**Afghanistan - Protection of Property Rights**

This information is derived from the State Department's Office of Investment Affairs' Investment Climate Statement. Any questions on the ICS can be directed to EB-ICS-DL@state.gov

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**Real Property**
Property rights protection is weak due to a lack of cadasters or a comprehensive land titling system, disputed land titles, incapacity of commercial courts, and widespread corruption. Land laws in Afghanistan are inconsistent, overlapping, incomplete, or silent with regard to details of effective land management. Judges and attorneys are often without expertise in land matters. An estimated 80 percent of land is held and transferred informally, without legally recognized deeds, titles, or a simple means to prove ownership.

The acquisition of a clear land title to purchase real estate or a registered leasehold interest is complicated and cumbersome. The World Bank estimated in its 2016 “Doing Business Report” that it takes an average of 250 days and entails legal fees of five percent of the property value to register property. Investment disputes are common in the areas of land titling and contracts. Many documents evidencing land ownership are not archived in any official registry. Frequently, multiple “owners” claim the same piece of land, each asserting rights from a different source. These disputes hinder the development of commercial and agricultural enterprises. Real estate agents are not reliable. Instances of parties falsely claiming title to land that they do not own undermines investor confidence. Mortgages and liens are at an early stage of development. Foreign investors seeking to work with Afghan citizens to purchase property should conduct thorough due diligence to identify reliable partners.

**Intellectual Property Rights**
Prior to 2012 Afghanistan did not have fully operational intellectual property offices (IPOs) at the Ministry of Information and Culture (MOIC), which focuses on copyrights, and at the Ministry of Commerce and Industries (MOCI), which focuses on other intellectual property areas. Laws on copyrights, patents, trademarks, and geographical indications were adopted in the recent years. To fully comply with the WTO Trade Related Aspects of Intellectual Property Rights Agreement (TRIPS), laws related to other Intellectual Property (IP) substantive areas (e.g., industrial designs, trade secrets, and layout designs) are in the process of adoption and expected to come into force in 2016. Afghanistan’s intellectual property regime provides investors with access to the judicial system and, in certain areas such as copyrights, to administrative appeals.

Given that IP is nascent in Afghanistan, the country has limited experience and needs significant capacity building to effectively enforce and administer IP laws. Since 2012, eight copyright cases have been referred to court by either the IPO at MOIC or right holders. Five of these cases have been resolved. Twenty patents applications have been submitted and are presently being examined by the IPO at MOCI. Presently in Afghanistan, there are around 3,400 registered trademarks and 2,200 trademarks applications pending registration. It takes on average 6 months to register a trademark, against a world average of 7-8 months. The number of trademarks registered in 2015 was 473. Copyrights registration is voluntary and is expected to commence in 2016.

Afghanistan is not listed in the United States Trade Representative’s (USTR) Special 301 report or in its Notorious Markets report. Afghanistan has been a member of the World Intellectual Property Organization (WIPO) since 2005.