-established damages and/or mechanisms for determining the amount of damages generated by infringement:
There were several notable developments in Vietnam's IP enforcement environment in 2025. To begin with, proposed legislative changes could improve the IP enforcement environment in Vietnam. The draft amendments to the Law on Intellectual Property would double existing statutory damages for IP infringement from a maximum of VND500 million up to VND1 billion. Similarly, the proposed E-Commerce Law would strengthen existing registration and compliance requirements for online merchants.

The existing legal framework — the E-Commerce Government Decree No. 52/2013/ ND-CP and Circular 47/2014/TT-BCT — prohibits the trade of counterfeit goods, requires all sellers using online sites to register themselves, and defines the liability and responsibility of online merchants and hosts to remove information on counterfeit or otherwise infringing products and services "immediately" upon becoming aware of it or receiving a formal order. However, counterfeit goods are still widely available online in Vietnam.

Separately, as part of a broader reorganization of the Vietnamese judiciary, new IP courts were set to open in Hanoi and Ho Chi Minh City. Given the challenges that rights holders have historically faced in enforcing their IP rights in Vietnam — including a lack of legal expertise and experience in IP matters — the establishment of these new courts should help improve the enforcement environment. The Index will continue to monitor these developments in 2026.

Appendix: Methodology, Sources, and Indicators Explained

The Index consists of 53 indicators across 10 separate categories:

1. Patent Rights and Limitations;
2. Copyrights and Limitations;
3. Trademark Rights and Limitations;
4. Design Rights and Limitations
5. Trade Secrets and the Protection of Confidential Information;
6. Commercialization of IP Assets and Market Access
7. Enforcement;
8. Systemic Efficiency;
9. Incentives for Cutting-edge Innovation; and
10. Membership and Ratification of International Treaties.

As in previous editions, these categories are for ease of organizing the Index and have no statistical impact on weightings or on an economy's overall score in the Index. Each indicator is explained in more detail below.

Scoring Methodology

As in previous editions of the Index, each indicator can score values between 0 and 1, and the cumulative score of the Index ranges from a minimum of 0 to a maximum of 53. Indicators can be scored using three distinct methods: binary, numerical, and mixed.

When an indicator is of a binary nature, each indicator is assigned either the value 0, if the particular IP component does not exist in a given economy, or 1, if the particular IP component does exist in a given economy.

Numerical indicators are those indicators that, for example, measure terms of exclusivity or are based on a quantitative source. Terms of exclusivity are calculated by dividing the actual term of exclusivity of each relevant indicator by a standard baseline. For example, the standard baseline used for the copyright term is that of 95 years provided in the U.S. to orphan works.[10] If an economy has a copyright term of 95 years, it scores 1 on this indicator. If it has a copyright term of less than 95 years, then the value is less than 1. Details of the individual baselines used for different types of IP rights are provided below.

Where there are no adequate baselines and the legislative or regulatory existence of an indicator is not sufficient to determine its actual use or application, the score for that indicator will be mixed. The final score for that indicator will be based on an even split between:

1. primary and/or secondary legislation (regulation) in place; and

2. the actual application and enforcement of that primary and/or secondary legislation.

Mixed indicators make up the majority of those used in the Index. The use of mixed indicators provides flexibility when scoring and allows the Index to more effectively accommodate 'gray areas' in economic performance for a given indicator. Specifically, it is possible to assign a partial score, rather than only a 0 or 1. There are five possible scores available within a mixed indicator: 0, 0.25, 0.5, 0.75, and 1. The range of scores available for mixed indicators means that greater nuance can be used when individual indicators are scored; the practical end-result is that economies can receive partial scores for an indicator, which in some cases are a better approximation of their given reality.

Finally, there are also a few instances in which, rather than the *de jure* and *de facto* existence of a single element, a mixed indicator is split between two separate elements. For example, in Category 10: Membership and Ratification of International Treaties, the indicators are measured by the signature, ratification, or accession to a given international treaty. Thus, 0.5 is given for being a signatory of a treaty and 0.5 for ratifying or acceding to that treaty. This is also the case for indicator 7. Patent term restoration for pharmaceutical products. This indicator consists of two distinct variables: i) the existence of a term of patent restoration for pharmaceutical products due to the prolonged research, development, and regulatory approval periods for such products; and ii) the existence of any exemptions, waivers, or similar carve-outs on the full and effective use of such a term of restoration, including for industrial policy purposes. 0.75 of the available score for this indicator is allocated to the existing term of protection compared to the current baseline rate of five years term restoration used in the U.S., EU, and Japan. The remaining 0.25 is allocated on the basis of a given economy providing any exemptions, waivers, or similar carve-outs on the full and effective use of such a term of restoration, including for industrial policy purposes.

Baselines Used

When possible, the Index uses baseline values, measures, and models. These values are based on best practices regarding terms of protection, enforcement mechanisms (*de jure* and *de facto*), and/or model pieces of primary or secondary legislation that can be found at the national and international levels.

Where no adequate baselines are found in international law or treaties, the baselines and values used are based on what rights holders view as an appropriate environment and level of protection.

IP Rights Baselines

Baselines	Baseline in years	Legislation model
Basic patent protection	20	TRIPS
Copyrights	95	U.S.
Trademarks	10	WIPO
Regulatory data protection	10	EU
Patent term restoration	5	EU/U.S./Japan
Design rights	25	EU
Orphan exclusivity	10	EU

Measuring Counterfeiting and Piracy

Indicators 32 and 33 of the Index measure rates of physical counterfeiting and software piracy, respectively. There are several challenges when attempting to measure piracy and counterfeiting.

First, illegal activities are inherently difficult to measure and quantify with a high level of accuracy. Estimates will, out of necessity, be based on variables such as physical seizures and surveys. This is particularly the case for online piracy.

Second, studies of rates of piracy and counterfeiting are often either specific to one or a handful of economies, or global and do not provide data at an individual economy-level. The result is a relative paucity in the number of studies that measure and compare levels of piracy and counterfeiting with a sample of economies sufficient to make large-scale comparisons empirically robust.

Finally, because measures of piracy and counterfeiting are inexact, estimates of their economic impact can vary widely depending on the methodology and data samples used.[11]

Up until the fourth edition of the Index, the Index had relied on two main sources for measuring piracy and counterfeiting:

- The OECD's General Trade-Related Index of Counterfeiting of Economies (GTRIC-e), which measures the relative rates of physical counterfeiting;[12]
- Software piracy rates compiled by the Business Software Alliance (BSA) (2018 being the latest published survey).

These sources are both robust and internationally recognized measures. Furthermore, they cover a large sample of economies, providing a sound basis for both cross- economy comparisons and long-term use within the Index. Both the BSA software piracy rates and the GTRIC-e Index are numerical measures and can be transposed into two respective scores.

Still, there are caveats with the use of these measures, in particular the GTRIC-e.

First, the GTRIC-e Index measures the relative rates of physical counterfeiting and is based on international trade statistics and customs interception data. Crucially, the GTRIC-e does not take into account or measure domestically produced products or pirated digital products. The practical result is that several economies with relatively low levels of customs interception of counterfeit goods, yet high levels of domestically produced counterfeit goods or high levels of online piracy, can rank quite well within the GTRIC-e. This may not present an accurate reflection of their overall piracy and counterfeiting environment.

To address this challenge, the fourth edition of the Index incorporated a new proprietary Global Measure of Physical Counterfeiting. The Measure was developed by the U.S. Chamber of Commerce and Pugatch Consilium to provide a new global measure of physical trade-related counterfeiting. This measure of physical counterfeiting is also being used for this edition of the Index and provides the basis for the score on indicator 32.

The Measure provides a total and per-economy estimate for each economy included in the Index of rates of physical trade-related counterfeiting.

The full details of the building of the model, methodology, sources used, and an assessment of the wider threat of physical counterfeiting is provided in the report *Measuring the Magnitude of Global Physical Counterfeiting* available on the GIPC's and U.S. Chamber of Commerce's website.

In brief, the methodology of the Global Measure of Physical Counterfeiting builds on that developed by the OECD and the GTRIC-e. To obtain a unique estimate for each of the economies included, the Global Measure of Physical Counterfeiting uses a proprietary metric that applies three weighted factors in order to provide a holistic take on the propensity for counterfeiting in the selected economies.

The first factor is a subset of the scores for the indicators within Category 7: Enforcement of the Index. These include:

- the existence of civil and procedural remedies, including injunctions, damages for injuries, and destruction of infringing and counterfeit goods, as well as their effective application;
- the existence of pre-established damages and/or mechanisms for determining the amount of damages generated by infringement;
- criminal standards (including minimum imprisonment and minimum fines) in place and their application;
- effective border measures (measured by the extent to which goods in-transit suspected of infringement may be detained or suspended, as well as the existence of ex officio authority); and
- transparency and public reporting by customs authorities of trade-related IP infringement

To capture the level of counterfeiting taking place within a given economy, the weight of this factor is 50% of the score for Indicator 32.

The second factor incorporates the most recent updates to the OECD's GTRIC-e benchmark discussed in detail above.

The third factor used is the rate of perceived corruption within an economy, as measured by Transparency International's Corruption Perceptions Index. This is based on the assumption that a strong relationship exists between corruption and counterfeiting, i.e. authorities in economies that struggle with corruption tend to also overlook, or place less emphasis on combating, criminal activities, including counterfeiting.

Together, these two factors constitute the remaining 50% of the score for Indicator 32.

The BSA survey expresses an economy's software piracy rate as a percentage. Within the Index, the reverse of the BSA software piracy percentage is used as the score for Indicator 33; the higher the BSA software piracy rate is in an economy, the lower its score on the Index. For example, if economy X has an estimated software piracy rate of 90% according to the BSA, it receives a score of 0.10 for Indicator 33 within the Index.

Sources

Scoring in the Index is based on both qualitative and quantitative evidence. In order to provide as complete a picture of an economy's IP environment as possible, this evidence is drawn from a wide range of sources. All sources used are publicly and freely available and accessible to all. The following is an outline of the different types of sources used.

Government

Sources from government branches and agencies include:

- Primary legislation;
- Secondary legislation (regulation) from executive, legislative, and administrative bodies;
- Reports from parliamentary committees and government agencies, including patent or intellectual property offices as well as enforcement agencies; and
- Internal departmental guidelines, policies, assessments, and audits.

Legal

Sources from judicial authorities and legal practitioners include:

- Court cases and decisions;
- Legal opinions written by judges; and
- Legal analysis and opinions written by legal practitioners.

International Institutions and Third Parties

These sources include:

- Data, studies, and analysis from international organizations such as the OECD, WTO, WIPO, and others;
- Publicly available reports, studies, and government submissions by industry organizations; and
- Reports from non-governmental organizations and consumer organizations.

Academic

Academic sources include:

- Academic journals, books, published manuscripts; and
- Legal journals.

News

News sources include:

- Newspapers;
- News websites; and
- Trade press.

In addition to the above listed resources, over the course of the last few years more governments and Index economies have started making submissions directly to the GIPC and U.S. Chamber of Commerce. These submissions include everything from updates on legislative and regulatory initiatives to details of various government policies, such as anti-piracy initiatives as well as data and statistics on anti-counterfeiting and activities to fight online piracy.

We welcome these submissions and endeavor to use them together with all other available information to provide the most accurate as possible depiction of the national IP environment in each of the economies sampled.

We wish to thank the governments and economies that have made these submissions and welcome all economies covered in the Index to consider doing so. The only criteria we use — just as for all the resources used in the Index — is that these sources and materials submitted to us need to be publicly available and in the public domain.

Indicators Explained

This section explains how each indicator in the Index is measured and scored.

Category 1:
Patent Rights and Limitations

The indicators included in this category relate to patent protection and related rights and limitations.

1. **Patent term of protection**
   Measured by the basic patent term offered in the TRIPS Agreement. This is a numerical indicator.

2. **Patentability requirements**
   The extent to which patentability requirements are in line with international standards of novelty, inventive step, and industrial applicability.[13] Measured by (1) existing *de jure* patentability guidelines and regulations and (2) *de facto* standards established through the application of these guidelines and regulations through the examination process and judicial review. This is a mixed indicator.

3. **Patentability of computer-implemented inventions**
   Measured by the extent to which primary and/or secondary legislation explicitly allows for the patentability of CIIs. This is a mixed indicator.

4. **Plant variety protection, term of protection**
   Measured by the maximum term of protection being offered with the baseline term of protection being not less than 20 years (25 years for trees and vines) in accordance with the International Convention for the Protection of New Varieties of Plants.[14] This is a numerical indicator.

5. **Pharmaceutical-related patent enforcement and resolution mechanism**
   Measured by the existence of primary and/or secondary legislation (such as a regulatory and/or administrative mechanism) that provides a transparent pathway for adjudication of patent validity and infringing issues prior to the marketing of a generic or biosimilar product. This score is evenly divided between the existence of a relevant mechanism and its application/enforcement. If no mechanism is in place, the maximum score that can be achieved is 0.5. Such a score is based on the extent to which *de facto* practices (such as expeditious preliminary injunctive relief) are in place to achieve a similar result. This is a mixed indicator.

6. **Legislative criteria and use of compulsory licensing of patented products and technologies**
   Measured by the extent to which primary and/or secondary legislation on the use of compulsory licensing (on the basis of the essential facilities doctrine) and its application/enforcement is transparent and consistent with the following criteria: (1) the issuing should exclude any requirement for domestic manufacturing; (2) should not apply to patented innovations that have not yet reached the market; (3) in the case of biopharmaceutical products, the use of compulsory licensing under the framework of TRIPS provisions on public health should not be for commercial purposes, such as for price negotiations or in support of domestic industries; and (4) adequate and well-defined recourse mechanisms should be in place for parties affected by the issuing of the license. This is a binary indicator.

7. **Patent term restoration for pharmaceutical products**
   This indicator consists of two distinct variables: i) the existence of a term of patent restoration for pharmaceutical products due to the prolonged research, development, and regulatory approval periods for such products; and ii) the existence of any exemptions, waivers, or similar carve-outs on the full and effective use of such a term of restoration, including for industrial policy purposes. 0.75 of the available score for this indicator is allocated to the existing term of protection compared to the current baseline rate of five years term restoration used in the U.S., EU, and Japan. The remaining 0.25 is allocated on the basis of a given economy providing any exemptions, waivers, or similar carve-outs on the full and effective use of such a term of restoration, including for industrial policy purposes. This indicator does not include other forms of patent term restoration that are granted on the basis of prolonged examination periods, including for the granting of patents. This is a mixed indicator.

8. **Membership of a Patent Prosecution Highway (PPH)**
   This indicator measures whether an economy's relevant IP or patent office has joined international efforts towards streamlining and improving patent prosecution by membership in a PPH. Given the three main tracks of international PPH (PPH, Global Patent Prosecution Highway, and IP5 Patent Prosecution Highway), economies will be scored differently depending on their level of participation and membership of the different tracks. Economies that are members of either (or both) the Global Patent Prosecution Highway or IP5 Patent Prosecution Highway will receive a full score of 1.[15] Economies that are members of a PPH and have bilateral and multilateral agreements to this effect will receive a score of 0.5.

9. **Patent opposition**
   Measured by the availability of mechanisms for opposing patents in a manner that does not unduly delay the granting of a patent (in contrast to a right of opposition before the patent is granted) and ensures fair, transparent and expeditious opposition proceedings. This is a mixed indicator.

Category 2:
Copyrights and Limitations

The indicators included in this category relate to copyright protection and related rights and limitations.

10. **Copyright (and related rights) term of protection**
Measured by the baseline term of protection for anonymous works, which is the term afforded in the U.S. of 95 years. Terms of protection are measured as the minimum term allowed by copyright law. Where there are different minimum terms of protection for different forms of copyright, all major terms are added together and divided by 95. This is a numerical indicator.

11. **Legal measures which provide necessary exclusive rights that prevent infringement of copyrights and related rights (including Web hosting, streaming, and linking)**
Measured by the extent to which economies (1) have in place laws and procedures that provide necessary exclusive rights and (2) apply these laws to prevent, deter, and remedy online infringement of copyright and related rights. This is a mixed indicator.

12. **Expeditious legal remedies disabling access to infringing content online**
This indicator measures the existence and extent of an official national government administrative or judicial injunctive relief mechanism available to rights holders to address online copyright infringement. Economies around the world have employed, and/or are considering employing, a range of different remedies to combat digital piracy with varying levels of success, including court proceedings for intellectual property infringement, injunctive relief, and criminal actions against bad actors, seeking to stem the proliferation of online pirated content. The mechanism should provide for the effective and timely disabling of access to websites that seem to exist solely to offer or make available infringing content online. This is a mixed indicator.

13. **Availability of frameworks that promote cooperative action against online piracy**
Measured by the existence of clear standards for the limitation of liability for copyright and related rights infringement by ISPs that expeditiously remove infringing material upon obtaining knowledge of it, in the context of an overall system that does not unduly burden ISPs, promotes cooperation between them and rights holders to address online piracy, and respects and protects users' rights. This is a mixed indicator.

14. **Scope of limitations and exceptions to copyrights and related rights**
Measured by the extent to which exceptions and limitations are consistent in text and in application with the three-step test originating in the Berne Convention (Berne three-step test).[16] The score for this indicator is evenly divided between legislation and application in the court system. This is a mixed indicator.

15. **Technological protection measures (TPM) and digital rights management (DRM) legislation**
Measured by the extent to which economies have (1) passed primary and/or secondary legislation relating to TPM and DRM and (2) this legislation is applied. This is a mixed indicator.

16. **Clear implementation of policies and guidelines requiring that any proprietary software used on government ICT systems should be licensed software**
Measured by the extent to which (1) policies and guidelines are in place stipulating the use of only licensed proprietary software and (2) these policies and guidelines are applied. This is a mixed indicator.

Category 3:
Trademark Rights and Limitations

The indicators in this category relate to trademark protection, design rights, and related rights and limitations.

17. **Trademarks term of protection (renewal periods)**
    Measured by the renewal term of protection being offered, with the baseline term being 10 years as provided by the Singapore Treaty on the Law of Trademarks. This is a numerical indicator.

18. **Protection of well-known marks**
    Measured by the extent to which existing laws and regulations and/or *de facto* practices allow for trademark protection through use of the mark, regardless of whether or not the trademark owner registers the mark. This is a mixed indicator.

19. **Legal measures available that provide necessary exclusive rights to redress unauthorized uses of trademarks**
    Measured by the extent to which economies (1) have in place laws and procedures that provide necessary causes of action to address violations of a trademark owner's rights (such as infringement of registered trademarks, unfair competition, false designation of origin, false advertising, dilution of famous trademarks, cybersquatting and violation of rights associated with a corresponding trade dress) which create a likelihood of public confusion as to source, sponsorship, or affiliation; and (2) apply these laws to prevent, deter, and remedy infringement of trademarks and related rights. This is a mixed indicator.

20. **Availability of frameworks that promote action against online sale of counterfeit goods**
    Measured by the existence of clear rules and standards for the expeditious removal of trademark-infringing material by online service providers upon obtaining knowledge of the infringement, in the context of an overall system that does not unduly burden such providers, promotes cooperation between them and rights holders to address the infringement of trademark rights, and respects and protects consumers' rights. This score is evenly divided between the existence of relevant primary and/or secondary legislation and its application/enforcement. In the absence of a legal or regulatory framework, a score of up to 0.5 can be allocated based on the existence and effectiveness of voluntary industry standards and practices in place. This is a mixed indicator.[17]

Category 4:
Design Rights and Limitations

The indicators in this category relate to design rights and related rights and limitations.

21. **Industrial designs term of protection**
    Measured by the maximum term of protection being offered (including renewable periods), with the baseline term being 25 years, which is the maximum term afforded in the European Union. This is a numerical indicator.

22. **Legal measures available that provide necessary exclusive rights to redress unauthorized use of industrial design rights**
    Measured by the extent to which economies (1) have in place laws and procedures that provide necessary exclusive rights (including making, marketing, trading and use of an industrial design); and (2) apply these laws to prevent, deter, and remedy infringement of industrial design rights. This is a mixed indicator.

Category 5:

Trade Secrets and the Protection of Confidential Information

The indicators in this category relate to trade secrets, related rights and limitations, and the protection of confidential information.

23. Protection of trade secrets (Civil Remedies)
Measured by the existence of (1) legislation that offers protection for trade secrets or confidential business information and (2) the application of this legislation in the court or law enforcement system. This is a mixed indicator.

24. Protection of trade secrets (Criminal Sanctions)
Measured by the existence of (1) legislation that provides criminal sanctions for the misappropriation, improper acquisition, use or disclosure of trade secrets or confidential business information and (2) the application of this legislation and effective access to these remedies. This is a mixed indicator.

25. Regulatory data protection (RDP) term
Measured by the optimal desired term, which is the term of exclusivity used by the EU for new biopharmaceutical products containing new active ingredients regardless of molecular size and/or complexity.[18] This is a numerical indicator.

Category 6:

Commercialization of IP Assets and Market Access

The indicators in this category seek to measure the extent to which a given national IP environment recognizes the value of IP as an asset and encourages the commercialization of IP regardless of its national origins.

26. Barriers to market access
The extent to which laws and regulations or *de facto* practices make access to an economy's market contingent on the sharing and/or disclosure of intellectual property and know-how with a local/domestic entity. This is measured by the extent to which (1) existing laws and procedures make market access contingent on the sharing/disclosure of intellectual property and know-how; and (2) the application of such laws or, in the absence of such laws, the existence of *de facto* practices and standards that achieve a similar effect. This is a mixed indicator.

27. Barriers to technology transfer
The extent to which laws and regulations or *de facto* practices act as barriers to technology transfer and commercialization activities of publicly funded and supported research. This is a mixed indicator.

28. Registration and disclosure requirements of licensing deals
The extent to which licensing agreements must be registered and/or disclosed with relevant authorities to carry legal effect. This is a mixed indicator.

29. Direct Government intervention in setting licensing terms
The extent to which relevant government authorities directly intervene and set licensing terms between licensee and licensor.[19] This can be done through, for example, governmental preapproval for any licensing agreement between two parties as well as government intervention in the setting of licensing terms, including royalty rates. This is a mixed indicator.

30. IP as an economic asset
The extent to which relevant institutions (including, for example, public and private institutions for higher education as well as national IP offices) in a given economy are actively engaged in capacity building and training on how to use IP as a commercial and economic asset. Examples of capacity building include academic (university/tertiary level) courses on the commercialization and use of IP as an economic and financial asset, as well as the extent to which national IP offices host and/or engage in similar training programs. This is a mixed indicator.

31. Tax incentives for the creation of IP assets
The extent to which governments provide tax incentives for the creation and use of IP assets. This indicator consists of three layers corresponding to an equal share of the available score:

- **Layer 1**
  Consists of economies offering general tax incentives for the creation of IP assets through, for example, general R&D incentives and/or tax credits.

- **Layer 2**
  Incentives are targeted specifically at the creation of IP through, for example, innovation and patent boxes.

- **Layer 3**
  The extent to which the above-described incentives are not hampered by onerous localization and/or administrative requirements linked to the availability and use of the tax incentive or mechanism.

Category 7: Enforcement

The indicators in this category measure the prevalence of IP rights infringement, the criminal and civil legal procedures available to rights holders, the authority of customs officials to carry out border controls and inspections, and the transparency of customs authorities' actions.

32. Counterfeiting piracy rates
Measured by estimated rates of general trade-related physical counterfeiting using the U.S. Chamber's Global Measure of Physical Counterfeiting. This is a numerical indicator.

33. Software piracy rates
Measured by rates of software piracy. This is a numerical indicator.

34. Civil and procedural remedies
Measured by (1) the existence of civil and procedural remedies, including injunctions, damages for injuries, and destruction of infringing and counterfeit goods, as well as (2) their effective application. This indicator also reflects administrative enforcement measures where applicable. This is a mixed indicator.

35. Pre-established damages and/or mechanisms for determining the amount of damages generated by infringement
This is a mixed indicator.

36. Criminal standards including minimum imprisonment and minimum fines
Measured by the extent to which (1) actual legislation is in place and (2) it is applied (i.e., where reliable source material is available, the actual level of prosecution and penalties applied). This is a mixed indicator.

37. Effective border measures
Measured by the extent to which border guards have the *ex officio* authority to seize suspected counterfeit and pirated goods, including goods in-transit, without complaint from the rights holder. This is a mixed indicator.

38. Transparency and public reporting by Customs authorities of trade-related IP infringement
The extent to which Customs authorities in a given economy publish statistics and data on trade-related IP infringement. This indicator measures i) the extent to which data is published on a regular and systematic basis; and ii) the level of detail of this data. This is a mixed indicator.

Category 8:
Systemic Efficiency

The indicators in this category seek to measure the manner in which a national IP system actually works.

39. Coordination of IP rights enforcement efforts
The existence of coordinated IP rights enforcement efforts at the national government level. This indicator measures the extent to which a national government institution or formalized structure is in place to provide cross-governmental coordination for national IP enforcement efforts. This is a mixed indicator.

40. Consultation with stakeholders during IP policy formation
This indicator measures the extent to which stakeholders (public, private, national, and international) have the right and opportunity to contribute comments and submissions on proposed changes to IP laws and regulations made by a given economy's national government. This is a mixed indicator.

41. Educational campaigns and awareness raising
This indicator measures i) the extent to which national governments engage in educational campaigns and awareness raising on the positive socio-economic impact of IP rights and the negative impact the infringement of these rights has on creators, innovators and the national economy; and ii) the extent to which these campaigns and awareness raising efforts (if in place) are systematic and sustained over time. This is a mixed indicator.

42. Targeted incentives for the creation and use of IP assets for SMEs
This indicator measures the extent to which a given economy's national IP system provides special incentives for SMEs for the creation, registration, and use of IP assets. Examples of such incentives include fast-track registration procedures, reduced filing fees, and technical assistance targeting SMEs. This is a mixed indicator.

43. IP-intensive industries, national economic impact analysis
The extent to which the relevant authorities in a given economy seek to map and measure the economic impact and importance of IP-intensive industries to their national economies. Economies are scored on the basis of: i) the mapping and measuring of the economic impact and importance of IP-intensive industries to national economic activity is taking place; and ii) the extent to which such mapping and measuring is systematic and occurs on a periodic and recurring basis. This is a mixed indicator.

Category 9:
Incentives for Cutting-edge Innovation

The indicators in this category relate to special, sector-specific IP based incentives for innovation.

44. **Special market exclusivity incentives for orphan[20] medicinal product development**
Measured by the existence of a statutory defined market exclusivity incentive and period of protection for the development of new products and treatments for rare diseases.[21] This is a binary indicator.

45. **Special market exclusivity incentives for orphan medicinal product development, term of protection**
Measured by a baseline term of protection of 10 years.[22] This is a numerical indicator.

46. **Restrictions on the effective use of existing market exclusivity incentives for orphan medicinal product development**
Measured by the extent to which rights holders can effectively make use of any existing market exclusivity incentives for orphan medicinal product development without any undue restrictions. Potential restrictions include, but are not limited to: the wholesale withdrawal or shortening of any existing term of protection based on changed circumstances outside of the rights holders control; the conditioning of the granting of market exclusivity on future therapeutic outcomes; the health system cost of an orphan medicinal product; or any other potential exemptions, waivers or similar carve-outs on the full and effective use of the full term of protection. This is a mixed indicator.

Category 10:

Membership and Ratification of International Treaties

Generally, the indicators in this category are mixed and measure whether an economy is (1) a signatory of and (2) has ratified or acceded to international treaties on the protection of IP; some international treaties only allow for accession, i.e., membership is either conferred or it is not. The following treaties each make up one indicator, with some indicators consisting of two treaties:

47. **WIPO Internet Treaties**
    These consist of the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty. Respectively, they cover and clarify the use of copyright in a digital environment and the moral and economic rights of performers and producers of phonograms. This is a mixed indicator.

48. **Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks**
    This is a mixed indicator with half of the score allocated for membership and ratification of each individual treaty.

49. **Patent Law Treaty and Patent Cooperation Treaty**
    This is a mixed indicator with half of the score allocated for membership and ratification of each individual treaty.

50. **Membership of the International Convention for the Protection of New Varieties of Plants, Act of 1991**
    This is a binary indicator.

51. **Membership of the Convention on Cybercrime, 2001**
    This is a mixed indicator.

52. **The Hague Agreement Concerning the International Registration of Industrial Designs**
    This is a mixed indicator.[23]

53. **At least one post-TRIPS FTA with substantive IP provisions and chapters in line with international best practices**
    Historically, this indicator has been scored on the basis of whether an economy is a signatory of and has ratified or acceded to a modern post-TRIPS FTA that includes substantive IP provisions in line with international best practices and identified in the Index. As such, this indicator has not allowed for the allocation of partial scores in cases in which a post-TRIPS FTA has included only a limited number of substantive IP provisions in line with international best practices and identified in the Index. To take better account of the increasing number of post-TRIPS FTAs that include some substantive IP provisions identified in the Index, from this edition of the Index onward, it will be possible to achieve a partial score ranging from 0, 0.25, 0.5, 0.75, and 1. Like all other indicators in this category, score allocation will still be evenly divided between the signature and ratification or accession to an international treaty. This is a mixed indicator.

Endnotes

1. Note that the World Bank's geographic classifications have been somewhat amalgamated: Middle East and North Africa has been combined with Sub-Saharan Africa; and East Asia and Pacific has been combined with South Asia. See: World Bank (2025), "Country and Lending Groups"
2. While complete figures were not available at the time of research, quarterly figures published by the Bureau of Economic Analysis suggest that annual GDP growth for 2025 could be even higher.
3. USPTO (2022) Intellectual Property and the U.S. Economy: Third edition, USPTO, Washington D.C., p. iii.
4. Bureau of Economic Analysis, U.S. International Trade in Goods & Services, data tables
5. Ibid.
6. Ibid.
7. Ibid.
8. WHO (2025), *WHO Pandemic Agreement*, p. 8, Geneva Switzerland.
9. CNN (2021) "African countries have struggled to secure enough Covid-19 vaccines. So why are thousands of doses going to waste?," May 19, 2021.
10. Many economies have a copyright term which is measured by the life of an author plus an additional number of years. Given the difficulties in measuring and estimating an average life of an author, and thus an average term of protection, this indicator only uses minimum terms which are applied in lieu of the life of author plus an additional number of years (i.e., in cases where the rights holder is unknown or has already died). Accordingly, 95 years is the minimum term applied in U.S. law.
11. These difficulties of measuring piracy are particularly pronounced for online piracy. No comprehensive studies exist which measure and compare rates of online piracy for a large sample of economies. Because of this, the indicators measuring piracy and counterfeiting in the Index are primarily based on physical piracy and counterfeiting, with the data from BSA being based on both physical and digital software piracy. Nevertheless, there are a number of academic and industry-supported studies that measure rates of online piracy and its economic impact either on a global basis or for a few large economies. For example, a 2011 study commissioned by NBCUniversal and produced by Envisional found that 23% of global Internet traffic was estimated to be infringing in nature. Similarly, a 2011 report by Frontier Economics estimated the total value of counterfeit and pirated products in 2008 and forecast for 2015 to be $455-$650 billion and $1,220-$1,770 billion respectively. Out of this total, digitally pirated products were estimated at $30-75 billion in 2008 and forecast to be $80-240 billion in 2015. Furthermore, this report found that online piracy in the U.S. made up a large share of this digital piracy figure. For 2008, the report estimated that $7-$20 billion worth of digitally pirated recorded music was consumed in the U.S., with an additional $1.4-$2 billion of digitally pirated movies also consumed. Finally, the vast majority of academic papers and economic analyses have found that online piracy and file sharing has had a negative impact on media sales, including music. For details see: Envisional (2011), *Technical report: An Estimate of Infringing Use of the Internet* (Cambridge 2011), p. 2; Frontier Economics (2011), *Estimating the global economic and social impacts of counterfeiting and piracy* (London 2011), pp. 56-8; and Smith, M.D. & Telang, R. (2012), *Assessing the Academic Literature Regarding the Impact of Media Piracy on Sales* (Social Science Research Network 2012).

12. OECD (2016), *Trade in Counterfeit and Pirated Goods*, pp.110-1

13. International and best practices are defined here as those principles established in TRIPS article 27: "Subject to the provisions of paragraphs 2 and 3, patents shall be available for any inventions, whether products or processes, in all fields of technology, provided that they are new, involve an inventive step, and are capable of industrial application."

14. Act of 1991, International Convention for the Protection of New Varieties of Plants, article 19, Duration of the Breeder's Right.

15. Non-IP5 Index economies can achieve a full score of 1 if they have equivalent, unrestricted separate bilateral PPH agreements in place with all IP5 offices.

16. The Berne three-step test generally requires that limitations and exceptions to copyrights should be: i) Confined to special cases; ii) Which do not conflict with a normal exploitation of the work; and iii) Do not unreasonably prejudice the legitimate interests of the rights holder. (TRIPS Agreement, Article 13.)

17. Examples of voluntary and industry based standards include those standards and policies used in the U.S. and elsewhere by providers such as eBay. The latter has a system in place – the Verified Rights Owner (VeRO) Program – which allows rights holders to protect their intellectual property through a process of notification and take-down in which eBay is notified of the infringement and promptly removes the material from its website. Full details of the system are available at: pages.ebay.com/vero/intro/index.html.

18. Half (0.5) of the available score is based on the term available for biologics or large molecule compounds. If a country's relevant legislation/regulation either *de jure* or *de facto* does not cover such compounds than the maximum score that can be achieved in this indicator is 0.5. The baseline numerical term used is that by the EU of 10 years (8+2) of marketing exclusivity.

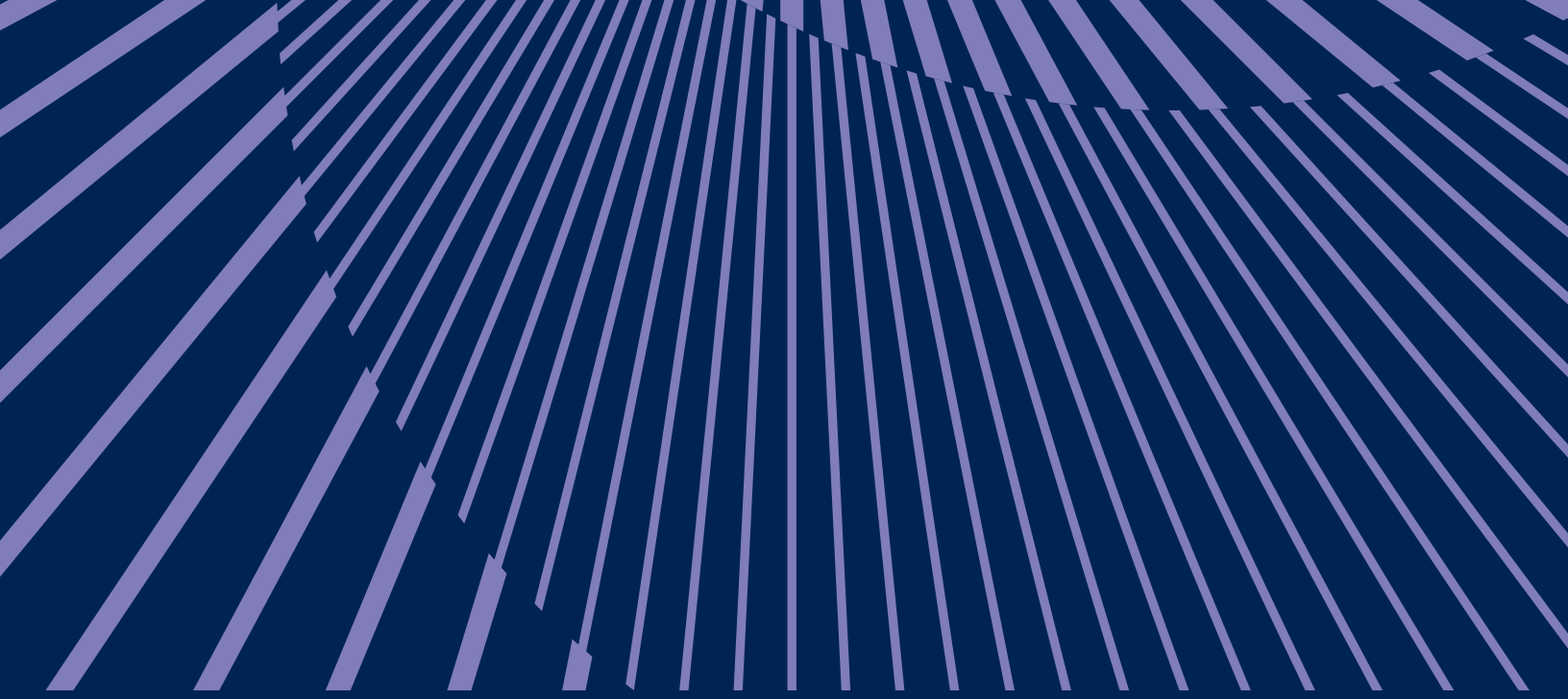
19. This indicator is not concerned with commercial litigation brought by private parties and settled by an independent judiciary.

20. Orphan medicines are niche treatments for diseases with small patient populations and commercial markets. These rare diseases comprise a wide range of complex conditions that are associated with chronic, progressive, degenerative and/or life-threatening symptoms that affect a relatively small portion of an economy or legal jurisdiction's population.

21. The exact legal definition of what constitutes 'rare' can and does vary from economy to economy. For example, in the EU a disease has historically been defined as rare if it affects up to 5 of 10,000 people. In the United States the statutory definition has been if the disease in question affects less than 200,000 persons. Other Index economies, such as Japan, Australia, Taiwan, and South Korea, use slightly different legal definitions.

22. This indicator uses the EU Regulation on Orphan Medicinal Products (Regulation (EC) No 141/2000) as a baseline ten-year term of orphan drug marketing exclusivity. (NB, the Orphan Regulation has been under review for an extended period of time as part of a larger initiative to reform the EU's pharmaceutical legal framework. At the time of research, no new finalized Regulation had been enacted. Under all published proposals the current term of protection would be restricted or reduced. Should the legal term of protection in the EU be materially altered this indicator would continue to use and refer to the old term of protection as its baseline.) The level of protection and strength of exclusivity of orphan drug marketing exclusivity can vary. As originally defined in the U.S. in the 1980s, and subsequently in the EU, orphan drug market exclusivity ensures that regulators will not approve applications for generic products or secondary inventions based on the same active substance and same indications, even if the second application is based on independent data. This is critical when comparing the exclusivity provided by orphan drug designation versus, for example, standard forms of regulatory data protection (data exclusivity). Protection under data exclusivity does not preclude the submission of independent clinical data in support for a market approval. Instead, regulatory data protection only provides protection during the specified term against the reliance by a follow-on applicant on the submitted clinical test data. Index economies in which the orphan drug market exclusivity is akin to an extended form of data exclusivity can score a maximum of 0.5 (half of the available score) on this indicator if offering a full ten-year length of protection matching this indicator's baseline term.

23. The Hague Agreement Concerning the International Registration of Industrial Designs consists of several separate acts, specifically the Hague Agreement of 1960 (Hague Act) and the Geneva Act of 1999. The score for this indicator is evenly assessed between membership and accession to both treaties.



U.S. Chamber of Commerce
Global Innovation
Policy Center