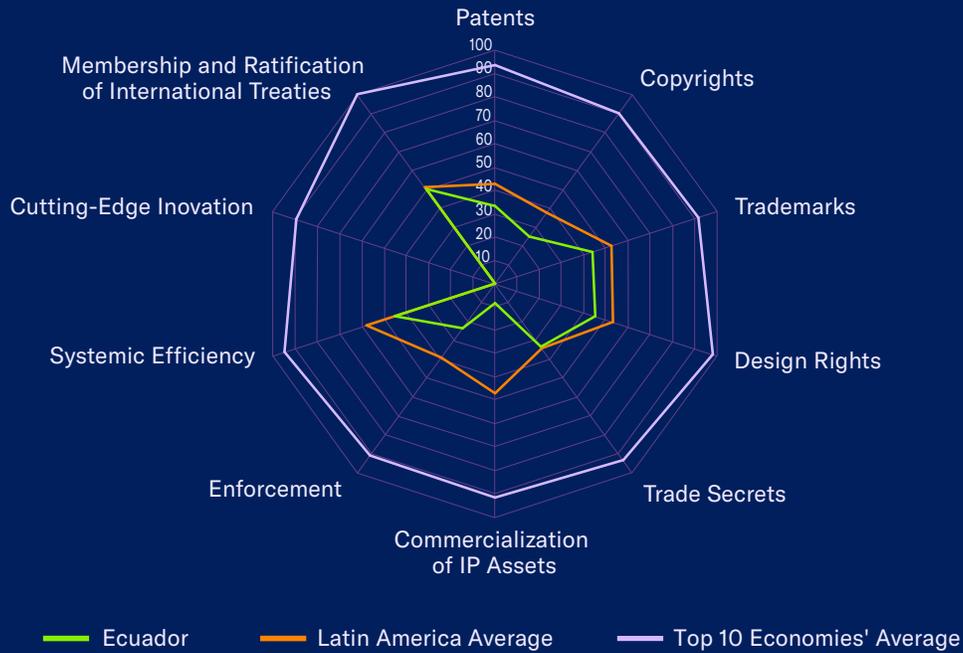
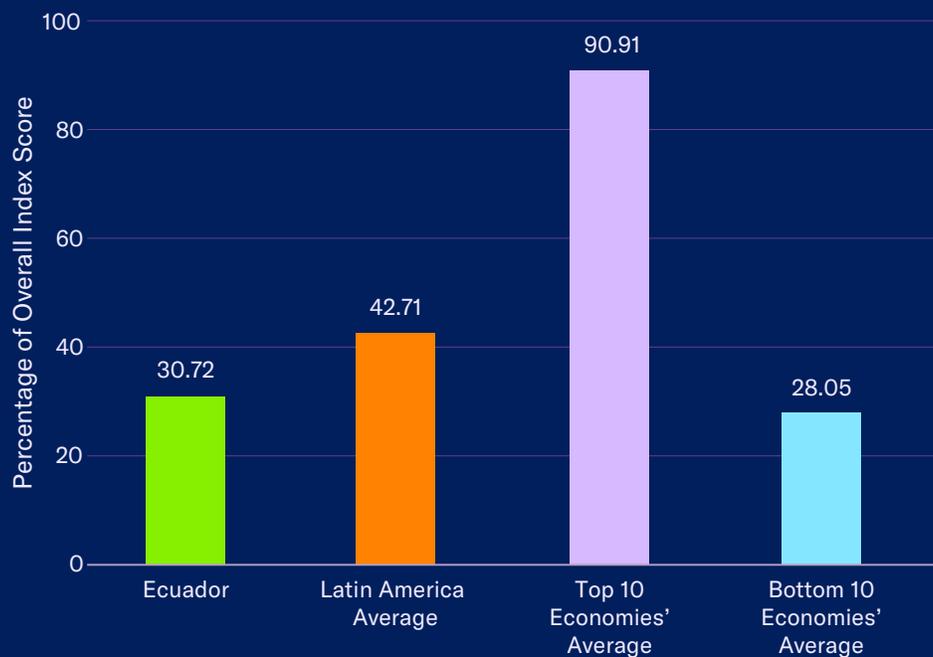




## Category Scores



## Overall Score in Comparison





## 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	Indicator	Score
<b>Category 1: Patents Rights and Limitations</b>		<b>2.99</b>	
1. Term of protection	1.00	29. Direct Government intervention in setting licensing terms	0.00
2. Patentability requirements	0.50	30. IP as an economic asset	0.25
3. Patentability of CII	0.00	31. Tax incentives for the creation of IP assets	0.00
4. Plant variety protection	0.74	<b>Category 7: Enforcement</b>	
5. Pharmaceutical-related enforcement	0.00	<b>1.65</b>	
6. Legislative criteria and active use of compulsory licensing	0.00	32. Physical counterfeiting rates	0.33
7. Pharmaceutical patent term restoration	0.00	33. Software piracy rates	0.32
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	0.25
<b>Category 2: Copyrights and Limitations</b>		36. Criminal standards	0.25
<b>1.74</b>		37. Effective border measures	0.00
10. Term of protection	0.74	38. Transparency and public reporting by Customs	0.25
11. Exclusive rights	0.25	<b>Category 8: Systemic Efficiency</b>	
12. Expeditious legal remedies disabling access to infringing content online	0.25	<b>2.25</b>	
13. Cooperative action against online piracy	0.00	39. Coordination of IP rights enforcement	0.25
14. Limitations and exceptions	0.25	40. Consultation with stakeholders during IP policy formation	0.25
15. TPM and DRM	0.25	41. Educational campaigns and awareness raising	0.75
16. Government use of licensed software	0.00	42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
<b>Category 3: Trademarks Rights and Limitations</b>		43. IP-intensive industries, national economic impact analysis	0.25
<b>1.75</b>		<b>Category 9: Cutting-Edge Innovation</b>	
17. Term of protection	1.00	<b>0.00</b>	
18. Protection of well-known marks	0.25	44. IP incentives for orphan medicinal product development	0.00
19. Exclusive rights, trademarks	0.25	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
<b>Category 4: Design Rights and Limitations</b>		<b>Category 10: Membership and Ratification of International Treaties</b>	
<b>0.90</b>		<b>3.50</b>	
21. Industrial Design Term of Protection	0.40	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	0.00
<b>Category 5: Trade Secrets and the Protection of Confidential Information</b>		49. Patent Law Treaty and Patent Cooperation Treaty	0.50
<b>1.00</b>		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
<b>Category 6: Commercialization of IP Assets</b>		<b>0.50</b>	
26. Barriers to market access	0.00		
27. Barriers to technology transfer	0.25		
28. Registration and disclosure requirements of licensing deals	0.00		

**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 increased 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.