



Commercial
Diplomacy

Training Workshop on Intellectual Property Rights

13 -15 July 2022

1. BACKGROUND AND OBJECTIVES

Under the EU-UNCTAD Joint Programme for Angola: Train for Trade II, Commercial Diplomacy Component, UNCTAD assists the Ministry of Industry and Commerce of Angola in building capacity in trade policy formulation and trade negotiations in multilateral, inter-regional and regional contexts.

Angola is currently negotiating with the EU its accession to the SADC-EU Economic Partnership Agreement (EPA) to liberalize trade in goods (and potentially services) on a reciprocal but asymmetric basis, thereby replacing unilateral trade preferences that have characterized the Angola-EU trade relationship over the past 50 years. The negotiation presents a particular challenge for Angola, an LDC, as the country is expected to accept existing EPA provisions while undertaking its own market opening towards imports from the EU.

Article 16 of the SADC-EU EPA is entitled “Cooperation on protection of intellectual property rights” and refers to the parties’ “...commitments under Article 46 of the Cotonou Agreement and their rights, obligations and flexibilities as set out in the Agreement on Trade-related Aspects of Intellectual Property, contained in Annex IC to the Agreement establishing the World Trade Organisation (‘TRIPS Agreement’).” Paragraph 6 of Article 16 states that “The Parties may consider entering into negotiations on the protection of IPRs in future”.

Intellectual property rights (IPRs) are also covered by Phase II within the AfCFTA Agreement with State Parties aiming to negotiate a legally binding protocol in this area, which shall form an integral part of the AfCFTA Agreement, upon entry into force.

Against this backdrop, it is important for Angola to be prepared for future negotiations, whether at the WTO or the continental level, on IPRs, in such a way as to maximize potential benefits and minimize costs from any future outcomes in this area.

The main objective of the training course is to promote a better understanding of basic concepts relating to IPRs, IPR provisions under RTAs, the WTO TRIPS Agreement and TRIPS flexibilities to discuss their implications for Angola in terms of how Angola can make the best use of TRIPS flexibilities, including in the public health sector, and the

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interface between intellectual property (IP) and competition law, and examine IP related provisions in the free trade agreements (FTA), including a possible future IPRs chapter in the Economic Partnership Agreement with the EU. The training modules for an online course will be accessible to negotiators from Angola even after the online workshop is delivered on the Train for Trade II Programme's Online Knowledge Hub and will remain as a permanent source for the Ministry of Industry and Commerce to consult when needed. The online course aims to support Angola in negotiating IPR provisions in future RTAs and undertaking IPR reforms arising from their obligations under RTAs/WTO negotiations or implementation of other commitments under regional or multilateral arrangements.

2. OUTPUTS

Training materials on IPRs, IPR provisions under RTAs, and WTO TRIPS Agreement, TRIPS flexibilities are prepared in Portuguese. An introductory online training workshop for the Ministry of Industry and Commerce of Angola and other key stakeholders will be delivered in July 2022. Training materials will be used to develop training modules on IPRs, IPRs provisions under regional trade agreements (RTAs), WTO TRIPS Agreement and TRIPS flexibilities for an online course.

3. METHODOLOGY, SCOPE AND CONTENT

The online training workshop will introduce the basic concepts relating to the IPRs, as well as the main provisions of the WTO TRIPS Agreement, TRIPS flexibilities and their implications for developing countries. The workshop will then provide an overview of IPR provisions under RTAs and the implications of a possible future IPRs chapter in the Economic Partnership Agreement with the EU. Participants will have an opportunity to discuss IPR-related issues with the trainers.

The training workshop will cover the following subjects:

- 1: Introduction to intellectual property, innovation and development; definition of patent, copyright and neighboring rights, trademark, geographical indications and other relevant concepts.
- 2: Overview of the TRIPS agreement and the TRIPS flexibilities.
- 3: TRIPS flexibilities and public health.
- 4: The interface between IP and competition law.
- 5: IP-related provisions in the regional trade agreements (RTAs).

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6: Policy considerations in negotiating and implementing IPR related provisions in RTAs.

4. MONITORING AND DISSEMINATION

The Government of Angola is invited to nominate key Government officials from the Technical Group working on the EU-SADC EPA and the National Trade Negotiations Commission, as applicable, and officials from the Ministry of Industry and Commerce, other Ministries and stakeholders. In line with the Train for Trade II Programme's gender equality objectives, we invite the Government to duly take into account the objective of gender balance in all nominated committees and delegations.

5. EXPECTED OUTCOMES

- Better understanding of basic IP related concepts; the WTO TRIPS Agreement and TRIPS flexibilities, IPR provisions in RTAs and their implications for Angola.
- Greater preparedness to engage with domestic stakeholders in developing Angola's national IP policy;
- Greater preparedness to engage in preparatory discussions and negotiations with the EU; as well as negotiations to develop a Protocol on IP within the AfCFTA Agreement.

6. CONTACTS

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