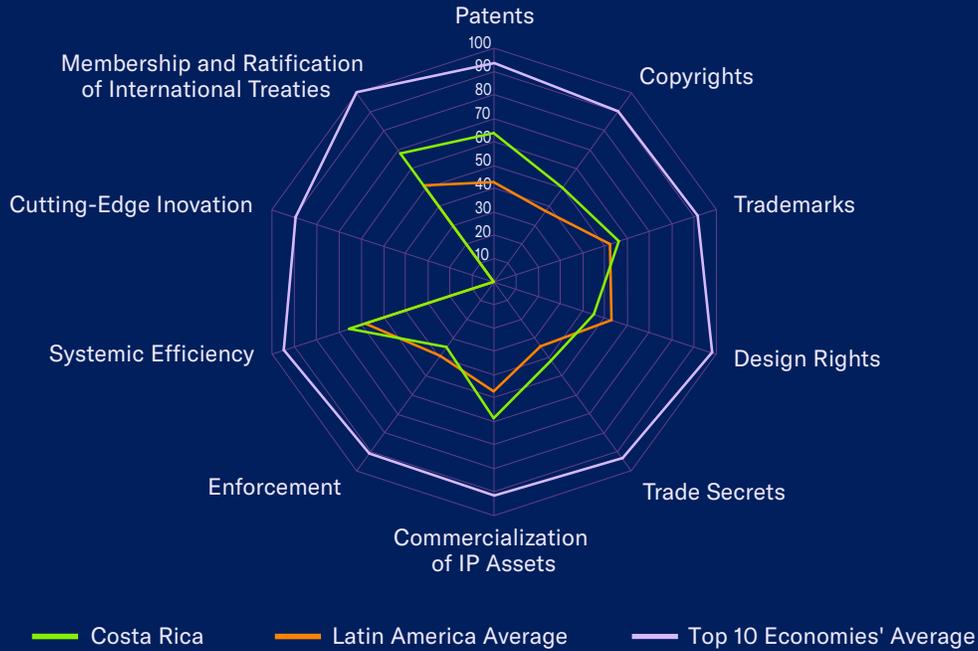
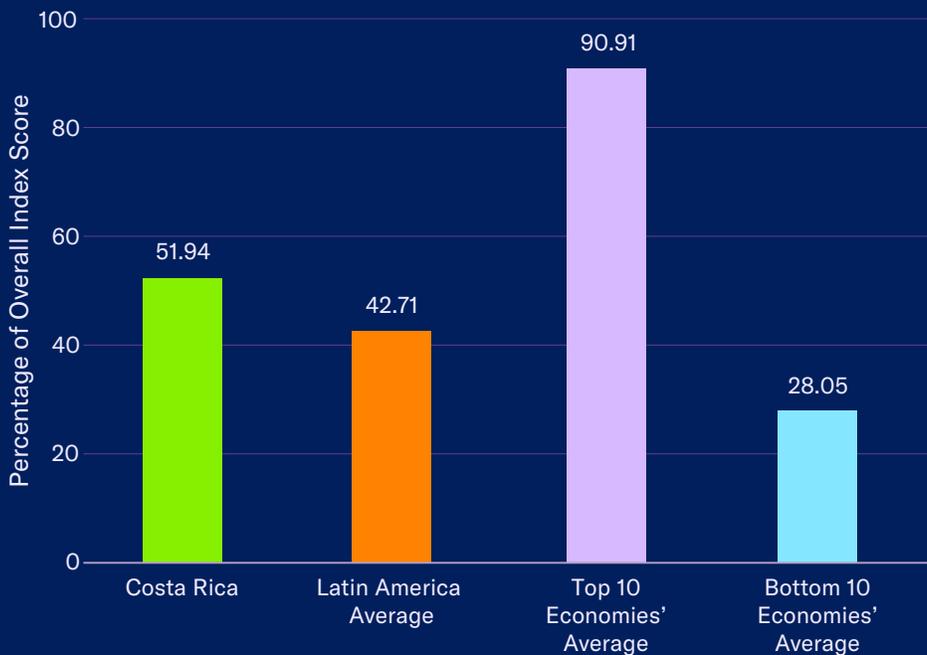




Category Scores



Overall Score in Comparison





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