

KUWAIT

Kuwait remains on the Priority Watch List in 2018 with an Out-of-Cycle Review focused on addressing gaps in Kuwait's copyright regime.

Ongoing Challenges and Concerns

The United States welcomed the 2016 passage of the Copyright and Related Rights Law, which represents a significant development toward a robust copyright regime. However, there are still steps that need to be taken for Kuwait's copyright regime to meet Kuwait's international commitments, including with respect to the term of protection; limitations on the amount of work reproduced; enforcement, remedies, and damages; and definitions. The United States acknowledges Kuwait's willingness to work with U.S. Government agencies to draft amendments to the Law to bring its regime in line with its international commitments.

While the United States commends Kuwait's recent boost in enforcement efforts, the United States continues to encourage the government to devote additional resources and take action that would have the effect of curbing the manufacture and sale of counterfeit and pirated goods, including by targeting manufacturers and increasing fines and penalties to deterrent levels. Also, while the United States applauds the referral of IP cases to Kuwaiti courts for prosecution in 2017, the United States strongly urges Kuwait to prioritize the successful prosecution of such cases.

Developments, including Progress and Actions Taken

In June 2017, Kuwait promulgated implementing regulations following the passage of a new Copyright and Related Rights Law in May 2016. Although this law represented a significant improvement over previous legislation, did not resolve questions related to Kuwait's international commitments, and an Out-of-Cycle Review was conducted so that Kuwait could clarify and address ambiguities and deficiencies in the statute. The implementing regulations, however, fell short of addressing all of the steps that need to be taken. Kuwait is in the process of drafting amendments to the Law. The United States encourages Kuwait to continue to work with U.S. Government agencies throughout the remaining legislative process.

Kuwait has continued to make significant progress on its level of IP enforcement over past years, including border enforcement. Kuwait took action against online offerings of pirated materials, conducted raids and criminal trials on a range of pirated and counterfeit physical goods, and no longer allows counterfeit shipments to be exported. Kuwait also worked with right holders to enhance enforcement efforts. In particular, the United States commends the close collaboration between Kuwaiti customs officials and the U.S. Customs and Border Protection (CBP) in-country advisory program, and the signing of a bilateral Customs Mutual Assistance Agreement in September 2017 committing to collaboration, information sharing, and coordination in enforcement activities.