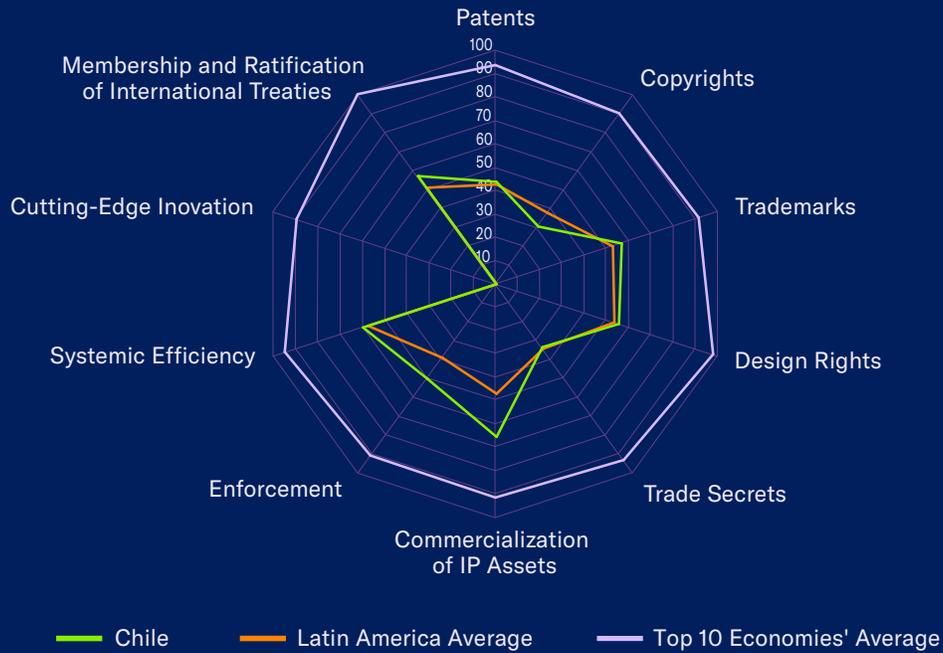
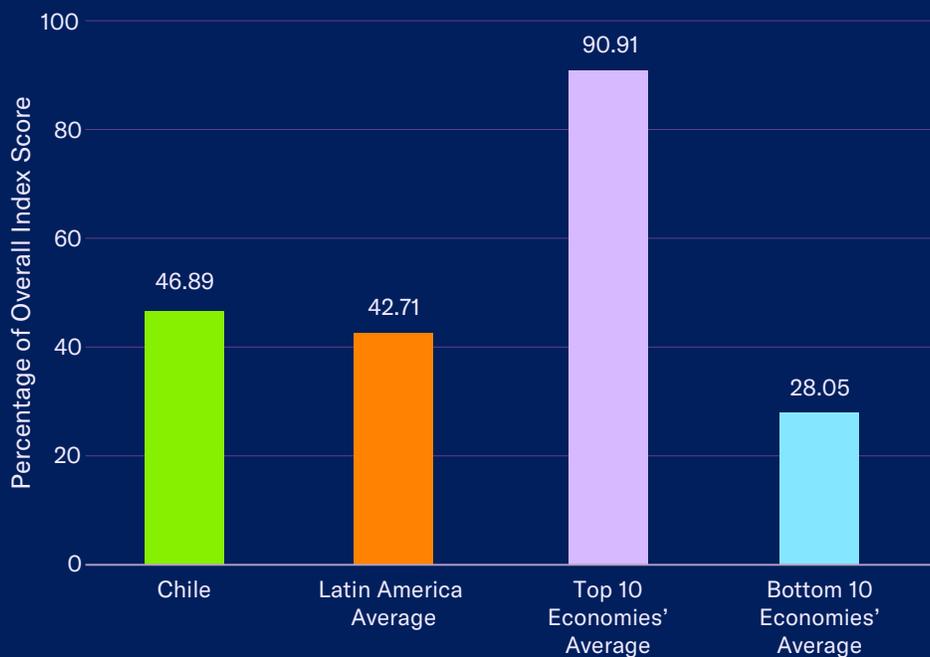




Category Scores



Overall Score in Comparison





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