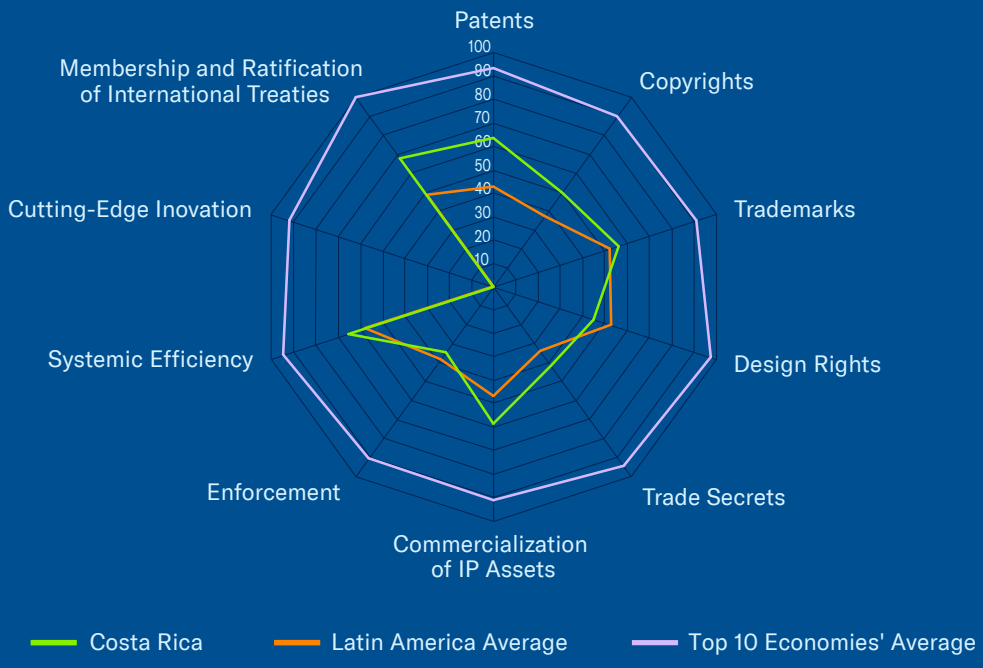
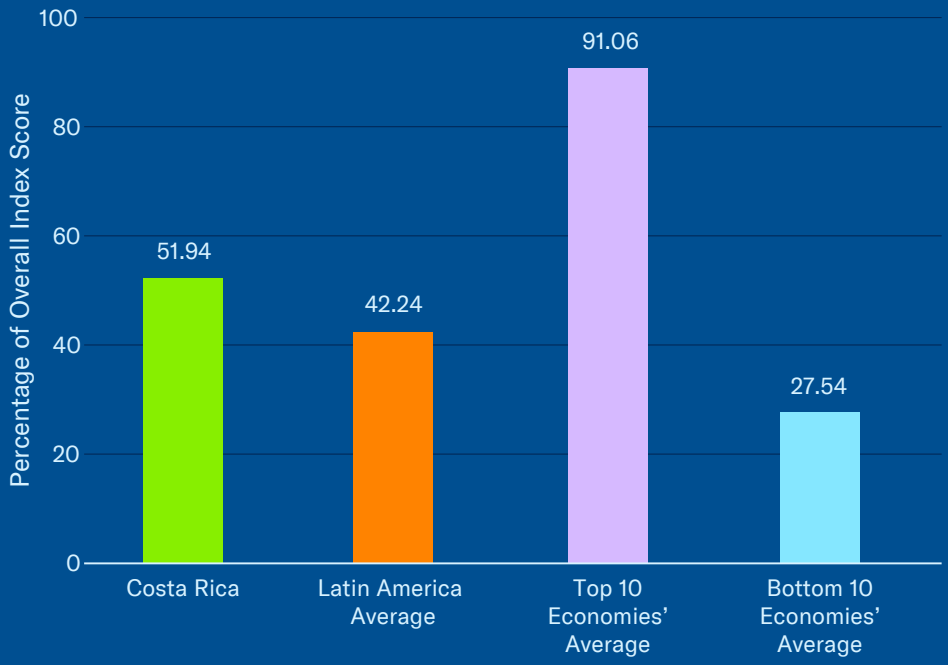
Costa Rica

Rank
27/55

Category Scores



Overall Score in Comparison



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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

- No special IP incentives for orphan medicinal product development
- No significant R&D or IP-based tax incentives are in place
- Delays and significant lack of implementation of online copyright regime
- Gaps exist in effectiveness of life sciences IP rights
- System of enforcement of IP rights is slow and lacks effectiveness
- Inadequate penalties for IP infringement

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

Percentage of Overall Score: 51.94% • Total Score: 27.53

Spotlight on the National IP Environment

Past Editions versus Current Score

Costa Rica's overall Index score has increased from 27.52 out of 50 indicators in the twelfth edition to 27.53 out of 53 indicators. This reflects a score increase for indicator 32.

Copyrights and Limitations

16. Clear implementation of policies and guidelines requiring that any proprietary software used on government ICT systems should be licensed software:
As noted in previous editions, there has historically been a degree of uncertainty with respect to how the Costa Rican Government monitors and ensures that individual ministries and agencies maintain and use only licensed software. The 2012 Executive Decree No. 37549-JP states clearly that all central government ministries and agencies have an obligation to ensure that all software—whether proprietary or open source—used on public ICT systems should be fully licensed. Article 2 establishes that each relevant ministry should "establish systems and controls to guarantee the use in their computers, solely and exclusively, of those computer programs that comply with the corresponding copyright," audit this system regularly, and record the "results of the inventory of equipment and licenses acquired." Up until 2020, only partial evidence showed that relevant government institutions were effectively monitoring the application of these requirements. Some government agencies had published the results of internal software audits, but there was no corresponding government-wide systemic effort.

In its 2019–2020 annual report, *Informe de Labores 2019-2020*, the National Registry Office outlined the basis for a new automated registration, compliance, and software asset management platform, *El sistema de legalización de software*. This web portal allows all ministries and relevant government agencies to file annual software audits, inventories, and proof of licensing compliance electronically and provides the registry with a centralized platform to store and process all data and information. As noted in the ninth edition of the Index, the launch of this platform in 2021 was a positive step and, as a result, Costa Rica's score for this indicator increased by 0.5. However, the U.S. government has over the past year reported that the results of these software audits have not been published or otherwise made publicly available. Consequently, it remains unclear, not only the extent to which ministries and government agencies are using licensed software but also what, if anything, is being done to address any potential government use of unlicensed software. At the time of research, no report on the results of these audits had been made available to the public. The Index will continue to monitor this in 2025.

Incentives for Cutting-Edge Innovation

44. Special market exclusivity incentives for orphan medicinal product development; 45. Special market exclusivity incentives for orphan medicinal product development, term of protection; and 46. Restrictions on the effective use of existing market exclusivity incentives for orphan medicinal product development:
Interest in rare diseases has grown in Costa Rica. In 2022, a draft rare disease law was introduced in the Legislative Assembly (No. 23,257). This draft bill would create a national registry of rare diseases and a national treatment center, provide special funding for therapies and care, and seek to stimulate new R&D and innovation in Costa Rica. At the time of research, the bill had been reintroduced in the 2024 session. The bill does not propose putting in place any special IP-based market exclusivity incentives for orphan medicinal product development.