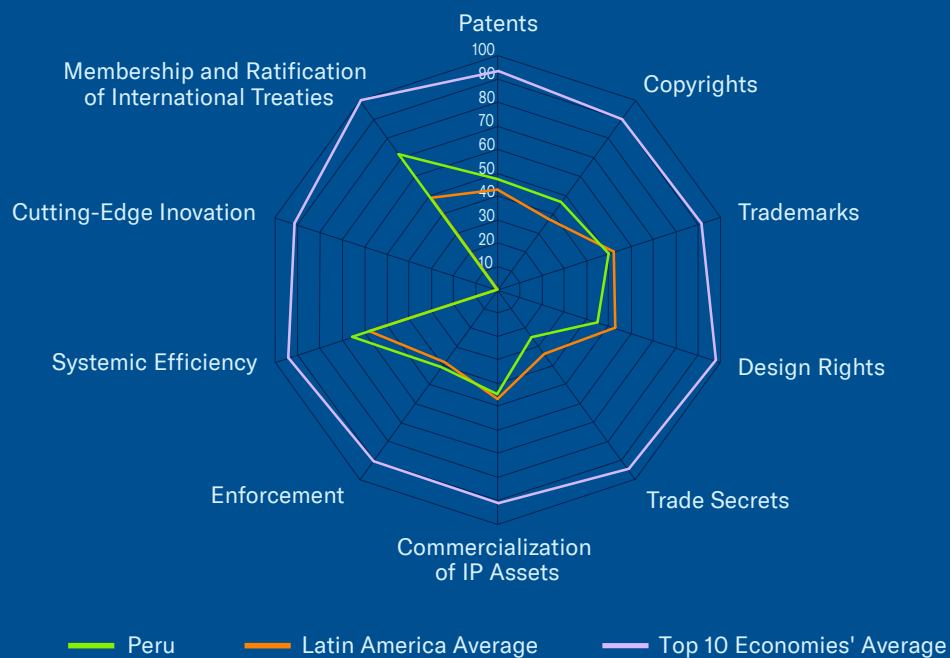




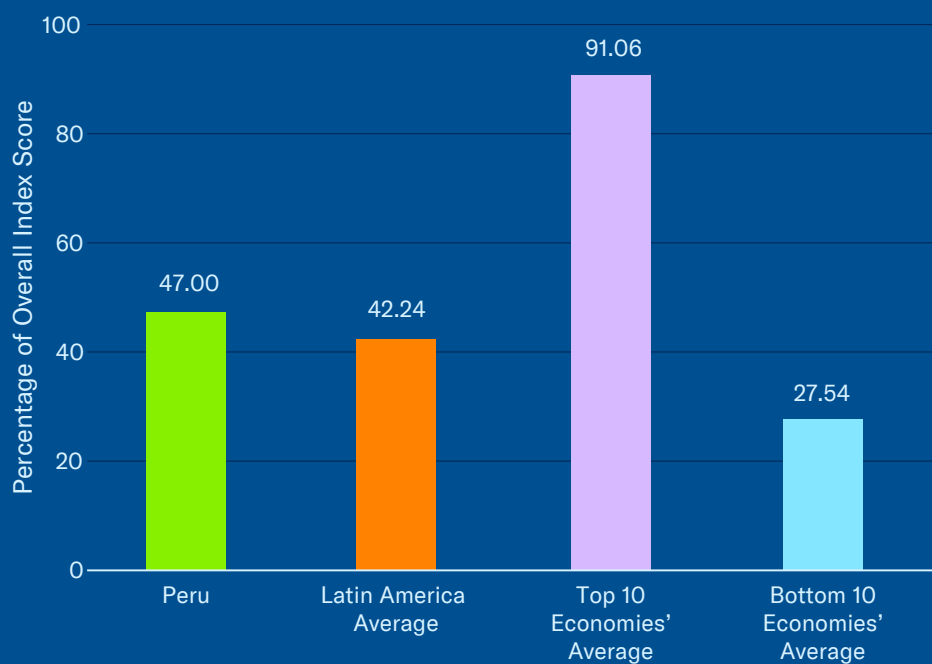
Peru

Rank
31/55

Category Scores



Overall Score in Comparison





Key Areas of Strength

- Continued injunctive-style relief and copyright enforcement by the national IP office INDECOPI in 2024
- 2021 Decree 063-2021 strengthens public consultation and stakeholder participation in the lawmaking and regulatory process
- INDECOPI support for SMEs strengthened in 2021, creating new technical assistance and IP asset identification programs
- Joined the Global Patent Prosecution Highway in 2019
- INDECOPI continued suspending access to copyright-infringing websites
- Basic IP protections available
- Border measures provided for in legislation
- Efforts made to coordinate IP rights enforcement across government agencies and to raise awareness of the importance of IP protection

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Compulsory license is actively being considered for biopharmaceuticals based on cost
- Administrative and regulatory barriers are in place for licensing and technology transfer
- Limited patentability and lack of effective IP protection for life sciences
- Rudimentary digital copyright regime (with some exceptions)
- High rates of counterfeiting and piracy
- Gaps exist in IP enforcement on the ground

Indicator	Score	Indicator	Score
Category 1: Patents Rights and Limitations		Category 7: Enforcement	
1. Term of protection	1.00	29. Direct government intervention in setting licensing terms	0.25
2. Patentability requirements	0.25	30. IP as an economic asset	0.50
3. Patentability of CII	0.00	31. Tax incentives for the creation of IP assets	0.67
4. Plant variety protection	1.00	Category 8: Systemic Efficiency	
5. Pharmaceutical-related enforcement	0.00	32. Physical counterfeiting rates	0.47
6. Legislative criteria and use of compulsory licensing	1.00	33. Software piracy rates	0.38
7. Pharmaceutical patent term restoration	0.00	34. Civil and preceudural remedies	0.25
8. Membership of a Patent Prosecution Highway	1.00	35. Pre-established damages	0.25
9. Patent opposition	0.00	36. Criminal standards	0.50
Category 2: Copyrights and Limitations		37. Effective border measures	0.50
10. Term of protection	0.74	38. Transparency and public reporting by customs	0.50
11. Exclusive rights	0.50	Category 9: Cutting-Edge Innovation	
12. Expeditious legal remedies disabling access to infringing content online	0.75	39. Coordination of IP rights enforcement	0.75
13. Cooperative action against online piracy	0.00	40. Consultation with stakeholders during IP policy formation	0.75
14. Limitations and exceptions	0.25	41. Educational campaigns and awareness raising	0.75
15. TPM and DRM	0.50	42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
16. Government use of licensed software	0.50	43. IP-intensive industries, national economic impact analysis	0.25
Category 3: Trademarks Rights and Limitations		Category 10: Membership and Ratification of International Treaties	
17. Term of protection	1.00	44. IP incentives for orphan medicinal product development	0.00
18. Protection of well-known marks	0.25	45. IP incentives for orphan medicinal product development, term of protection	0.00
19. Exclusive rights, trademarks	0.50	46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
20. Frameworks against online sale of counterfeit goods	0.25	Category 10: Membership and Ratification of International Treaties	
Category 4: Design Rights and Limitations		47. WIPO Internet Treaties	1.00
21. Industrial design term of protection	0.40	48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
22. Exclusive rights, industrial design rights	0.50	49. Patent Law Treaty and Patent Cooperation Treaty	0.50
Category 5: Trade Secrets and the Protection of Confidential Information		50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
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	0.25	53. Post-TRIPS FTA	1.00
Category 6: Commercialization of IP Assets			
26. Barriers to market access	0.75		
27. Barriers to technology transfer	0.25		
28. Registration and disclosure requirements of licensing deals	0.25		

Percentage of Overall Score: 47.00%

Total Score: 24.91

Spotlight on the National IP Environment

Past Editions versus Current Score

Peru's overall score remains unchanged at 24.91 out of 53 indicators.

Copyrights and Limitations

11. Legal measures, which provide necessary exclusive rights that prevent infringement of copyrights and related rights (including web hosting, streaming, and linking); 12. Expedient legal remedies disabling access to infringing content online; and 13. Availability of frameworks that promote cooperative action against online piracy:

In 2024, positive legislative developments occurred, and Peru's national IP authority INDECOPI continued to strongly clamp down on online copyright piracy. First, legislative Decree 1649—issued in September 2024—amends Article 217 of the Penal Code. The decree strengthens existing criminal remedies for illegal recording and/or the distribution and dissemination of copyrighted content. On the enforcement side, INDECOPI continued its administrative enforcement activity. In late 2023, the office ordered the shutdown of 328 websites offering illegal access to a range of creative works, including film, television, music, and other copyrighted content. A portion of this enforcement activity relates to a broader international effort to disable copyright piracy across Latin America, *Operation 404*. First initiated in Brazil in 2020 and 2021, *Operação 404 contra pirataria* has also received international support from the U.S. Embassy in Brasília, UK law enforcement, and other Latin American economies, including Peru.

INDECOPI took additional enforcement actions against online piracy over the summer with access disabled to 29 copyright-infringing websites. Finally, the agency released a new public registry listing individuals and companies sanctioned for copyright infringement. The Index continues to recognize and commend the Government of Peru and INDECOPI for their continued efforts and regional leadership regarding this issue. Over the course of the Index, Peru's score on Category 2: Copyrights and Limitations; and Enforcement has increased by close to two-thirds, rising from 28.43% in the seventh edition of the Index to 46.29% in this year's edition. This is primarily due to INDECOPI's sustained effort to disable access to infringing content.

Unfortunately, this sustained positive activity against online piracy has not been matched by substantive copyright reform. Most notably, despite the obligation to do so under Article 29(b)(ix) of the U.S.-Peru Free Trade Agreement, Peru has yet to introduce a notice-and-takedown mechanism. Reform proposals have been put forth over the years—for example, in the various iterations of the General Internet Law, *Proyecto de Ley n° 00878/2021-CR. Ley General de Internet*—but 15 years since the agreement came into force, Peru still is no closer to a functioning notice-and-takedown mechanism. The introduction of such a system would result in a potential score increase for indicator 13. The Index will continue to monitor these developments 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:

The 2011 Law 29,698 introduced a national legal framework and definition of rare diseases, including the right to comprehensive health care and identification and procurement of relevant medicines and treatments. Subsequent regulations and additional ministerial resolutions have established and defined a national list of approved rare diseases, health technology assessment practices, and additional technical guidelines (Ministerial Resolutions 579-2011, 691-2012, 497-2019, 526-2019, 565-2019, 109-2022, and 112-2022). Based on this work, a national plan was approved in 2020. However, none of these initiatives include any reference to or definition of any special IP-based market exclusivity incentives for orphan medicinal product development.