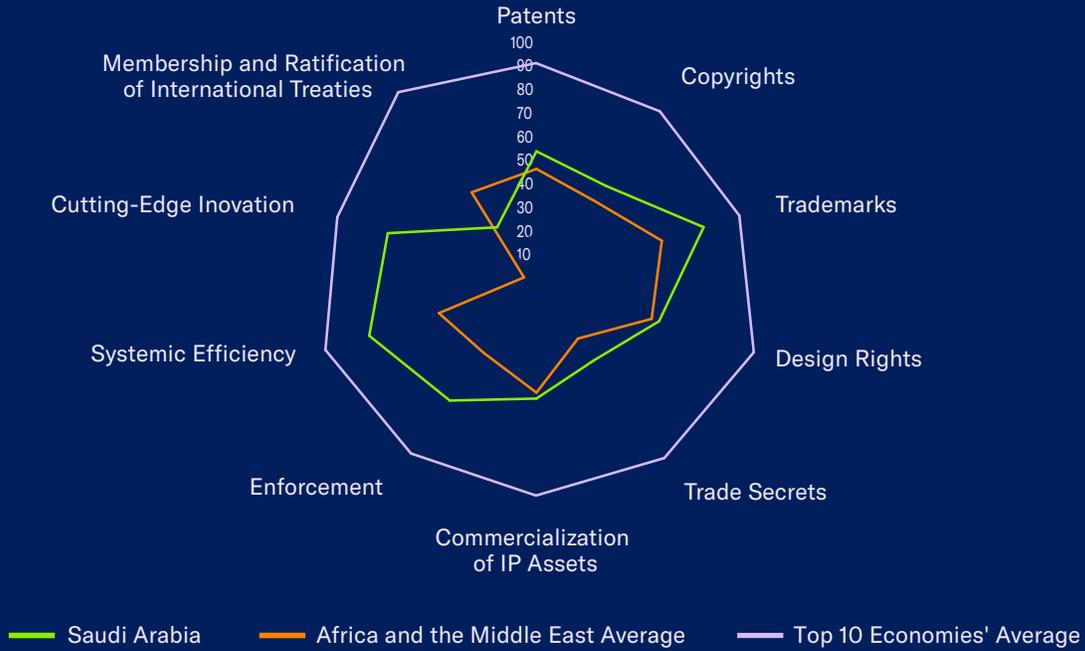
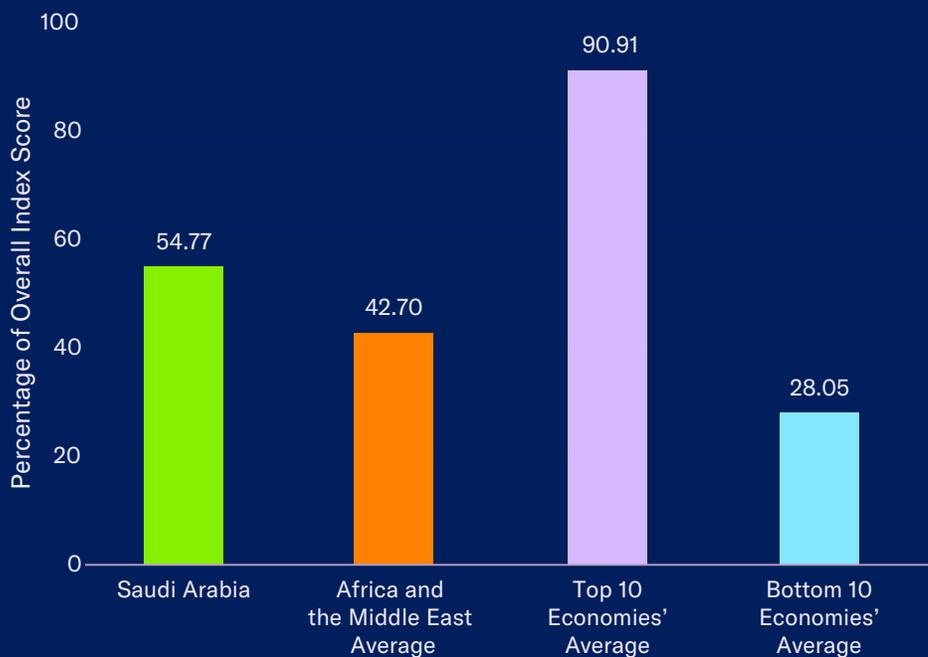




## Category Scores



## Overall Score in Comparison





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