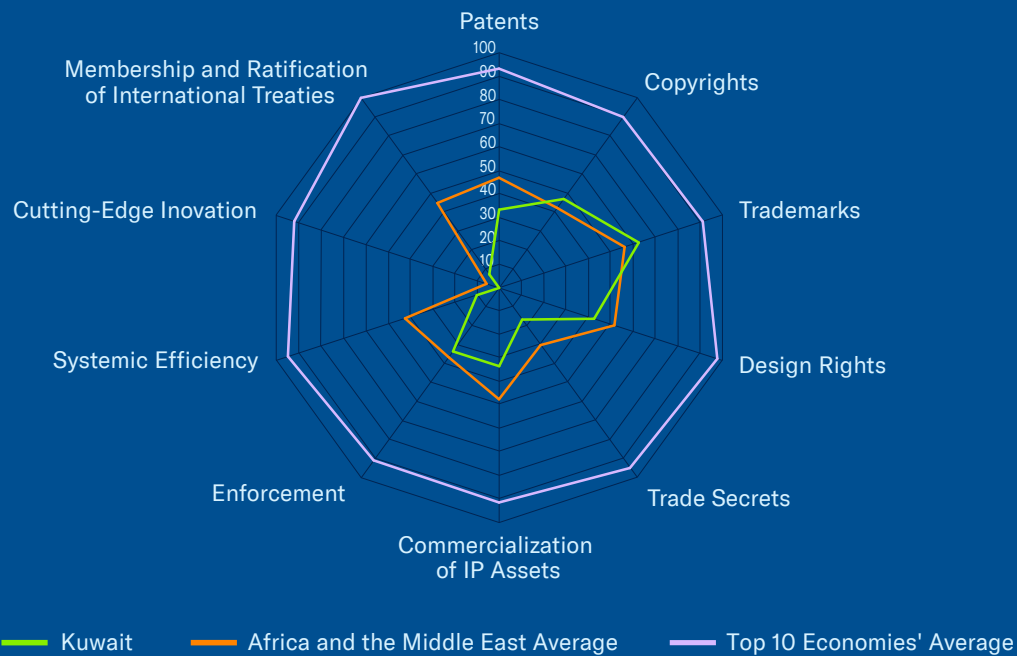
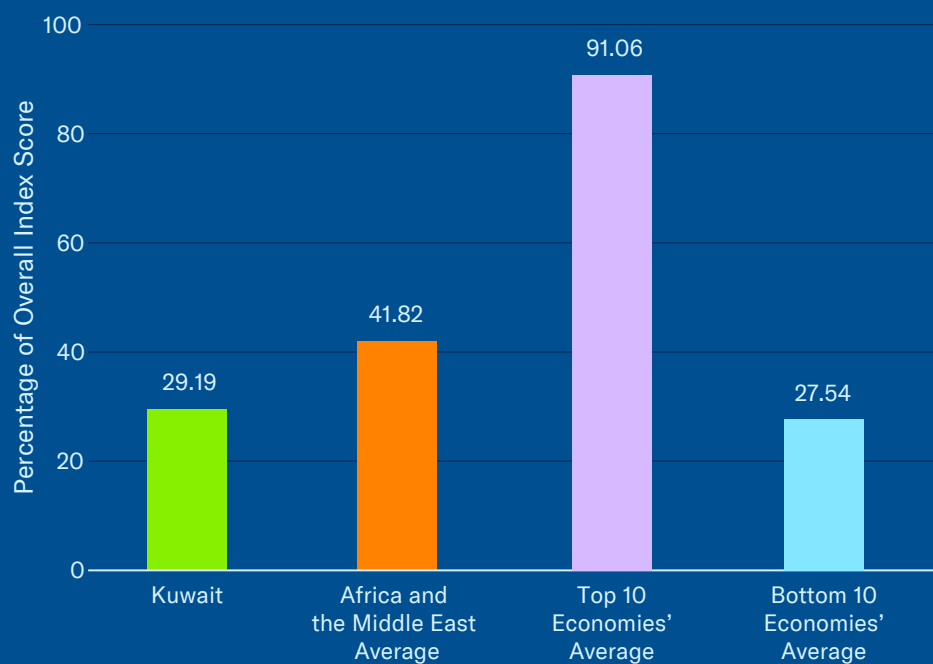




Category Scores



Overall Score in Comparison





Kuwait

Rank
49/55

Key Areas of Strength

- The administrative IP enforcement option is available and in use through the National Library and Ministry of Commerce and Industry; led to the disabling of access to thousands of websites offering counterfeit and IP-infringing goods
- Basic IP framework is in place
- Participant in regional patent and trademark harmonization efforts through GCC

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Uncertainty about the future of the GCC patent and how/whether the regional patenting route will continue to exist
- Most sector-specific rights are missing
- Barriers are in place for licensing and technology transfer
- No R&D or IP-specific tax incentives are in place
- No targeted incentives for the creation and use of IP assets for SMEs
- Limited participant in international treaties

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	0.50
2. Patentability requirements	0.50	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	Category 8: Systemic Efficiency	
5. Pharmaceutical-related enforcement	0.00	32. Physical counterfeiting rates	0.41
6. Legislative criteria and use of compulsory licensing	1.00	33. Software piracy rates	0.43
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	0.25
9. Patent opposition	0.25	36. Criminal standards	0.25
Category 2: Copyrights and Limitations		37. Effective border measures	0.50
10. Term of protection	0.53	38. Transparency and public reporting by customs	0.25
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	0.00
13. Cooperative action against online piracy	0.00	40. Consultation with stakeholders during IP policy formation	0.25
14. Limitations and exceptions	0.50	41. Educational campaigns and awareness raising	0.25
15. TPM and DRM	0.50	42. Targeted incentives for the creation and use of IP assets for SMEs	0.00
16. Government use of licensed software	0.50	43. IP-intensive industries, national economic impact analysis	0.00
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	0.50	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	0.50	Category 10: Membership and Ratification of International Treaties	
Category 4: Design Rights and Limitations		47. WIPO Internet Treaties	0.00
21. Industrial design term of protection	0.60	48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.00
22. Exclusive rights, industrial design rights	0.25	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	0.00
23. Protection of trade secrets (civil remedies)	0.25	51. Membership of the Convention on Cybercrime, 2001	0.00
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	0.00	53. Post-TRIPS FTA	0.00
Category 6: Commercialization of IP Assets			
26. Barriers to market access	0.00		
27. Barriers to technology transfer	0.50		
28. Registration and disclosure requirements of licensing deals	0.50		

Percentage of Overall Score: 29.19%

Total Score: 15.47

Spotlight on the National IP Environment

Past Editions versus Current Score

Kuwait's overall Index score has increased from 14.21 out of 50 indicators in the twelfth edition to 15.47 out of 53 indicators. This reflects a score increase for indicators 11, 12, 18, 19, and 20.

Copyrights and Limitations; and Trademark Rights 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. Expeditious disabling of infringing content online; 18. Protection of well-known marks; 19. Legal measures available that provide necessary exclusive rights to redress unauthorized uses of trademarks; and 20. Availability of frameworks that promote action against online sale of counterfeit goods:

The IP enforcement environment in Kuwait has long been difficult. Although civil remedies, including injunctive relief, the suspension of alleged infringing activities, and the seizure of infringing materials and goods are available for most major IP rights, active enforcement has been lacking.

In a positive development, over the past few years, some notable improvements have been made to Kuwait's national IP environment and, in particular, the enforcement of IP rights online. As noted in the Index at the time, in 2019, Law 75 on Copyright and Related Rights, was enacted. This made some important changes to Kuwait's copyright regime with potential new avenues for copyright enforcement. Specifically, Article 36 grants a broader type of administrative enforcement authority to designated officials compared with the provisions in the older Copyright Law.

Kuwait's National Library administers the national system of copyright and has, since the coming into force of these amendments, offered rightsholders the option of filing copyright infringement complaints directly through an online portal. This administrative enforcement option comes on top of a pre-existing mechanism run by the Communications and Information Technology Authority (CITRA).

Since 2014–2015, laws related to telecommunications and cybercrime have invested vast powers in CITRA to oversee and regulate the online space. These laws have also included some reference to the protection of IP rights. For example, under Law No. 37 of 2014 on the “Establishment of Communication and Information Technology Regulatory Authority,” CITRA has the power to suspend operating licenses and individual accounts. CITRA offers a dedicated web portal where online requests for the disabling of websites can be requested, including for IP infringement. In late 2022, these powers of administrative enforcement were extended to other IP rights, including trademarks.

Like the National Library, today the Ministry of Commerce and Industry offers rightsholders the ability to submit infringement complaints directly through its website. As of 2024 rightsholders can directly lodge complaints and request the disabling of access to any online access point offering access to IP infringing content and/or goods electronically directly via several Government of Kuwait websites. As a result, public reporting suggests that the government disabled thousands of online access points over the past few years. Significantly, many of these access points were disabled based on IP infringement. As a result of these continued positive efforts, the scores for indicators 11, 12, 18, 19, and 20 have increased.

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 the Middle East and North Africa region. In 2003, the Centre for Arab Genomic Studies was established to map and improve the state of care for patients with genetic diseases in the Arab world. Today, the Center has become the leading research point for rare diseases in the region. Several Index economies in the region, including Saudi Arabia and the UAE, have introduced a defined regulatory sanitary registration pathway and special incentives for orphan products.

Since 1979, the Kuwait Medical Genetic Centre has provided genetic screening services and patient care. In 2018, the Ministry of Health introduced fast-track sanitary registration of orphan products. The Ministry of Health also runs a national newborn screening program. Kuwait does not have in place any special IP-based market exclusivity incentives for orphan medicinal product development.