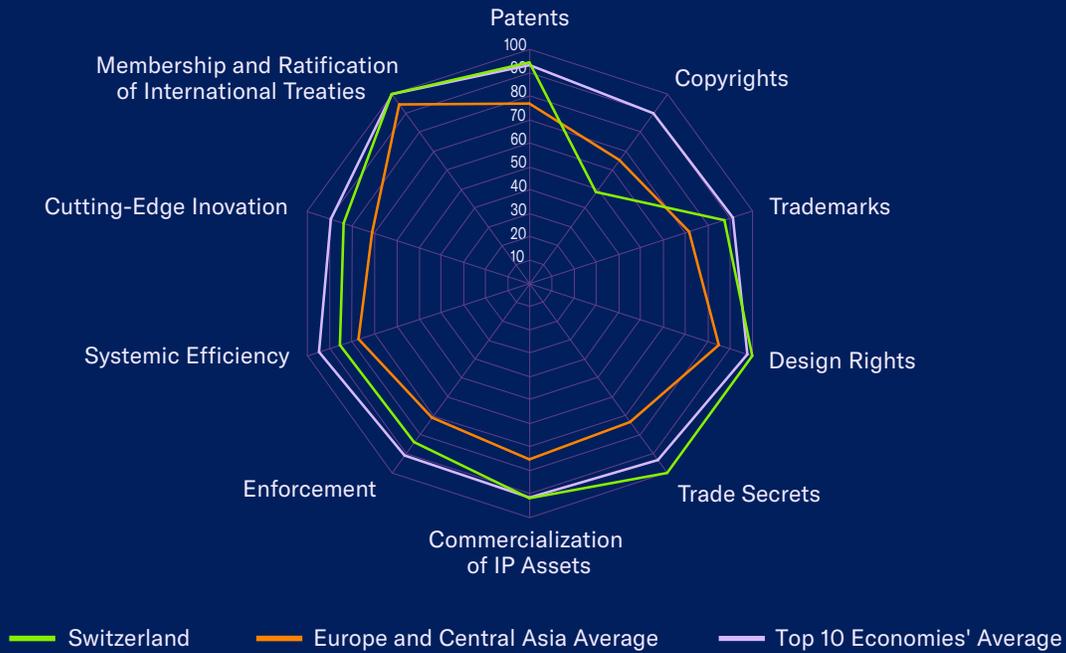
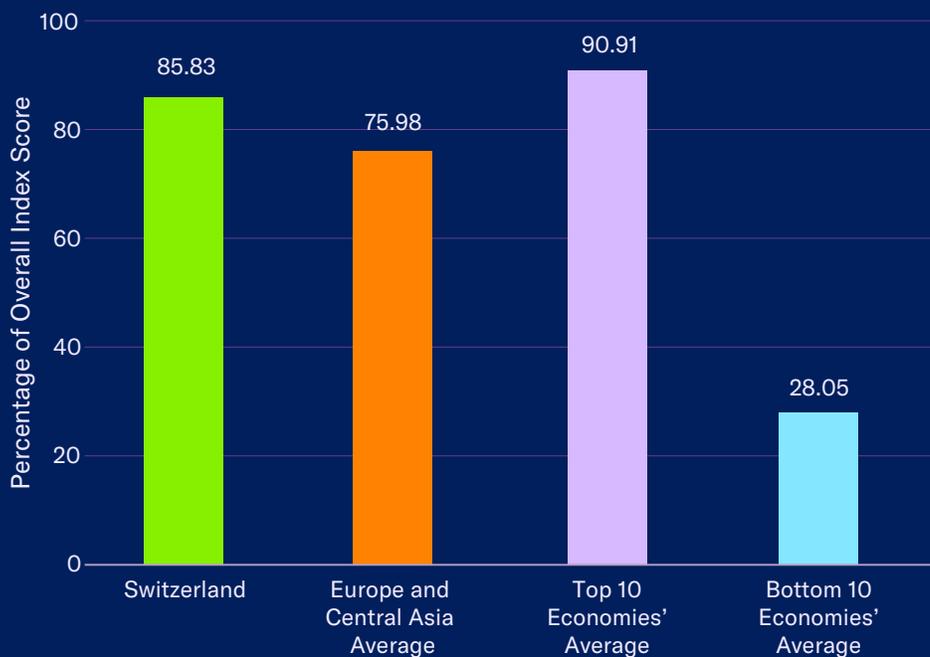




Category Scores



Overall Score in Comparison





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	Indicator	Score
Category 1: Patents Rights and Limitations		8.50	
1. Term of protection	1.00	29. Direct Government intervention in setting licensing terms	1.00
2. Patentability requirements	1.00	30. IP as an economic asset	0.75
3. Patentability of CII	1.00	31. Tax incentives for the creation of IP assets	1.00
4. Plant variety protection	1.00	Category 7: Enforcement	
5. Pharmaceutical-related enforcement	0.50	5.86	
6. Legislative criteria and active use of compulsory licensing	1.00	32. Physical counterfeiting rates	0.82
7. Pharmaceutical patent term restoration	1.00	33. Software piracy rates	0.79
8. Membership of a Patent Prosecution Highway	1.00	34. Civil and procedural remedies	0.75
9. Patent Opposition	1.00	35. Pre-established damages	0.75
Category 2: Copyrights and Limitations		3.38	
10. Term of protection	0.63	36. Criminal standards	0.75
11. Exclusive rights	0.50	37. Effective border measures	1.00
12. Expeditious legal remedies disabling access to infringing content online	0.00	38. Transparency and public reporting by Customs	1.00
13. Cooperative action against online piracy	0.50	Category 8: Systemic Efficiency	
14. Limitations and exceptions	0.25	4.25	
15. TPM and DRM	0.50	39. Coordination of IP rights enforcement	1.00
16. Government use of licensed software	1.00	40. Consultation with stakeholders during IP policy formation	1.00
Category 3: Trademarks Rights and Limitations		3.50	
17. Term of protection	1.00	41. Educational campaigns and awareness raising	0.75
18. Protection of well-known marks	1.00	42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
19. Exclusive rights, trademarks	1.00	43. IP-intensive industries, national economic impact analysis	0.75
20. Frameworks against online sale of counterfeit goods	0.50	Category 9: Cutting-Edge Innovation	
Category 4: Design Rights and Limitations		2.00	
21. Industrial Design Term of Protection	1.00	44. IP incentives for orphan medicinal product development	1.00
22. Exclusive rights, industrial design rights	1.00	45. IP incentives for orphan medicinal product development, term of protection	0.50
Category 5: Trade Secrets and the Protection of Confidential Information		3.00	
23. Protection of trade secrets (Civil Remedies)	1.00	46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	1.00
24. Protection of trade secrets (Criminal Sanctions)	1.00	Category 10: Membership and Ratification of International Treaties	
25. Regulatory data protection term	1.00	7.00	
Category 6: Commercialization of IP Assets		5.50	
26. Barriers to market access	1.00	47. WIPO Internet Treaties	1.00
27. Barriers to technology transfer	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
28. Registration and disclosure requirements of licensing deals	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: 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.