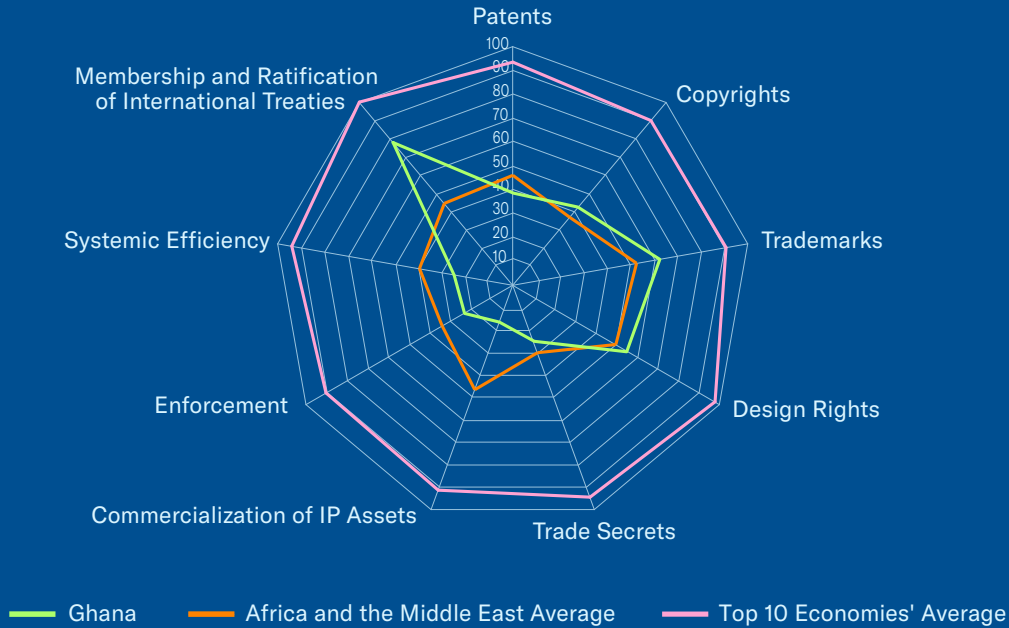
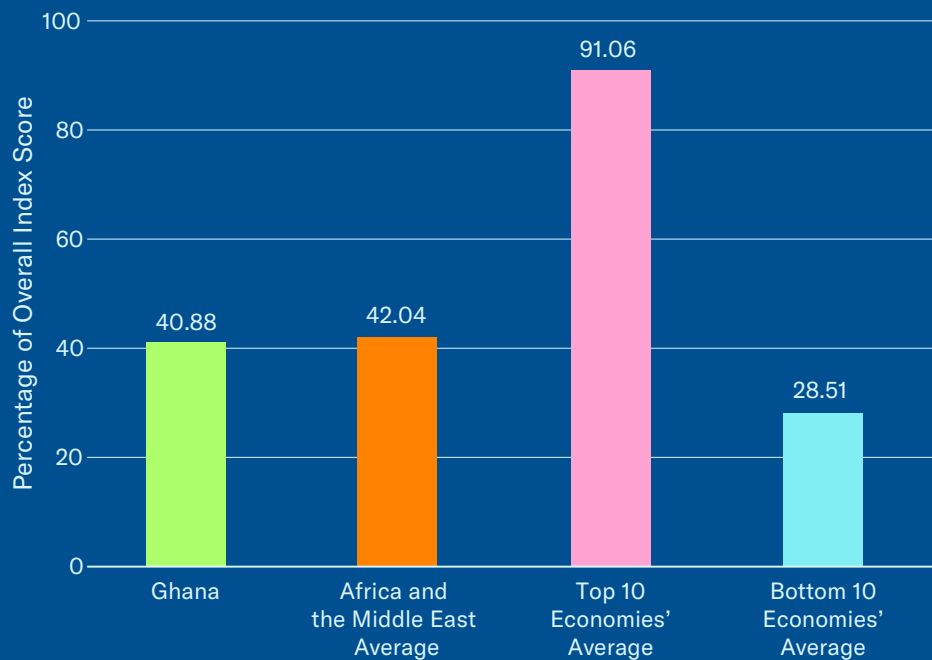
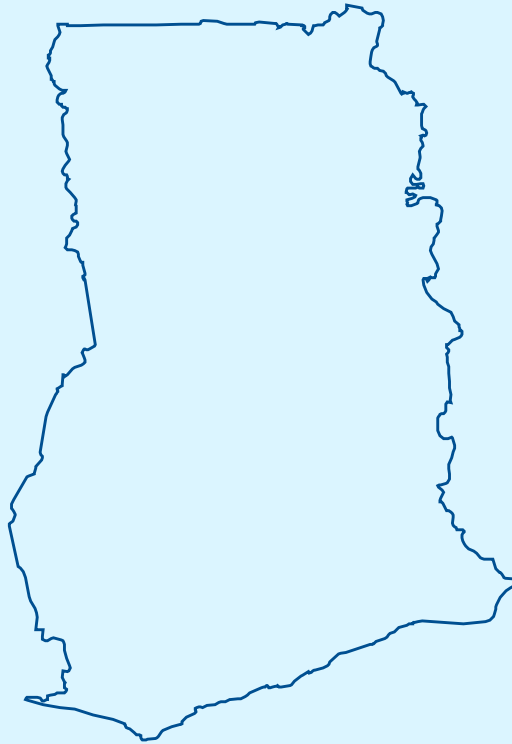


Category Scores



Overall Score in Comparison





Key Areas of Strength

- Contracting party to most international IP treaties included in the Index; joined UPOV 1991 in 2021
- Member of African Regional Intellectual Property Organization (ARIPO)
- ARIPO patentability guidelines allow high-tech claims (both Swiss-style biopharmaceutical claims and CIIIs)
- New Plant Variety Protection Act 2020
- Electronic Transactions Act 2008 includes definition and description of liability for service providers and intermediaries, including potential court-ordered injunctive-style relief
- WTO TRIPS member

Key Areas of Weakness

- Legal framework remains rudimentary for most IP rights, with many key IP rights and incentives unavailable
- Enforcement environment remains highly fraught with counterfeit and IP-infringing goods widely available—physical and online
- High levels of counterfeit and substandard medicines
- Judicial enforcement is characterized by long delays

Indicator	Score
Category 1: Patents, Related Rights and Limitations	3.50
1. Term of protection	1.00
2. Patentability requirements	0.50
3. Patentability of CIIIs	0.25
4. Plant variety protection	1.00
5. Pharmaceutical-related enforcement	0.00
6. Legislative criteria and use of compulsory licensing	0.00
7. Pharmaceutical patent term restoration	0.00
8. Membership of a Patent Prosecution Highway	0.00
9. Patent opposition	0.75
Category 2: Copyrights, Related Rights, and Limitations	2.99
10. Term of protection	0.74
11. Exclusive rights	0.50
12. Injunctive-type relief	0.25
13. Cooperative action against online piracy	0.25
14. Limitations and exceptions	0.25
15. TPM and DRM	0.50
16. Government use of licensed software	0.50
Category 3: Trademarks, Related Rights, and Limitations	2.50
17. Term of protection	1.00
18. Protection of well-known marks	0.50
19. Exclusive rights and trademarks	0.50
20. Frameworks against online sale of counterfeit goods	0.50
Category 4: Design Rights, Related Rights, and Limitations	1.10
21. Industrial design term of protection	0.60
22. Exclusive rights and industrial design rights	0.50
Category 5: Trade Secrets and the Protection of Confidential Information	0.75
23. Protection of trade secrets (civil remedies)	0.50
24. Protection of trade secrets (criminal sanctions)	0.25
25. Regulatory data protection term	0.00

Indicator	Score
Category 6: Commercialization of IP Assets	1.00
26. Barriers to market access	0.50
27. Barriers to technology transfer	0.00
28. Registration and disclosure requirements of licensing deals	0.00
29. Direct government intervention in setting licensing terms	0.00
30. IP as an economic asset	0.50
31. Tax incentives for the creation of IP assets	0.00
Category 7: Enforcement	1.44
32. Physical counterfeiting rates	0.44
33. Software piracy rates	NA
34. Civil and precedural remedies	0.25
35. Preestablished damages	0.25
36. Criminal standards	0.25
37. Effective border measures	0.25
38. Transparency and public reporting by customs	0.00
Category 8: Systemic Efficiency	1.25
39. Coordination of IP rights enforcement	0.25
40. Consultation with stakeholders during IP policy formation	0.25
41. Educational campaigns and awareness raising	0.25
42. Targeted incentives for the creation and use of IP assets for SMEs	0.25
43. IP-intensive industries, national economic impact analysis	0.25
Category 9: Membership and Ratification of International Treaties	5.50
44. WIPO Internet Treaties	1.00
45. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.75
46. Patent Law Treaty and Patent Cooperation Treaty	0.75
47. Membership of the International Convention for the Protection of New Varieties of Plants, ct of 1991	1.00
48. Membership of the Convention on Cybercrime, 2001	1.00
49. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
50. Post-TRIPS FTA	0.00

Total: 20.03



Spotlight on the National IP Environment

Past Editions versus Current Score

Ghana's overall score remains unchanged at 40.88% (20.03 out of 50).

Commercialization of IP Assets and Market Access

27. Barriers to technology transfer; 28. Registration and disclosure requirements of licensing deals; and 29. Direct government intervention in setting licensing terms: Ghanaian law and practice impose several barriers to the international transfer of technologies and inhibit the execution of licensing transactions. To begin with, under the Ghana Investment Promotion Centre Act 2013, all technology transfer agreements must be registered and reviewed by the Centre. Section 37 of the act grants the Centre the power to “review the agreement,” and, upon registration, the right to “monitor and ensure compliance with the terms and conditions of the agreement.” Registration requirements, terms, and conditions are outlined in more detail under the “Technology Transfer Regulations.” These regulations impose detailed restrictions on licensing transactions and technology transfer agreements, including the length of the agreement; relevant compensation (including restrictions on royalty rates, management fees, technical service fees, etc.); and a host of other restrictions on contractual arrangements. Moreover, all licensing agreements must also be registered with the relevant registrar to be enforceable against third parties, including patent-based licensing contracts under Section 29(5) of the Patents Act.