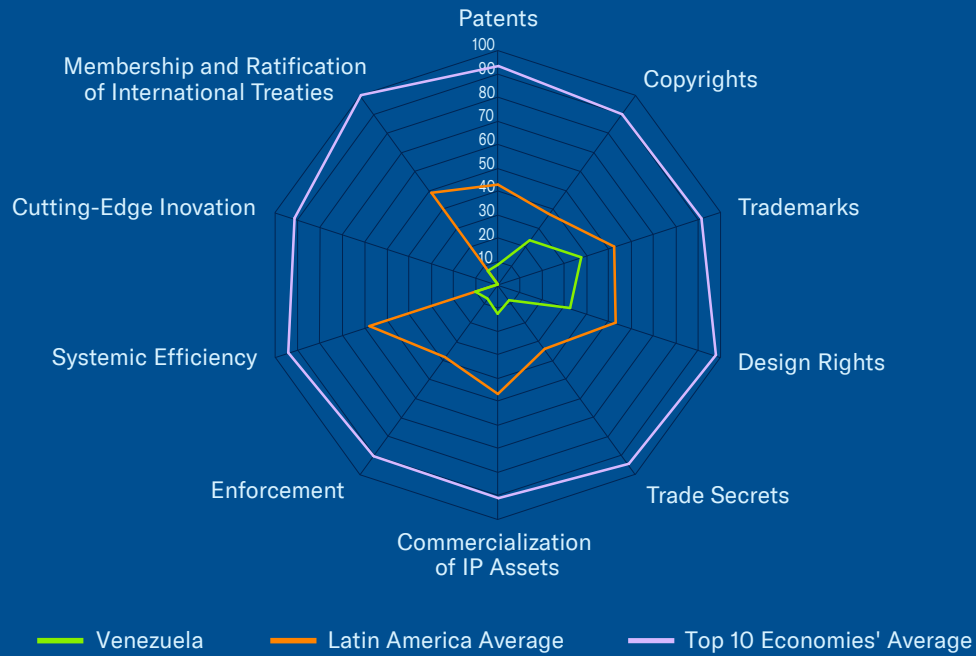




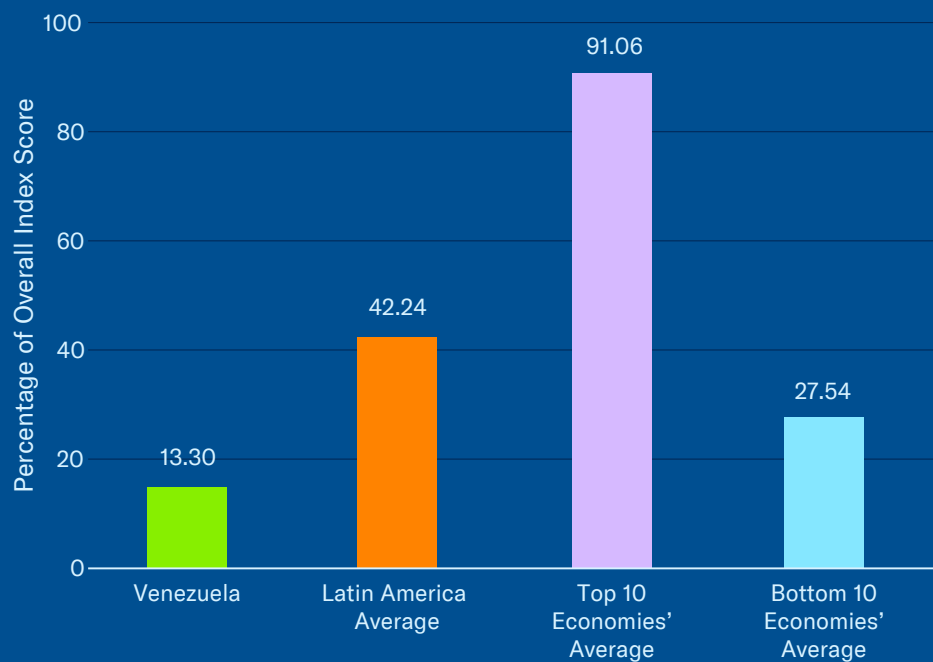
Venezuela

Rank
55/55

Category Scores



Overall Score in Comparison





Venezuela

Rank
55/55

Key Areas of Strength

- Basic copyright, trademark, and industrial design frameworks are in place
- Awareness-raising and capacity building efforts on the importance and use of IP rights

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Weak patent framework, with sector-specific patents and other IP rights not available
- Major holes exist in copyright protection, notably in the digital sphere
- Trademark legislation does not directly address unregistered marks, with limited recognition of well-known marks
- Enforcement is generally poor; insufficient penalties and administrative inaction
- Government interference and regulatory barriers to commercialization of IP assets

Indicator	Score	Indicator	Score
Category 1: Patents Rights and Limitations		Category 7: Enforcement	
1. Term of protection	0.50	29. Direct government intervention in setting licensing terms	0.00
2. Patentability requirements	0.00	30. IP as an economic asset	0.50
3. Patentability of CII	0.25	31. Tax incentives for the creation of IP assets	0.00
4. Plant variety protection	0.00		
5. Pharmaceutical-related enforcement	0.00	32. Physical counterfeiting rates	0.16
6. Legislative criteria and use of compulsory licensing	0.00	33. Software piracy rates	0.11
7. Pharmaceutical patent term restoration	0.00	34. Civil and precedural remedies	0.25
8. Membership of a Patent Prosecution Highway	0.00	35. Pre-established damages	0.00
9. Patent opposition	0.00	36. Criminal standards	0.00
		37. Effective border measures	0.00
Category 2: Copyrights and Limitations		38. Transparency and public reporting by customs	0.00
10. Term of protection	0.63		
11. Exclusive rights	0.25	Category 8: Systemic Efficiency	
12. Expeditious legal remedies disabling access to infringing content online	0.00	39. Coordination of IP rights enforcement	0.00
13. Cooperative action against online piracy	0.25	40. Consultation with stakeholders during IP policy formation	0.00
14. Limitations and exceptions	0.25	41. Educational campaigns and awareness raising	0.50
15. TPM and DRM	0.00	42. Targeted incentives for the creation and use of IP assets for SMEs	0.00
16. Government use of licensed software	0.25	43. IP-intensive industries, national economic impact analysis	0.00
Category 3: Trademarks Rights and Limitations			
17. Term of protection	1.00	Category 9: Cutting-Edge Innovation	
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	0.00	46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 4: Design Rights and Limitations			
21. Industrial design term of protection	0.40	Category 10: Membership and Ratification of International Treaties	
22. Exclusive rights, industrial design rights	0.25		
Category 5: Trade Secrets and the Protection of Confidential Information		47. WIPO Internet Treaties	0.50
23. Protection of trade secrets (civil remedies)	0.25	48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.00
24. Protection of trade secrets (criminal sanctions)	0.00	49. Patent Law Treaty and Patent Cooperation Treaty	0.00
25. Regulatory data protection term	0.00	50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
Category 6: Commercialization of IP Assets		51. Membership of the Convention on Cybercrime, 2001	0.00
26. Barriers to market access	0.00	52. The Hague Agreement Concerning the International Registration of Industrial Designs	0.00
27. Barriers to technology transfer	0.00	53. Post-TRIPS FTA	0.00
28. Registration and disclosure requirements of licensing deals	0.25		

Percentage of Overall Score: 13.30%

• Total Score: 7.05

Spotlight on the National IP Environment

Past Editions versus Current Score

Venezuela's overall score remains unchanged at 7.05 out of 53 indicators.

Area of Note

As has been noted in previous editions of the Index, rightsholders in Venezuela have for many years faced a highly uncertain and challenging business environment. Venezuela lacks most basic IP laws and protections and has been ranked last in the Index since it was first included in the fourth edition. The existing legal framework enshrined in the 1955 Industrial Property Law predates the TRIPS Agreement, let alone more modern IP frameworks and international best practices. Venezuela remained on the USTR's Priority Watch List in the *2024 Special 301 Report*. The report noted a lack of "any notable progress toward improving IP protection in 2023." In a positive development, public statements in 2024 suggest that the Venezuelan Government is in the process of developing a *National Strategy on Intellectual Property*. The development of this strategy is part of the Government's broader socioeconomic reform plan "7T" (7 Transformaciones). Several public meetings had been hosted by the Venezuelan Autonomous Intellectual Property Service (SAPI) and other related government agencies and ministries throughout the spring and summer months. At the time of research, no finalized document had been made available to the public.

Since 2015, the Index has included a *Statistical Annex* that investigates a series of correlations examining the relationship between the strength of national IP environments, as measured by the Index scores, and different types of economic activity, including rates of R&D spending, innovation, technology creation, and creativity.

As the economic data and analysis of the *Statistical Annex* and the experiences of other economies strongly suggest, IP rights and incentives are the fundamental building blocks for innovation and advanced economic development to take place. For all economies—emerging and developed alike—what drives innovation, technological advances, and ultimately economic development and growth is the creation of new forms of intangible assets and IP. Covering 53 indicators across 10 separate categories, the Index has for a decade provided a clear model for the type and strength of IP rights that international innovators, creators, and rights-holders need to be able to fully develop and commercialize their ideas and products. As the Government of Venezuela pursues a program of national IP rights reforms, we would encourage it to use the Index findings and accompanying *Statistical Annex* as a guide in 2025 and beyond.

Patent Rights and Limitations

With respect to Category 1: Patent Rights and Limitations, legal standards of patentable subject matter in Venezuela are firmly outside existing international standards. In violation of TRIPS Article 27 chemical preparations, use of natural substances, second use, and new forms of pharmaceutical inventions have been explicitly excluded from patentable subject matter. Inventions created using public funds or means have also not been patentable. The standard term of protection for patents has also been half of the TRIPS minimum of 20 years at 10 years. Aside from the legal framework, practically speaking, it has been nearly impossible for inventors to obtain patent protection over the past two decades. The granting of pharmaceutical patents was suspended in 2002, and subsequently, SAPI stopped processing and granting patents for all arts and technologies.

As noted in preceding editions, in an encouraging development, local reports suggest that SAPI has over the past several years begun to process and grant patents again. Should rightsholders be able to consistently obtain patent protection under TRIPS standards for a minimum term of 20 years in accordance with Venezuela's WTO obligations in a timely fashion, this would mark a significant and positive improvement in Venezuela's national IP environment and would result in a score increase for indicators 1 and 2. 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 Bolivarian Constitution provides a general and universal right to health and social security for all citizens of Venezuela. Current and long-standing health laws and policies elaborate on this right and the way the national health system should provide universal access to medical care and treatment for all illnesses and diseases.

Given Venezuela's long-standing and ongoing political and socioeconomic crisis, the provision of health care and basic medical services has been and remains highly fraught. Publicly available data suggests that access to all forms of health care in Venezuela has deteriorated markedly over the past decade and that, even before the pandemic, rates of preventable diseases, such as malaria, had increased and life expectancy had dropped by almost three years between 2000 and 2021. With respect to rare diseases, Venezuela does not have in place any special IP-based market exclusivity incentives for orphan medicinal product development.