

**Workshop on Intellectual Property Rights for cultural and creative industries
stakeholders in Angola**

Background document

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I. Introduction: the importance of intellectual property for creative industries

This text covers the rights related to the vast field of intellectual property with applicability in the creative economy for entrepreneurs, professionals, students, and interested parties. The paper will go through the main topics related to intellectual property, emphasizing copyright due to the aspects associated with the creative and cultural industries, considering creative potential (copyright) and innovation potential (industrial property).

The concept of creative industries and creative economy¹ can be summarized in the sentences below:

“Creative industries are the cycles of creation, production, and distribution of goods and services that use creativity and intellectual capital as primary inputs.

The creative economy is an evolving concept based on creative assets potentially generating economic growth and development.

The comparative growth rates of the CCIs, their resilience to economic slowdown, their linkages with innovation and technology, and their capacity to generate jobs in both formal and informal sectors, especially among young people, have reinforced the conviction that, if well supported, the CCIs are a viable avenue for developing countries to accelerate socio-economic change.

Content is “king” in many parts of the creative industries; that is to say, original content is the driving force of new value and profit. Creative industries are growing quickly across the world, driven by the ever-expanding possibilities of digital creation, copying, distribution and consumption of cultural content.

Having been barely recognized as an industrial sector at the turn of the century, the creative industries are now acknowledged as a driver of economic growth. Growth in the creative industries is on average three times that of the economy as a whole.”

Intellectual property is the area of legal science that protects intangible (non-material) property. It protects human creation by fulfilling the requirements of law and international treaties. Intellectual property provides legal protection to artistic expression, with minimum elements of originality and creativity in the case of copyright and industrial property when the prerequisites of inventiveness, innovation, and industrial applicability exist.

The areas of knowledge that integrate intellectual property play a strategic and fundamental role in developing the creative industries. Understanding basic concepts and education on the subject provide relevant information for the members of the intellectual property ecosystem and the respective creative economic value chains. It is a transversal and interdisciplinary area with wide coverage and implications in the daily lives of entrepreneurs, students, researchers, and those interested in the subject.

Access to intellectual property training helps strengthen the negotiating capacity of creators and rights holders, generate legal certainty for the creative and innovation ecosystem, contribute to social pacification regarding the economic duties of collecting and distributing property rights, and develop a fairer, more transparent, and ethical system.

The importance of intellectual property is justified in its mission to promote the protection of intellectual assets, the basis of creative economic value chains, and the innovation process. It is an area of legal science that protects intangible property. Therefore, the objective of intellectual property is to protect human creation, whether with elements of originality and creativity in the case of copyright or

¹ See UNCTAD (2023). Mapping the Cultural and Creative Industries in Angola. Available at https://unctad.org/system/files/official-document/ditctsce2023d2_en.pdf.

with elements of innovation, inventiveness, and industrial application in the case of Industrial property.

Intellectual property is gaining ground because it is used as an instrument for advancement on the world stage, as a mechanism for protecting intelligence, and for the strategic use of innovation and technology transfer.

The importance of the creative economy is underlined by the fact that according to current and available global estimates, the cultural and creative industries (CCIs) generate around 3.1 per cent of the world's gross domestic product (GDP) and provide almost 50 million jobs worldwide.

A. Intellectual property rights education

The dissemination of intellectual property, as a vector of legal and ethical security, contributes to developing an equitable ecosystem but, above all, to the strengthening of cultural and creative industries through the creation of jobs, economic generation, and promotion, in addition to the preservation of cultural identity and national innovation. Especially for countries such as Angola, with a substantial young population, education and appreciation of the intellectual input protected by intellectual property is strategic and urgent for all people.

The growth and recovery of the creative economy in the post-pandemic world has made intellectual property a solid ally to propel the creative economic value chains in a sustainable, balanced way, respecting cultural and historical memory, but also with a perspective for the future, especially with the development and migration of intellectual works in the digital environment.

In parallel, intellectual property, within its subcategories of knowledge, is also responsible for identifying exceptions and limitations to the application of protective measures to enable a balance with other fundamental rights such as access to culture, information, and education.

To keep up with current socio-economic demands, the World Intellectual Property Organization (WIPO) holds a Standing Committee on Copyright and Related Rights twice a year to discuss strategic issues. In the agenda of the Committee, themes were developed in a balanced way between protection and access to copyright and are part of the ordinary discussions:

- Limitations and exceptions for libraries and archives;
- Limitations and exceptions for educational and research institutions and persons with other disabilities;
- Protection of broadcasting organizations;
- Proposed analysis of copyright related to the digital environment;
- Right of resale (*droit de suite*);
- Protection of theatre directors' rights at the international level.

In developing countries like Angola, universities have a fundamental role in educating students and the public about intellectual property rights (IPR), as universities are multipliers of knowledge and hubs for technology transfer. The efficient use of universities to collaborate with the development of cultural and creative industries and the dissemination of intellectual property rights must be strengthened by:

- Developing an intellectual property strategy;
- Developing a curriculum to include the subject of IPR in permanent curricula or extension courses;
- Establishing intellectual property offices within universities, as well as incubators specializing in the subject and aimed at guiding creators and transferring technology;
- Awareness-raising, training, and ongoing capacity-building initiatives for university teachers and students;
- Developing training plans to train teachers to act as multipliers of intellectual property knowledge;

- Developing plans for training and disseminating knowledge of the cultural and creative economic value chains, from creation to economic exploitation and licensing of products.

B. Input: human creation and intellectual work

With technological advances and debates around artificial intelligence, the reflection on intellectual input is timely. For protection under copyright, the artistic expression must have minimum elements of originality and creativity. Still, above all, it is essential to emphasize that creation must come from a human being.

Therefore, it is only possible to protect an intellectual work under copyright if it is created by a human, even with technological resources. However, a creation exclusively the result of artificial intelligence (AI) cannot receive copyright protection, even if it has recognized aesthetic and artistic elements.

This requirement of the human condition for protection under copyright is provided for in the Berne Convention,² which will be further explored below. It establishes the need to recognize in the intellectual work the artistic and aesthetic elements arising from the emotion and personality of the creator. Thus, a book, a song, or a movie must express human characteristics from each person's individuality.

There are significant emerging challenges surrounding intellectual property, specifically on the relationship between copyright and artificial intelligence, as there is still much to debate around the limits, criteria, and scope. However, the legal protection of copyright only acts on human creation, which excludes artistic creations originating exclusively from artificial intelligence or even animals. For example, a court in the United States of America ruled that the copyright on a selfie taken by a monkey should not be attributed to the animal. The image of the smiling monkey went viral on the Internet. It triggered a lengthy legal battle between photographer David Slater and the organization People for the Ethical Treatment of Animals (Peta).

C. Multidisciplinary and cross-cutting aspects of intellectual property

Intellectual property is an interdisciplinary and transversal area, which means it goes beyond exclusively legal or artistic careers to reach related areas interested in concepts, preservation of moral rights and exploitation of property rights. Intellectual property has repercussions on all of us since we all consume, create or access intellectual works, creations or innovations that receive this legal protection. Therefore, access to intellectual property information will undoubtedly be helpful for everyone: workers, entrepreneurs, creators, and researchers from different areas of professional activity or interest, especially for all members of the economic value chains of cultural and creative industries. Diverse activities make up the cultural and creative industries based on intellectual input protected by copyright (with originality and creativity). Examples include:

- The texts of literary, artistic or scientific works (Berne Convention);
- Conferences, speeches, sermons and other pieces of the same nature;
- Dramatic and dramatic-musical works;
- Choreographic and pantomimic works, the scenic execution of which is fixed in writing or any other form;
- Musical compositions, with or without lyrics;
- Audio-visual works sounded or not, including cinematographic works;
- Photographic works and those produced by any process analogous to photography;
- Works of drawing, painting, engraving, sculpture, lithography and kinetic art;
- Illustrations, geographical charts and other pieces of the same nature;

² See <https://www.wipo.int/treaties/en/ip/berne/>.

- Projects, sketches and plastic works concerning geography, engineering, topography, architecture, landscaping, scenography and science;
- Adaptations, translations and other transformations of original works presented as new intellectual creations;
- Computer programs;
- Collections or compilations, anthologies, encyclopaedias, dictionaries, databases and other works, which, by their selection, organization or arrangement of their content, constitute an intellectual creation.

D. Values and rationale of intellectual property

The rationale of the legal protection of intellectual property is based on values aimed at achieving balance, transparency, and ethics throughout the ecosystem. First, countries need to create and modernize the legal framework related to the creative economy, for example, by updating intellectual property laws. Secondly, they need to provide a copyright regime that balances the protection of copyrights and the right to access culture and creative products and services, where the enforcement, collection, and distribution of royalties can occur systematically.

The national intellectual property legal framework must be constantly reflected to keep pace with the demands of society and human behaviour. This means national laws must be modern to strengthen creative economic value chains and provide legal certainty for entrepreneurs and professionals involved.

Legal science must accompany social behaviour and intellectual property. It is an immense challenge because it is an area of human knowledge that legally protects the intangible asset (human creation) and is driven by the digital environment. Therefore, in the face of relevant technological advances and artificial intelligence, developing, updating and modernizing national laws is a constant challenge in a dynamic and intense environment.

However, a balanced legal system that addresses current needs is a priority premise that society must seek to achieve. The modernization of intellectual property laws requires a close dialogue with interlocutors and rights holders, for example, through public consultations, so that it is possible to build a legal system that meets the necessary demands.

The balance of the intellectual property system must also respect the accommodation of diverse rights and values, such as access and protection. Although intellectual property is based on a protective logic, in many circumstances, it is necessary to strive for balance with other constitutional rights, such as access to culture, education and information, through exceptions and limitations with the most diverse purposes.

The public domain is a condition when intellectual creation is no longer under the legal protection of intellectual property due to the passage of time defined by law. When a work enters the public domain, society is given access to the creation unconditionally and without prior authorization.

Therefore, regarding values, the balance between access and protection is fundamental to allow the virtuous cycle of creation. This balance will allow the intellectual property system to function effectively, to allow the necessary enforcement of the rights involved and the collection and distribution of the royalties due.

E. The role of an intellectual property strategy

In today's world, when global economic value chains have intellectual assets as a primary input, developing intellectual property strategies, both at the level of companies and countries, is fundamental. It is a mechanism for identifying creative and innovation potentials so that it is possible

to establish respective legal protections respecting sovereignty, cultural identity and current technological peculiarities.

Identifying creative and innovation potentials in developing countries like Angola is fundamental for economic promotion and cultural preservation. Angola, for example, is abundant in diverse cultural and creative expressions, such as music, literature, audio-visual production, performing arts and artistic crafts.

The intellectual property strategy also strengthens national ties, especially with the country's vast portion of young people. The young Angolan population plays a significant role in the creative and cultural industries of the country, with an emphasis on games and streaming. One can mention a generation of creative entrepreneurs who have developed innovations and creations for Angola and the world.

However, there are challenges to overcome since Angola has not yet fully maximized the potential of the cultural and creative industries, as explained in the recent UNCTAD publication on Mapping the Cultural and Creative Industries in Angola.³ The challenges of the CCIs in Angola include:

- Inability to decrease commodity dependence on oil exports and exposure to global oil price volatility;
- Underestimation by government agencies and the public of the macroeconomic potential of CCIs;
- Lack of public recognition of the economic importance of CCIs;
- Lack of a definition and classification of CCIs in Angola;
- Lack of a data collection strategy for the sector;
- A high degree of informality, which in turn makes it difficult to estimate the economic weight of CCIs;
- Low level of public investment in CCIs at national and provincial levels;
- Centralization of cultural and creative policies at the ministerial level, coupled with a lack of participation of private sector and civil society stakeholders in public policy consultation and planning;
- Ineffective legislation and regulation on patronage, copyright and intellectual property rights;
- Lack of an effective tax system and incentive policies for CCI professionals;
- Low levels of Internet access among the young population due to high costs.

In this context of countless human potentials related to CCIs, information, dissemination, training in intellectual property, and developing a national strategy are fundamental pillars for the country's development.

F. Relevance of intellectual property in developing countries: Angola's perspective

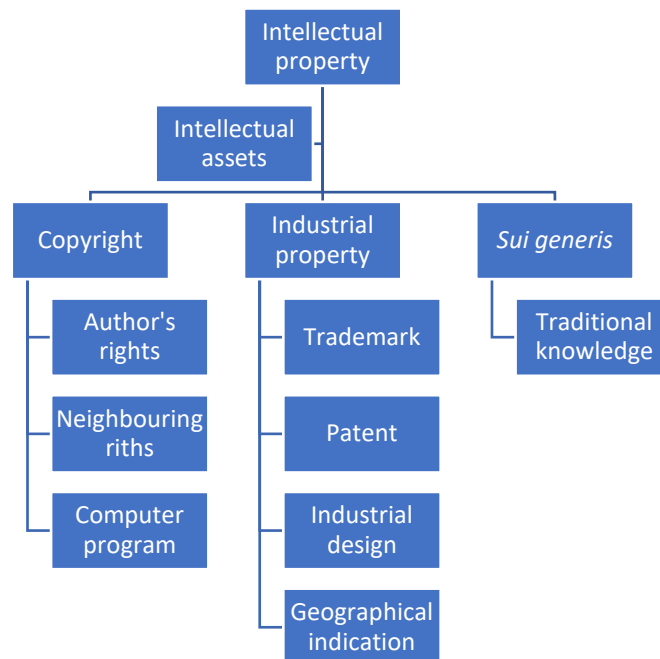
It is essential to underline the role of IPRs in developing countries. Intellectual property serves to confer diverse but complementary aspects, such as:

- a. Legal protection and the necessary legal certainty for artistic and aesthetic creations and innovations, protected under copyright and industrial property;
- b. The provision of exceptions and limitations to the incidence of the protection of intellectual property, in addition to the identification of the time-lapse in which artistic and innovation creations will enter the public domain and can be economically exploited by society.

In this sense, especially for developing countries, there must be a complementary and systemic approach to take advantage not only of the protective aspects of intellectual property but also to use this area of human knowledge to enable access to culture, education and information.

³ *Idem.*

Figure 1. Angola's intellectual property universe



Source: UNCTAD based on discussions with national stakeholders in Angola.

Intellectual property in Angola is segmented into three fundamental pillars (copyright, industrial property and *sui generis*) and derived segments. The main concepts are described below:

- **Copyright** constitutes the area of legal science that protects literary, artistic, and scientific creation once elements of originality and minimum elements of creativity have been verified, with preponderant aesthetic aspects, in technology that is known or will be known. Copyright can be divided into:
 - **Author's rights** encompass the individual author, properly speaking, and his/her respective creation such as a book, visual arts work, lyrics, among others;
 - **Related rights** cover the performer, phonographic producer, and broadcasting organizations only from the perspective of right holders and not authorship.
- **Trademarks** protect visual, orthographic, sound and even olfactory symbols that add distinctive character to a given product or service, with its original characteristics, to preserve reputation (goodwill) and add minimum values of respect for healthy competition, to the detriment of unfair competition.
- **Patents** protect utility or invention models, i.e., intellectual creations with predominant functionality, inventiveness, novelty, and distinctiveness.
- **Industrial design** is an ornamental form of an object or a set of lines and colours that can be applied or attributed to a product, providing a new and original visual result in the external configuration and serving as a type of manufacture.
- **Geographical indication (GI)** is a more specific type of protection because it protects the collective creation of a particular product or service. Therefore, unlike the protections of individual creators, as in the case of patents and copyrights, the geographical indication confers exclusive protection prerogatives of a specific creation or service to a community. The financial retribution from the respective economic exploitation should revert to that community that created or identified the ways of doing so.

Some *sui generis* rights within the vast branch of intellectual property have an essential relevance in the development of creativity, innovation and technology transfer. They include:

- **Plant varieties:** this is a right related to cultivated plant varieties, their lineage and hybrid components, and the treatment of seeds in general. It is a strategic branch of intellectual property for all countries worldwide, as it adds legal elements to the debate on sustainability and the preservation of the human race.
- **Traditional cultural knowledge and expressions** (other than folklore), which may or may not be associated with genetic resources, are relevant and usually aggregated to tourism and cultural services. It can also be applied to genetic resources, where there is broad exploration in the area of patents in industrial property.

Intellectual property is also connected to unfair competition. Creativity and innovation are fundamental values for the most diverse business models. Attracting customers must be regulated based on ethics, transparency, and honesty, as precepted by several specialized scholars on the subject. In an open market economy, where competition is healthy for economic and social development and progress, the conduct of economic agents must be regulated. Consumer choices must occur freely without being based on unfair tricks.

Unfair competition creates confusion with competitors' companies, establishments, products or services. Competitive acts do not always have the detour of customers as their direct and immediate objective. Competition may not directly target customers but can aim at disputes over suppliers, distributors, vendors or workers.

II. Copyright: general concepts, definition, types of authorship and intellectual works

Creativity and innovation are fundamental values for every nation for economic growth. Intellectual assets are used as instruments of transformation into wealth generation to favour economic and socio-cultural development.

In this context, copyright protects artistic, aesthetic expression with minimum elements of originality and creativity. The functional dimension of a creation is not the main objective of copyright. It is the artistic element. The intellectual work, such as a book, music, or movie, must be a projection of the author's personality, which is why being a human is a critical dimension of copyright.

Copyright is an area of legal science whose main characteristic is its private nature since it gives the author or rights holder the monopoly of the exploitation of the intellectual work for a certain period. The author of the intellectual work or the respective rights holder has the prerogative to authorize the economic exploitation of their work by the most diverse means and modalities provided by law.

The patrimonial dimension of copyright (including economic rights like distribution and reproduction) is closely related to the creative industry and numerous economic value chains in different sectors worldwide, such as music, audio-visual, and plastic arts. In the context of copyright, patrimonial rights incorporate several specific modalities of economic exploitation of intellectual works, from reproduction, distribution, and performance to the public to particular forms of uses in the digital environment, such as streaming.

In this sense, copyright contributes substantially to generating legal certainty to the patrimonial relations established between the various players, intermediaries, authors, and rights holders in the global creative industry. Therefore, copyright enables national development and the transnationalization of intellectual input, exchanging and exporting these assets internationally. These transnational economic exchanges typically occur through reciprocity agreements, which constitute licensing at a global level, in which the amounts corresponding to copyrights are collected and distributed in the countries of origin of the creation.

In times of intense exploitation of intellectual works in the digital environment, the importance of the economic dimension of copyright is vital for the cross-border exchange of intellectual input because it establishes transparent rules for a secure and effective international ecosystem.

The moral dimension of copyright adds values related to the work's connection with the author's personality. The creation must reflect traces of the creator's soul, human trajectory, and characteristic elements of their existence so that the result of the creation reflects their DNA in the intellectual work.

The moral dimension of copyright has its roots in the Berne Convention (Art. 6 Bis) and confers fundamental rights related to the right to paternity and integrity. In this sense, the work's creator will always have the right to be mentioned as such, regardless of whether the work has entered the public domain. Regarding the right to integrity, the intellectual work cannot be altered, modified, or tarnished. Depending on each national legislation's configuration, these basic rights may lead to other moral rights derivations.

On the other hand, the social dimension presents elements of the contribution of copyright as an instrument of legal pacification and aggregation, articulation, and social integration. The social dimension of copyright dialogues strictly with the cultural dimension insofar as it confers the strengthening and preservation of creation and human identity.

Copyright and the economic dimension are essential and incorporate all property rights, uses and modalities of economic exploitation of the intellectual input, as agreed by the parties and object of the legal transfer instruments.

The economic dimension of copyright allows the author to earn an income and provide for their needs. It is the dimension that reinforces respect for the dignity of the human figure insofar as it provides for the possibility of the author and the respective right holder to receive the monetary counterpart for the economic exploitation of the intellectual input.

In this sense, copyright plays a strategic role in the fair collection and distribution of values, both nationally and internationally, as it creates a more transparent, ethical and balanced environment between the parties nationally and globally.

The various economic value chains of the global creative industry move the global economy and impact geopolitical relations due to the intense transnationalization of the intellectual inputs exchanged.

Analysing the economic impact of the creative economy is a complex challenge, as the intellectual input that underpins economic relations at the global level is immaterial and intangible, so it is not always possible to estimate the actual output, value-added or jobs generated. In this sense, some reflections deserve to be deepened, according to the subtopics below.

a. Copyright is a vector of legal certainty for the transnationalization of intellectual input.

Copyright allows minimum standards in national and international legislation to consolidate a more transparent and ethical system, to balance the commercial forces involved, the negotiating capacity of the parties and, consequently, the cross-border exchange of intellectual works.

b. The Internet is the primary environment for the economic exploitation of intellectual works.

The digital environment is currently the primary locus of economic exploitation of intellectual works at a global level. Therefore, the global economic impact of the creative industries and the transnationalization of intellectual works take place notably on the Internet. Although the Internet helps the economic exploitation of intellectual input, it also presents challenges for control and transparency.

c. International treaties play an essential role in the cross-border environment.

International treaties are fundamental global legal frameworks that provide minimum guidelines with rights and obligations for the transnationalization of intellectual input in the international creative

industry. A notable example is the Berne Convention, which provides for a protection period of 50 years for literary, artistic, and scientific works, so signatory countries must respect this minimum time lapse. The convention created a balanced and transparent geo-economic impact regarding the exploitation of intellectual works and a more equitable exchange through the transnationalization of the intellectual input, notably from the point of view of the negotiating capacity of the original author.

Regarding future trends in the transnationalization of intellectual input and the geo-economic impact of the creative industry, the digital environment continues to present itself as the primary environment for the economic exploitation of copyright.

Technologies such as streaming, whether for broadcasting musical works, audio-visual works, or games, have propelled the economy globally and substantially impacted new business models, in addition to the reconstruction of economic value chains at the international level.

The recent context of the pandemic contributed to the consolidation of the transnationalization of intellectual input, notably via streaming, under digital business models that are unlikely to return to the analogue model (although it has not entirely disappeared).

A. Definition and types of authorship and intellectual works

Copyright is the area of intellectual property that grants legal protection to the author for their intellectual creation for a period established by law. It is important to note that this intellectual creation must originate from a human being (even if technological resources are involved) and present elements of originality and minimal creativity.

It is essential to distinguish copyright from Industrial property insofar as copyright is responsible for the artistic, the aesthetic, and the original elements. It is entirely plausible to create and protect content that is not original. For example, industrial property, such as patents, is responsible for the unpublished, the inventive and content with industrial applicability.

The importance of prioritising the original element is establishing a link with the essence of the human being since we are all individuals and manifest ourselves artistically in different ways.

B. Idea-expression distinction

The idea-expression distinction consists of copyright not protecting the idea (“inside the head”) but how each individual manifests and expresses themselves artistically. The creation must be taken out of the head (from the field of ideas) and affixed to a tangible or intangible support, with elements of originality and creativity. This artistic and aesthetic expression is protected by copyright and the ability to demonstrate its originality, coming from the author’s personality.

C. The virtuous cycle of intellectual property: protection and access

Copyright is an area of legal science that strives for the protection and exclusivity of economic exploitation, either by the author of the intellectual work or by the rights holder when authorized by the author. It is, therefore, an area that emphasizes the private dimension, the monopoly of economic management by the author or rights holder for a period.

However, copyright protection is not an absolute right, and it can be mitigated, that is, made more flexible so that it can be compatible with other important constitutional rights and values, such as access to culture, education, and information.

Under this rationale, the concept of exceptions, limitations, licenses for use (such as Creative Commons) and the public domain were developed.

Is it necessary to harmonize copyright, or even not to allow its protection in law in specific circumstances such as the need for visually impaired people to have access to printed works, the need for intellectual works to be used in judicial and administrative proceedings, the use of intellectual works at family gatherings, the need for documents containing intellectual works to be accessible to the population.

In parallel, the public domain is a critical moment when an intellectual work is returned to society after a period of protection. Intellectual work in the public domain can be used without needing prior authorization.

Given all these considerations, the copyright ecosystem must strive for a balance between access and protection to develop a virtuous cycle where it is possible to produce creative content through access to intellectual works that have served as inspiration and cultural reference in a system that feeds itself in a symbiotic and organic way.

D. Concept of author regardless of age and intellectual capacity

The author of an intellectual work is always a human being, even if aided by technology. When a human being is mentioned as the author, it can be a child or someone with intellectual limitations or health problems. This is because human talent and the ability to create is not limited by age, health, social or cultural factors. When analysing an intellectual work, it is essential to assess the existence of elements of originality and creativity so that the creation can be protected under copyright, regardless of the author's age or intellectual capacity. Of course, procedural issues must be addressed for child or adolescent authors or those with intellectual limitations, either through a representative or a legal assistant.

E. Copyright systems

Two copyright systems in the world bring together different groups of countries. Each system has specific characteristics, and their effects impact the drafting of copyright contracts, case law and doctrine. What are these systems, and what are their main features?

First, the copyright system in common law countries focuses on property, economic rights and the economic dimension. Examples include the United Kingdom and the United States of America.

The second is the *droit d'auteur* (author's rights) system in civil law countries (continental law), with a strong focus on moral rights and the dignity of the human person (author). Countries using this system include Brazil, France, Portugal and Spain.

Both systems coexist, but countries align themselves with each copyright system according to their national copyright strategy and the historical, economic and cultural aspects of each sovereignty.

F. Hybrid nature - patrimonial and moral dimension

Copyright is a hybrid right by nature with economic and moral dimensions. As the author has the legitimate right to financial remuneration for the use and exploitation of their intellectual work, copyright has an economic dimension. There is also a moral dimension, which is directly related to the author's personality, to the dignity of the human figure and encompassing rights related to paternity (crediting the intellectual work), integrity, access to rare works, and withdrawal of works from circulation, among others.

Providing the author with economic compensation for exploiting their intellectual work does not resolve all the issues related to copyright. At the same time, it is necessary to respect moral rights, which are perpetual, non-negotiable, and imprescriptible.

Therefore, copyright is a hybrid right requiring two simultaneous dimensions: economic and moral.

G. Concept of intellectual work

It is only possible to protect an intellectual creation under copyright if the intellectual work meets the requirements laid down by law. But what is the concept of intellectual work, and what is the best way to characterize it?

- a. Creation from the intellect of the human being: any intellectual work comes from the creative capacity and ingenuity of the human being. In this sense, even if two people express themselves artistically on the same subject, the approach will certainly be different due to the capacity for perception and emotion that each will develop when creating an intellectual work, the result of the individuality of the human being. There is a classic example to reinforce the creative capacity of each individual, which is the simultaneous performance of two visual artists and the painting of canvases under the same source of inspiration: a mountain. Both artists are doing the same thing (painting a picture) at the same time and looking at the same mountain, and even so, the result will be different and unique, with very different artistic perspectives.
- b. The need to externalize the work is fundamental because artistic expression has to materialize since it is impossible to protect ideas (inside the head) or what has not been conceived externally.
- c. The affixing of tangible or intangible support means that the artistic, literary or scientific creation must be juxtaposed either on a painting canvas, in a book, or on a CD, etc. Suppose the creator develops an artistic work and does not affix the work. In that case, there is no proper externalization and materialization necessary for the conception to come out of the field of ideas.
- d. Finally, the provision that the support may be known or invented in the future is precisely so that there is no limitation to technologies, supports and circumstances. Clear examples are technological supports such as downloading and streaming, widely used on platforms for musical and audio-visual works.

H. Aesthetic and artistic elements

Copyright is tasked with protecting the artistic and aesthetic expression of a creation. Its mission is not to define what art is because that would mean imposing unwanted limits outside the scope of the law. Therefore, even if there are differences in taste and popular appreciation of intellectual creations, if an intellectual work adds artistic and aesthetic elements of originality and minimal creativity, it will be protected by copyright without considering the definition of art.

Observing artistic and aesthetic elements is fundamental when analysing creations with functional aspects protected by industrial property, which is common considering the overlapping rights in a single creation.

For copyright protection, even if there are functional elements, such as in the case of applied art (a piece of furniture, for example), the artistic and aesthetic elements must take precedence over the functional dimension.

I. Protecting creation, human condition, authorial experience, dignity

There is a legal rationale for protecting the artistic and aesthetic expression of intellectual work, and the logic lies precisely in the fact that a creation, such as a song, a book or a movie, carries in its essence the personality of the author, based on the construction of their trajectory and countless references.

In this sense, it is possible to state that copyright is a human right because there is a direct and symbiotic relationship with the dignity of the human figure since the intellectual work carries elements of their personality.

Furthermore, the Universal Declaration of Human Rights states:

"Article 27 (1) Everyone has the right to take part freely in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. (2) Everyone has the right to the protection of the moral and material interests connected with any scientific, literary or artistic production of his own."

J. Intellectual works differences, legal nature, economic value chains, right holders

It is crucial to understand that each creation has numerous aspects, such as its legal nature, creation process, authors and rights holders. Understanding the types of intellectual works is fundamental for anyone wishing to delve into copyright.

Audio-visual work

Audio-visual work results from the fixation of images with or without sound, which creates the impression of movement, regardless of the processes of its capture, the support used initially or subsequently to fix it, and the means used for its broadcasting.

Audio-visual is a collaborative intellectual work because there is a conglomerate of professionals working under structured logistics and, usually, with a significant financial investment. In audio-visual works, there are typically several copyright holders, whether the author's rights or related rights, including the performers, the director, the screenwriter, and the author of the soundtrack, among others.

For most countries that follow the line of *droit d'auteur*, moral and economic rights concentrate in the hands of the director (who has the moral rights) and the producer (who holds the economic rights).

Establishing a Chain of Title (COT or a series of documents confirming proprietary rights in a film) is essential for audio-visual works.

Intellectual property rights are fundamental tools to preserve a country's history. Angolan audio-visual production is relevant and closely linked to the country's history, specifically to recent historical events that form part of the nation's independence process. There is still a lot of progress to be made in this sector, and the Cinema and Audio-visual Development Fund and the Cinema Support Law could help to produce effective results for Angola.

Music

A musical work is an excellent example of copyright and related rights coexistence. It is a creation that brings together the author of the lyrics, the melody, the performer (who may coincide or be several authors), and the phonographic producer and may involve the broadcasting organization.

The economic exploitation of music takes place through licenses, assignments of rights and reciprocal agreements both nationally and internationally, especially with the development of the digital environment, which has developed the economic value chain in recent years. Music was, in many ways, the first content industry to undergo the process of digital disruption. In addition, there is a profound debate around the value gap and the need to establish greater transparency, balance, and ethics in the music value chain.

For all economic value chains, collective management entities play an important role. Still, for the music sector, the collective management system is vital to enable the collection and distribution of musical intellectual works worldwide, effectively and with the necessary technology, in a transparent, responsible, and ethical manner.

Angolan music is one of the central elements of its cultural identity. National migratory movements have played a significant role in the emergence of a musical style called "Semba.". The fusion of Angolan rhythms such as "Semba" and "Kizomba" with the influences of hip-hop and new music production technologies saw the birth of a unique musical style: Kuduro, which received tremendous

international success, becoming one of the great Angolan brands. Kizomba is a musical genre and dance style originating from Angola, so copyrights can protect it if there is originality or creativity.

Literary work

Literary intellectual work has been provided for since the Berne Convention and may involve the author's right and its reproducible content. Literary works have also intensely transitioned to e-commerce, developing the economic value chains.

In the case of co-authored works, it is essential to collaborate with original and creative content to be considered the author of a literary work. Professionals who proofread spelling, editors or professionals who adapt to journalistic language (for example), in theory, cannot be considered authors as they have not collaborated with the insertion of original and creative content but have only carried out proofreading, strategic guidance or linguistic adaptation. This debate came up in concrete situations in the history of copyright, such as the case of the Diary of Anne Frank, when there was a question as to whether her father, Otto Frank, could be considered a co-author or just an editor of the literary work since this would have an immediate impact on the time limit for entering the public domain.

Due to cultural and historical circumstances, Angola still has progress in producing and protecting literary works. According to the report mapping of the cultural and creative industries: "There are few bookshops, books are expensive, and libraries do not have lending services, offering only face-to-face reading. The country has not yet joined the International Standard Book Number (ISBN) system, which makes it invisible to the world of literature." Angola currently has a national network of 12 public libraries.

Unfortunately, publishing a book abroad is still more affordable than in Angola, as the production factors for printing books in the country are costly and do not encourage competition. However, despite the challenging scenario, Angola is firmly committed to literary creation and a new generation of writers is emerging to advance in this sector.

Video games

Video games are one of the fastest growing and exponentially developing areas of the creative industry, especially with the contribution of young audiences. Video games go hand in hand with technological development and have increasingly established themselves as a dynamic and thriving industry. Video games combine artistic expression and technology since they are born predominantly in the digital environment. Video games combine various intellectual works that many consider multimedia since games usually include audio-visual, musical, literary works, drawings, engravings, and computer programs.

The videogame industry creates a pool of intellectual assets, from music and drawings to audio-visual works and software. According to research produced by BriterBridges in Angola, between 3,000 and 3,500 people work in the start-up and innovation sector. However, despite the significant number and involvement of the young Angolan population, there is no regulatory legislation or specific government support for the industry in the form of a credit line or tax exemption. To support the development of Angola's gaming sector, it is necessary to promote improvements in the quality and cost of Internet access, develop training and capacity-building centres, and encourage the teaching of digital creation and innovation in public education for all age groups and social classes.

Visual arts

In theory, visual arts like paintings and sculptures cannot be reproduced, as in the case of a literary work. Because of this specificity, a resale right was created, which is the retribution to the artist due to the economic valuation and consequent exploitation of visual artwork in the art market. In this sense, as the painting or sculpture increases in value from gallery to gallery or museum to museum, the law can provide a percentage of the added value that will revert positively to the original author. The Berne Convention established the resale right precisely to reward the original author, given the

impossibility of reproducing a painting or sculpture. However, national legislation must provide for the resale right to be effective.

The visual arts in Angola have a profound cultural and creative diversity, resulting from the countless influences that the country has received and continues to receive. The artworks produced in Angola are expressed in various ways, including painting, sculpture and engraving, and have a strong connection with mysticism, cults, rituals, and ethnic diversity. The gallery network in Angola is still predominantly run by foreign entities, but it is a vibrant and promising sector.

Museums are fundamental in the visual arts ecosystem. In Angola, museum structures lack physical, institutional and digital support and were nationalized after independence. However, by implementing new technologies and exhibition standards, *Museu da Moeda* is a successful example of an innovative museum.

In Angola, dance and theatre express artistic, aesthetic, and cultural aspects but also historical and social aspects. In the case of dance, the various musical influences developed in Angola have given rise to styles of music that have been translated into dance genres such as semba, kuduro and kizomba, the latter being very popular worldwide.

Architectural work

An architectural project is protected by copyright as long as it contains elements of originality and a minimum of creativity. The architect would be the original author, but it is common to assign (or license) respective rights to the architecture company (holder of the rights) to which the architect provides services. Regarding architectural intellectual work, there is a particularity: the right of repudiation. Suppose the result of the creation is not what was expected and does not correspond to the architectural project initially created. In that case, the architect may repudiate the result and not recognize it as their creation.

Scientific work

Scientific works are not protected because of their content but based on their form of expression, so a medical textbook will be a literary work even if it does not have an aesthetic meaning because it is manifested through a particular language.

Derivative work

A derivative work is a creation developed from an original work. Obtaining the original author's prior, formal and express authorization is essential, except for intellectual works that have already entered the public domain, are covered by Creative Commons licenses, or are characterized as exceptions and limitations, respecting the moral rights. The most common examples of derivative works are adaptation, translation and various versions.

Anonymous work

An anonymous work is a work without an identified author. There will usually be a rights holder, and the date of the start of protection under copyright usually occurs from the event called publication of the work.

Orphan work

A work is considered orphaned when it is impossible to locate its author, even when the creator exists. This situation seems rare, but it is more common than we might think, for example when the plaintiff is interested in using an intellectual work, performs the minimum of the search, but does not identify the author of the intellectual work or if he does identify them, does not find evidence or minimum references of representativeness for contacts. The solution for some countries and some economic blocs is to set up a fund that will receive the copyright during the use of the work without identifying the author (or even their whereabouts). The use of the intellectual work would be lawful, and the

respective copyrights from the economic exploitation would be concentrated in this fund for when the author is located or appears in the future. There are criteria, percentages, rules, and legal provisions for this.

Collective work

A collective work is a gathering of works of the same literary nature by several authors without cooperation. Typically, in the case of collective works, a rights holder may be the organizer or coordinator of the works or even the person responsible for grouping the collaborations. Therefore, in this case, there is no horizontalization of rights but rather verticalization, insofar as only the rights holder can exercise the role of economic manager of that collective work and authorize uses, licenses and assignments of rights. The best examples of collective works are dictionaries and encyclopaedias.

Co-authored work

In a co-authored work, authors have collaborated to some extent with original content and a minimum of creativity, which is why all the co-authors hold the respective copyright. The co-authored work is characterized by the horizontality of the rights, and its economic exploitation can only occur with the prior, express, and formal authorization of all the co-authors for the respective uses.

Unpublished work

The right to the unpublished is a dimension of the moral right, so the author has the prerogative not to authorize the publication of their intellectual work, even if it exists and is subject to copyright protection. It is impossible to compel the author to provide access to their intellectual work, for example, through publication. The author has the prerogative to exercise economic management and decide when and how their intellectual work will be exploited, broadcast and publicized, or even choose to remain unpublished.

Applied art

It is increasingly common to see intellectual works in the context of objects in applied art. Applied art is a human creation, with elements of originality and creativity affixed to objects with other functional activities, such as clothes, ashtrays, tents, shoes, kitchen utensils, furniture, beauty accessories, jewellery, lamps, luggage, vehicles, and watches, to name but a few. In this context, observing whether the original artistic and aesthetic elements outweigh the functional elements to receive copyright protection is essential. All over the world, the courts have handed down decisions in this regard in an increasingly technical and systemic way (see, for example, the case of *Star Athletica v. Varsity Brands*⁴ in the United States of America or the case of *Flavia Silveira Serejo v. Arquivo Contemporaneo LTDA, TV Zero Producoes Audiovisuais LTDA and TNL PCS SA* in Brazil⁵), considering the various intellectual property rights involved.

K. Time of protection

Economic rights are not eternal since they are expected to last during the author's lifetime and for a minimum of fifty years (according to the Berne Convention) or seventy years (in most countries that follow civil law - *droit d'auteur*) from 1 January of the year following the author's death, following the succession order of the civil law in force in each country. In the case of anonymous works, this will start from 1 January of the year following the work's first publication.

In the case of moral rights, there is no deadline for their expiration since they are called imprescriptible, i.e., they do not expire with time. For this reason, Shakespeare will always be the author of his works,

⁴ For more information see https://www.supremecourt.gov/opinions/16pdf/15-866_0971.pdf.

⁵ For more information see *Limitações e Exceções a Direitos Autorais (Pequenos trechos)*: REsp nº 1.343.961 – RJ (2011/0106304-0). Available at <https://www.jusbrasil.com.br/jurisprudencia/stj/864165333/inteiro-teor-864165343>.

and this means that he will always be mentioned as the author of his texts, his original plays, preserving the right to paternity, which is one of the pillars of moral rights.

Returning to the time limitation of property rights, which is (minimum) fifty years (after the author's death or an event such as publication), in most countries (civil law and *droit d'auteur*), the question that remains is: what happens then? Once this period has passed, the work enters the public domain, and consequently, the entire public will be able to use, enjoy and exploit it economically, respecting moral rights.

The idea of the public domain is to provide a balance since, initially, the exploitation of the intellectual work is the prerogative of the author or rights holder as the result of an exclusive (monopolistic) right for a limited period. After fifty years, society will have the right to use the work without prior authorization.

And this is fundamental, as access to culture, education, and information is essential for fostering creativity and intellectual production, which is why this should be a system that feeds back on itself: protection - access - creation. Recently, the works of Monteiro Lobato and *The Little Prince* entered the public domain and could be freely exploited by the publishing market.

L. Exceptions and limitations

Copyrights and related rights are part of private law, and its central core is the protection of the author of the intellectual work.

However, other fundamental constitutional and human values must be balanced with the exclusive nature imposed by copyright: the right and access to culture, information, and education. Therefore, when analysing copyright, we should seek a system governed by the balance between content protected exclusively for its respective author or right holder and intellectual content that society can access.

From this perspective, the copyright system would ideally feed into itself because it is only possible to create and produce intellectually if there is a minimum of access, influence and inspiration from pre-existing culture and information. On the other hand, if copyright were to protect all intellectual content without distinction, society would suffer, and there would be an exacerbated and unreasonable imbalance.

National legislation recognizes situations and intellectual works that would not be subject to copyright protection and has called them exceptions and limitations. These are legal circumstances under which some intellectual works' use, enjoyment and exploitation would not be subject to copyright protection. These are not exemptions or immunities (terms borrowed from tax law and commonly misused) but simply (non-exhaustive) provisions for not being subject to copyright protection. Examples include reproduction by photographic or similar processes when carried out for teaching purposes by public or private libraries, documentation centres or archives of general or public interest, institutions with a scientific or technological vocation, and educational establishments of any kind and level, whether public or private and whose purpose is to disseminate knowledge.

However, there is a central and sensitive aspect to this branch of the law, which lies between protection and access: the ideal point of balance. Thus, based on the assumption that the primary purpose of copyright is to protect the author and the intellectual work, the non-incidence of this protection, under the name of limitation, should be treated exclusively as an exception and not as a rule. If the exception to copyright protection were uncontrolled, intellectual works would be vulnerable, and all creative production would suffer because there would be no encouragement or moral and financial compensation for the authors, who have dedicated time, talent and effort of all kinds.

As a result of the exceptional nature of the exceptions and limitations to the incidence of copyright protection, it is essential to mention the logic presented by the so-called “Berne Three-Step Rule,” which is replicated in the national legislation of all the countries that have signed up to this international treaty. The “Three Steps of Berne” are a provision stemming from Article 9 of the Berne Convention (dated 1886):

“(1) The authors of literary and artistic works protected by this Convention shall enjoy the exclusive right to authorize the reproduction of such works in any form whatsoever.

“(2) The legislations of the countries of the Union reserve the right to permit the reproduction of such works in certain special cases, provided that such reproduction does not affect the normal exploitation of the work or cause unjustified prejudice to the legitimate interests of the author.”

Therefore, the rule is the exclusivity of the right to protect an intellectual work, and authors have the exclusive right to be required to provide the respective authorizations for each use and each form of economic exploitation of their intellectual work.

The Berne Convention allows national legislations to provide in their domestic legislation for the circumstances in which copyright protection is not applicable under the following three conditions, which are known as the “Berne Three-Step Rule”, namely:

- a. The reproduction, use or economic exploitation does not affect the normal exploitation of the work, i.e., the non-incidence of protection on a given intellectual work, under a given circumstance, must preserve the balance of its enjoyment and economic circulation.
- b. Any provision for exceptions and limitations on intellectual work, under any condition, must not cause unjustified harm to the author, who is the central figure in this branch of the law and deserves to preserve their right as a creator.
- c. Finally, the cases must be unique, so there must be, at the very least, a specification of the circumstances in which copyright protection would not apply, and the provision of open-ended clauses must be strictly avoided, such as a hypothetical example: works for cultural purposes could be considered exceptions and limitations for copyright protection.

Examples include the representation, execution, cinematographic exhibition and communication of recorded or broadcast works when carried out in a private place (without paid admission and non-profit) or in school establishments for exclusively educational purposes.

M. Non-incidence of protection and the virtuous circle

Copyright is based on a monopolistic and private logic, i.e., a branch of private legal science involving the author or the respective rights holder. However, there are circumstances in which the protection of human creation does not fall under copyright due to the need to harmonize legal protection with other constitutional values, such as access to culture, education and information.

This situation favours the virtuous cycle of creation in which it is possible to create from legitimate access to existing intellectual works, either because the use is authorized by law, by the author or because it has already entered the public domain.

In other circumstances, the intellectual work must be used by visually impaired people, or it must be used as an instrument of judicial or administrative evidence, or it can be used in a family environment. These circumstances and others provided for in the most diverse national legislation enable the creative virtuous cycle.

There are two categories of public domain: legal commons and concessions such as Creative Commons.

An intellectual work, be it music, a book or a film, is protected for several years by national law. This period must respect the minimum provided for in the Berne Convention (during the author’s lifetime,

plus fifty years from 1 January of death or publication date). The public domain is generically classified as legal commons.

In the case of concessions for the use of intellectual works authorized by the authors, it is possible to stagger the level of access, use and economic exploitation of intellectual works through Creative Commons, for example.

N. Registration of intellectual work

Even though registration is not essential for protecting copyright, registration is useful, important, and advisable.

Registration provides more legal certainty for the work's author because it will generate a relative presumption of authorship (i.e., the author of the work is the one who formalized the registration). Registration will indicate a time frame for the creation of the work. In other words, it will identify the period when the work was created. This information will be helpful if someone claims authorship of a work that is yours. In other words, if you have the registration, it will be easier to prove that you produced the work previously to the other claimant.

The exact place to proceed with the registration will depend on the nature of the intellectual work, i.e., if it is an audio-visual, literary-musical or architectural work, there will be a specific destination and a competent body to formalize the registration.

Apart from the aspects presented above, it is always good to remember the strength of documentary evidence in any legal dispute or administrative discussion. Therefore, as it is documentary evidence, registration is always recommended as it usually has more force than testimonial evidence.

It is essential to clarify that registration is not absolute proof (i.e., it does not mean that once registered, there is total certainty that the person who registered the intellectual work will be considered the author). Therefore, registration produces a relative presumption of authorship unless there is proof to the contrary.

In short, intellectual creation is a process that deserves respect, and the author must be respected. It is essential to adopt procedures that generate legal certainty and precautions in case of any undue use of intellectual work by others without the necessary authorization.

One of the precautions that should be adopted is the formalization of registration, which, although not mandatory, is essential for three reasons:

- a. The documentary evidence generated by registration is strong and legally relevant. Documentary evidence or loose documents will probably remain vulnerable if the registration is not formalised, which could be challenged in any legal proceedings.
- b. Registration creates a (relative) presumption of authorship. This means that the person who formalized the registration will, in theory, be identified as the work's author. If this is not the case, proof to the contrary must be produced.
- c. The indication of temporality is apparent with the registration, which is why, in the case of improper use of the intellectual work by third parties, there is also a presumption of the date of creation, which will help contest the allegation that another claimant created the work.

Other precautions have been used a lot and, although they may seem trivial, are very important when proving that the author created the work. These precautions refer to demonstrating the entire history of creation. Therefore, anything that can help indicate the author as the creator is interesting and could be extremely useful in a possible legal or administrative claim.

In this context, if a person is writing a book, for example, the creator could gather together the entire creation process: research carried out, step-by-step construction, e-mails sent to the creator himself to demonstrate the stages of creation, drafts, spelling and editorial revisions, photos, tutorials on

creation, everything that you consider relevant and that forms part of the creation process is advisable to be consolidated and archived for possible use.

O. Collective management system: rights management, accountability, transparency, responsibility, accountability

A collective management entity is an organization that collects and distributes copyright to authors and their respective rights holders. This distribution occurs nationally and internationally through reciprocity agreements in the case of economic and cross-border exchange of intellectual works.

Even in the face of improved technological instruments at the global level, collective management entities are still critical organizations for the copyright ecosystem since they provide mechanisms for more effective collection and distribution, considering the values of transparency, ethics, accountability and the production of reports and data.

The development of the digital environment has led to a significant concentration of intellectual works under new business models and streaming platforms, for example. In other words, the economic value chains of various intellectual works are being adapted to the digital environment and new technologies, which makes the respective collection and distribution of copyrights even more challenging. In this sense, effective action by collective management entities is essential to keep up with the speed and complexity of new economic models.

The World Intellectual Property Organization has several useful and up-to-date publications on collective management systems worldwide, including the WIPO Good Practice Toolkit for Collective Management Organizations (The Toolkit).⁶

P. Rights holders

To be considered an author of an intellectual work, the creation must arise from the human spirit and intellect. A different logic applies to rights holders, who emerge from three specific situations: from acts between living persons (assignment of rights), from the death of the author (hereditary or testamentary succession), and legal presumption (anonymous and pseudonymous works).

The ownership of rights can coincide with authorship. Still, the author is the one who creates, and the rights holder usually receives this prerogative from the conclusion of legal instruments for the transfer of property rights or from a legal provision.

Q. Copyright in the digital environment

With the advent and development of the Internet, intellectual assets have gained an unimaginable dimension, and, every day, the evolution is more substantial since new paths are traced, and new alternatives for the use of intellectual works are implemented, with a relevant impact on the global economy.

The Internet has become a promising environment for exchanging and transferring property rights and a space for disseminating intellectual works as a source of access to information, data and education. All this translates into geo-economic impact, power position change, and data and information control.

Another significant change was the restructuring of old business paradigms concentrated in business models such as broadcasting (“open” televisions, contrary to the concept of cable television) to more interactive models, which provide consumers with access to intellectual works at the time and place

⁶ WIPO (2021). Good Practice Toolkit for Collective Management Organizations (The Toolkit). Available at <https://www.wipo.int/publications/en/details.jsp?id=4561>.

of their interest (on demand), notably in the technology called streaming, which will be further explored below.

The legal concept of territoriality is preserved, but it has also reached more flexible contours as the transnationalization of intellectual input has been concentrated predominantly on the Internet, which, by nature, is cross-border. This reality has led to an immense effort by countries and their governmental entities to develop new regulations.

The history of humankind is marked by the advancement of copyright, from Gutenberg's first printing and press in the 18th and 19th centuries to the advent of the Internet. Over the years, business models improved, and economic value chains were restructured, with new players involved in the production lines of tangible and intangible goods. This has meant changes in geo-economic relations and the transnationalization of intellectual input.

The intellectual assets agreed by copyright circulate beyond national borders and are the object of dispute worldwide. These transnational economic exchanges usually occur through reciprocity agreements, which constitute licensing at the global level, in which the amounts corresponding to copyright are collected and distributed in the countries of origin of the creation.

In times of advancement of the Internet and migration of business models to the digital environment, copyrights need international regulatory frameworks with minimum rights and duties so that there is a harmonious system since the determining characteristic of this global configuration is the absence of borders for the flow of intangible goods.

III. International treaties administered by the World Intellectual Property Organisation

International treaties serve as commitments at the global level for signatory countries, which should mirror in their national legislation the minimum standard provided for in the international regulatory framework. A current example of a minimum regulatory standard in copyright is the term of protection provided by the Berne Convention (the main international treaty on the subject), which is 50 years. Thus, all signatory countries of the Berne Convention must respect the minimum term of protection of 50 years for intellectual works, which may vary for more extended protection. The World Intellectual Property Organization keeps a real-time update of the countries signatories to the Berne Convention.

Copyright is an area of legal science that has roots at the international level, so there are international treaties of great importance that establish international guidelines on the subject and that produce effects on national legislation for those countries that adhere to these global instruments.

The main international treaties involving copyright are discussed below.

Berne Convention (1886)

The Berne Convention for the Protection of Literary and Artistic Works⁷ is an international treaty dated 1886. It provides information about the minimum protection time of literary and artistic intellectual works and basic provisions of moral rights, property rights, exceptions and limitations, and resale rights, among other provisions.

As of today, Angola is not a signatory to the Berne Convention.

Rome Convention (1961)

The Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations⁸ focuses on related rights. It brought specific provisions of duties and obligations for

⁷ See: <https://www.wipo.int/treaties/en/ip/berne/>.

⁸ See <https://www.wipo.int/treaties/en/ip/rome/>.

performers, broadcasting organizations and phonographic producers. Some countries, when incorporating the provisions of the Rome Convention into their domestic legislation, provided for phonographic and videogram producers.

Angola is not a signatory to the Rome Convention.

Agreement on Trade-Related Aspects of Intellectual Property Rights (1995)

The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) provides provisions for intellectual property (copyright, trademarks, patents, geographical indications, among others) related to trade. Moreover, it is an international legal framework, part of the 1994 agreements that ended the Uruguay Round and created the World Trade Organization. The TRIPS is essential because it confers important instruments of enforcement, i.e., compliance with the provisions of intellectual property protection, which represented a breakthrough.

Angola has been a signatory to the TRIPS agreement since 1996. Angola has been a signatory to the TRIPS agreement since 1996. The Berne Convention and the TRIPS are different but complementary in some respects. Both the Berne Convention and TRIPS are fundamental for a minimum of harmony and balance in the area of copyright and intellectual property on a global level. The Berne Convention provides basic provisions on the concept of authorship, intellectual work, limitations and exceptions, the three-step rule, protection time, and resale rights. It is an old international legal framework from 1886 but contemporary and necessary to the national legislation of the adhering countries. TRIPS, on the other hand, has a broader approach focused on all areas of intellectual property knowledge. TRIPS' primary mission is to provide effective enforcement mechanisms, that is, respect, protection and prevention of intellectual property, even though it reproduces much information from the Berne Convention.

Internet Treaties (1996)

The so-called Internet Treaties emerged in 1996 and are a response to the advancement of the Internet and the introduction of specific modalities of use in the digital environment, with very particular characteristics of interactivity on demand.

The Internet treaties are the WIPO Copyright Treaty⁹ (WCT) and the WIPO Performances and Phonograms Treaty¹⁰ (WPPT). The WCT deals with the copyright of computer programs and databases. In contrast, the WPPT deals with the rights of performers (actors, singers, musicians, etc.) and producers of phonograms (persons or legal entities that take the initiative and are responsible for the fixation of sounds).

Angola is not a signatory to these two treaties.

Marrakech Treaty (2013)

The Marrakech Treaty¹¹ is an international legal framework that provides exceptions and limitations to the incidence of protection in printed literary works for a special audience, such as blind people, people with visual impairments and people with handling difficulties.

Angola is not a signatory to the Marrakech Treaty.

Beijing Treaty (2012)

The Beijing Treaty on Audio-visual Performances¹² was explicitly designed to protect performers in audio-visual works and has recently entered into force worldwide.

⁹ See <https://www.wipo.int/treaties/en/ip/wct/>.

¹⁰ See <https://www.wipo.int/treaties/en/ip/wppt/>.

¹¹ See https://www.wipo.int/marrakesh_treaty/en/.

¹² See <https://www.wipo.int/treaties/en/ip/beijing/>.

Angola is not a signatory to the Beijing Treaty either.

IV. Economic rights and legal instruments

Copyright has a hybrid nature and is therefore characterized by moral and property rights. Moral and economic rights are provided for in the Berne Convention and addressed by national copyright legislation.

These are complementary and mirrored rights. Meeting the economic requirements of paying royalties for the use and exploitation of intellectual works does not suppress the need to respect moral rights such as paternity, integrity, originality, and access to rare works, among others.

The economic dimension is the property dimension. It encompasses the rights to use, exploit and enjoy the work, subject to the author's prior authorization and the subsequent obligation to pay the copyright.

In this context, the economic exploitation of your work, i.e., any use, reproduction, distribution, or communication to the public, if not backed by exceptions, must generate a financial consideration for the work's author or the respective rights holder.

However, it is essential to clarify that when we intend to use a third party's work or when someone decides to use our intellectual work, the payment of copyright is not the only measure to be adopted.

We also need to take steps to preserve moral rights. In this sense, in addition to the necessary payment of copyright to the author or rights holder of the intellectual work, it is essential to mention the author's name, pseudonym or identifying sign, in addition to respecting the integrity of the work and preserving the other moral rights provided in the national laws.

A. Transfer of property rights: licensing and assignment

The transfer of property rights is central to the copyright ecosystem and vital for the cross-border exchange of intellectual works. The legal instruments for transferring property rights are license or assignment.

A license is a legal instrument for the author or rights holder to allow economic management of the intellectual work for its use or economic exploitation. Licenses usually run for a (short) period and will enable the author or rights holder to continue to manage their work economically. Furthermore, the use of intellectual works is simultaneous and can be licensed to several authors and rights holders at the same time.

An assignment is a transfer of assets which usually occurs definitively (typically the total amount of the intellectual work), in which case the rights are transferred once and for all by the author, who will no longer have the prerogative to exercise the economic management of their intellectual work.

B. Moral rights: preservation and non-renounceability

Moral rights, in their entirety, are inalienable, imprescriptible, non-negotiable and non-renounceable. Therefore, the nature of moral rights is permanent and eternal, even if the intellectual work enters the public domain. Thus, to cite a few examples, a work by Shakespeare or Monteiro Lobato must always and forever have the paternity preserved and the integrity of their work. The obligation to respect moral rights is never exhausted or negotiable in contractual instruments.

C. Patrimonial right: modalities of economic exploitation

A basic premise related to copyright is the requirement of formal, specific and express prior authorization for each use or mode of economic exploitation. There is no implicit authorization. For example, if a book is authorized to be adapted into a film, it is not possible to adapt that same book into a play (theatre). It is not possible to make another (audio-visual, film, documentary) use or economically exploit the intellectual work if there has not been express authorization to do so.

It is important to remember that authorization must be prior, express and formal. The existence of implicit authorization is neither correct nor appropriate, i.e. it is not possible to deduce what has not been explicitly authorized. In this sense, it is imperative to remember that for each intellectual work, the authorization must include the authorized authors and rights holders, the respective use or modality of economic exploitation, the time of use, the means of use (digital or analogue) and the authorized geographical circumscription. Lawsuits are often filed precisely because of these questions: the type of authorization for use, economic exploitation and the conditions involved in an express and formal manner.

Numerous copyright laws worldwide provide for the restrictive legal nature of business involving copyright, meaning that it is impossible to make extensive or implicit deductions if the information is not expressly formalized in the legal instrument of authorization. In this context, there is no communication between the modalities of use and economic exploitation of each intellectual work since each use must be explicitly authorized. On the other hand, it is possible to formalize numerous uses and forms of economic exploitation concerning a single intellectual work, and there are no limits on legal instruments in this regard.

Suppose the author is a child or adolescent or has intellectual limitations. In that case, it is possible to have legal assistance so that the act of transferring rights is valid and the respective use or form of economic exploitation is not questioned in the future.

Many countries set a five-year deadline for a work to be used or exploited if there is no express provision for a deadline in the formalized legal instrument itself. Therefore, if there is no authorization period for the economic exploitation of a song, many copyright laws have provided for five years for the rights holder to make the respective use as authorized.

Regarding territorial delimitation, if there is no indication in the legal instrument of assignment or license, it can be deduced that the authorization extends to the country where the legal term was signed. Therefore, any guidance to the contrary (i.e., if a film is authorized to be economically exploited in numerous countries) must be explicitly and formally provided for in the legal instrument.

The development of technologies like artificial intelligence highlights the intense dynamics of technological resources, which is why striving for technological neutrality in legal license and assignment instruments is essential.

It is vital to indicate whether the exploitation will occur in the digital or analogue space, but also to provide in the legal instruments that the use or economic exploitation will be authorized “in technology that is known or that will be known.”

An example was the transition from downloading to streaming intellectual works. Technologies may change over the years. Moral rights, in their entirety, are inalienable, imprescriptible, non-negotiable and non-renounceable. Therefore, the nature of moral rights is permanent and eternal, even if the intellectual work enters the public domain. Thus, the obligation to respect moral rights is never exhausted or negotiable in contractual instruments.

D. Streaming platforms

Streaming platforms are a fundamental locus for the concentration and economic exploitation of intellectual works, especially music and audiovisual works.

These platforms are on demand. They can be accessed whenever and for as long as the consumer is interested. This logic has changed how intellectual works are consumed because, with streaming platforms, contracting occurs concerning access and not necessarily ownership.

With open channel television (broadcasting) and cable television, the logic of offering intellectual works is different because there is a grid of products available, and the consumer has to follow the schedules and offers made available by the broadcasting organizations and cable television.

In the case of streaming platforms, there is a catalogue, and each consumer chooses the time and moment to watch and can access the work as many times as they wish, interrupt it, etc. Therefore, the way of consuming has changed, and consequently, the economic value chain. There are debates between streaming platforms and right holders because the former often have too much market power, and artists do not get enough revenue from streaming.

V. Industrial property

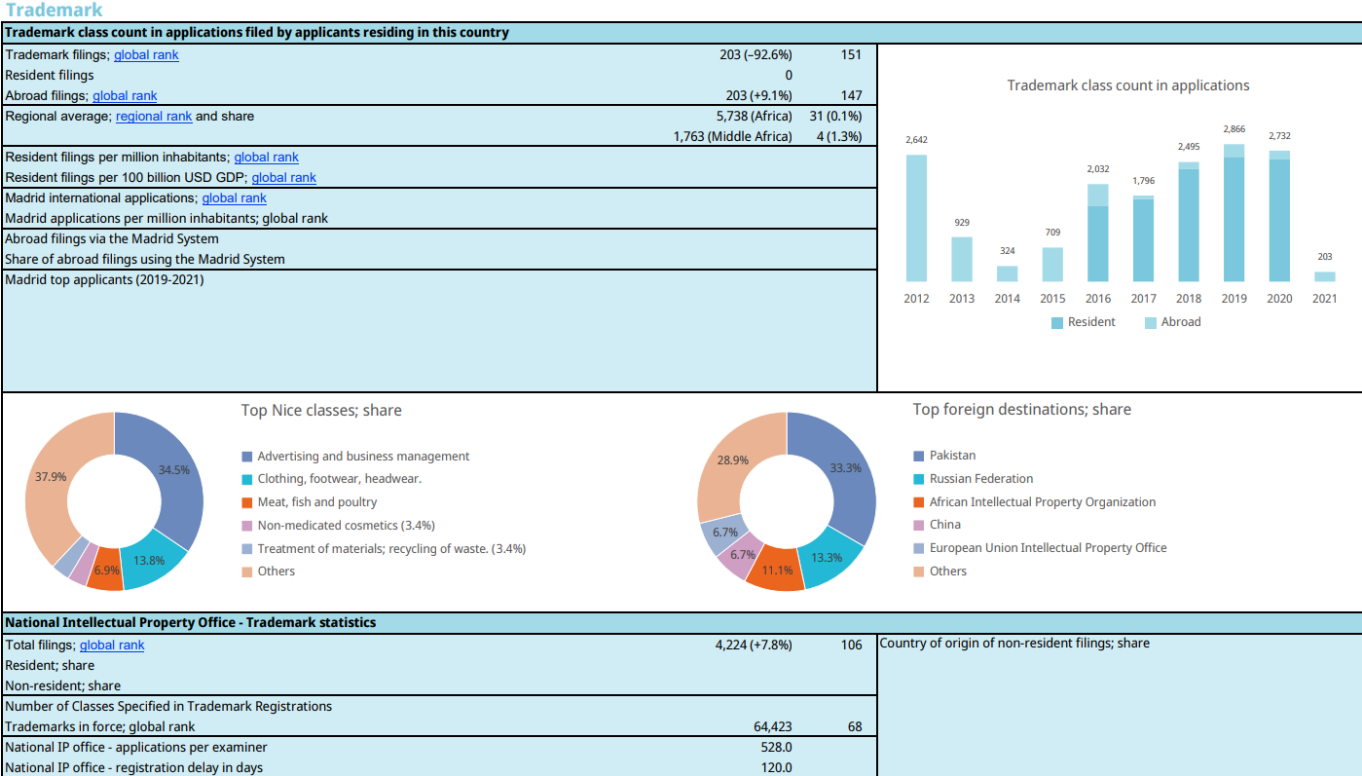
Industrial property is part of the vast branch of intellectual property and, together with copyright, also complements the numerous possibilities of legal protection for existing creations. Industrial property mainly includes patents, trademarks, geographical indications and industrial designs, as explained in Chapter I. However, some important observations relate to industrial property and protective measures.

- a. Registration of creations protected under industrial property is compulsory and constitutive. It is mandatory to formalize the registration so that the authors and rights holders receive the respective prerogative of authorship recognition and economic management of the rights. Registration is constitutive because it constitutes the author and rights holder in their capacity to exercise the economic management of their creation and enjoy recognition as an author and rights holder.
- b. Industrial property focuses on elements related to the inventive, the novel, the creation with an industrial application and the functional aspects involved. There is also a profound difference with copyright, which focuses on the artistic and the aesthetic.
- c. The overlapping of rights and protections under intellectual property, involving copyright and industrial property, is increasingly common in contemporary intellectual creations. For example, a cell phone incorporates numerous intellectual assets protected by copyright (computer programs, music, audiovisual, among others) and industrial property (patents, trademarks, industrial design, among others).
- d. Court decisions involving intellectual property showed the complexity of legal connections and the sophistication of protective measures, which have repercussions beyond copyright and industrial property. An increasing number of cases combine intellectual property infringement, unfair competition and data protection. These are related areas that can generate systemic and reciprocal impacts.

In Angola, the body responsible for managing intellectual assets protected under industrial property is the Angolan Institute of Industrial Property (IAPI), whose main objective is to promote the protection of industrial property rights (IPR), including invention patents, utility models, industrial designs and models, trademarks, rewards, establishment names and logo, geographical indications, as well as the prevention of unfair competition. The Angolan Industrial Property Institute (IAPI) collects around five million kwanzas each month from fees for patent or trademark applications from inventors of products and services, according to official data published on the institutional website.

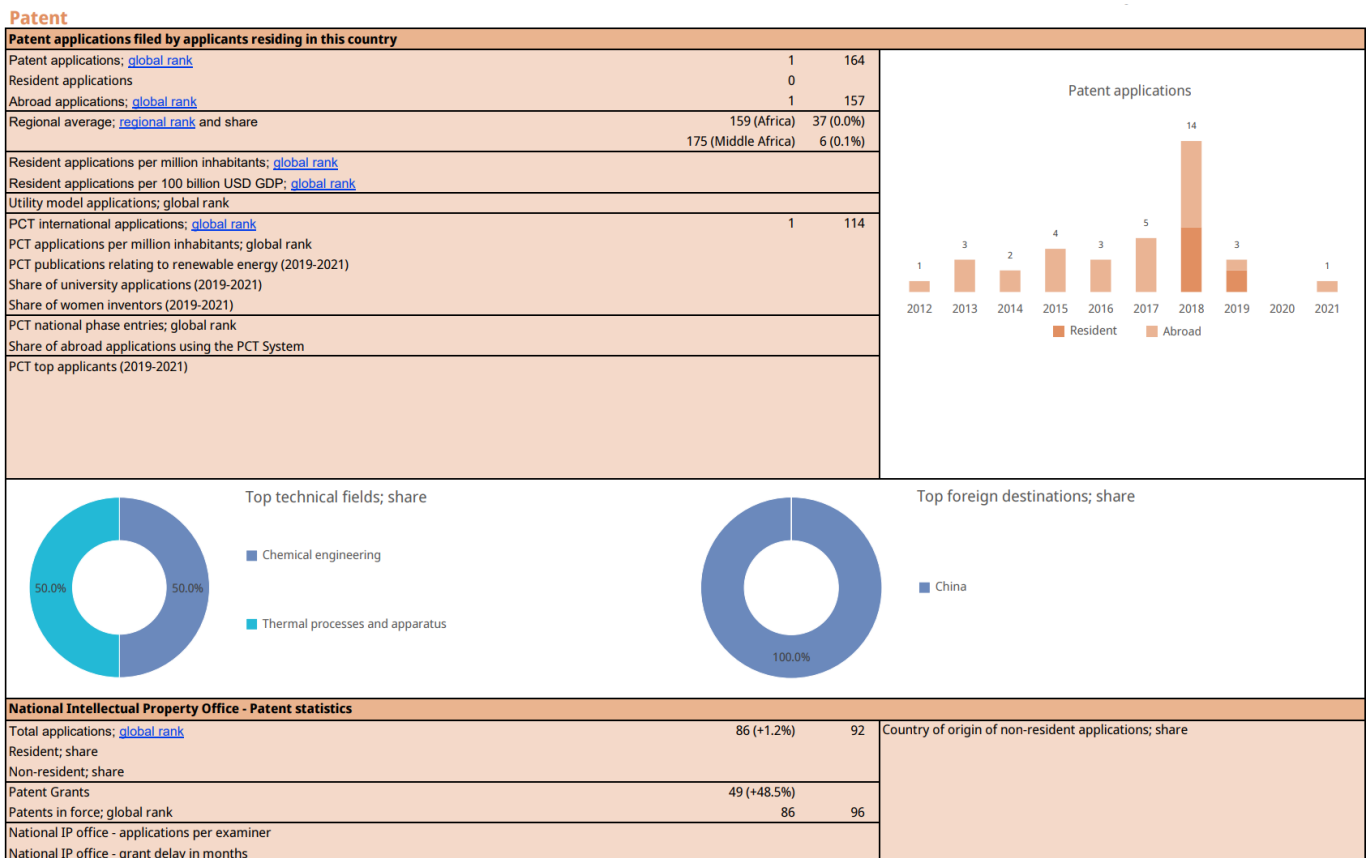
As of October 2023, updated national data on registrations of intellectual assets protected under industrial property are not available on the IAPI website. However, the World Intellectual Property Organization consolidates international data for Angola regarding trademarks and patents, as Figure 2 and Figure 3 show.

Figure 2. Recent trademark statistics about Angola



Source: World Intellectual Property Organization. Intellectual property statistical country profile 2021 – Angola. Available at <https://www.wipo.int/edocs/statistics-country-profile/en/ao.pdf>.

Figure 3. Recent patent statistics about Angola



Source: World Intellectual Property Organization. Intellectual property statistical country profile 2021 – Angola. Available at <https://www.wipo.int/edocs/statistics-country-profile/en/ao.pdf>.

A. Trademarks

A trademark is a sign, or a combination of characters, used to distinguish the products or services offered by one company from those of another. Each trademark must be distinctive. The closer the names and visual identities are, the more distant the market share and economic value chains must be. The trademark creator wants to protect their identity, reputation, investment time, and market share won or to be won. Trademark is directly linked to unfair competition.

B. Geographical indication

Geographical indications (GI) are signs that identify products of a specific geographical origin and have a certain quality, reputation or other characteristic that is essentially attributable to the product's origin. They act as signs of differentiation since consumers are increasingly aware of the origin of products. In many cases, the place of origin suggests to the consumer that the product has a special quality or characteristic that is appreciable.

C. Industrial design

An industrial design consists of the ornamental appearance of a product or packaging. It confers exclusivity on its three-dimensional plastic form or two-dimensional set of lines and colours. The protection falls on the aesthetic character of the external configuration of the object, which provides a new and original visual result, is susceptible to industrial use and does not incur legal prohibitions. The industrial design is protected by registration with the INPI, granted under a simplified analysis

regime. The lack of registration does not mean a complete absence of protection, as the industrial design can be protected by copyright, trademark or repression of unfair competition legislation, as long as the specific requirements are observed.

D. Patent

A patent is a temporary title of ownership over an invention or utility model granted by the State to the inventors, authors, or other natural or legal persons holding rights over the creation. The patent creator seeks to preserve their invention, innovation, and identity models.

E. Traditional knowledge, traditional cultural expressions, and folklore

Copyright starts from the logical assumption of identifying authorship because it primarily defends the author as a natural person. A legal entity, for example, is the holder of rights but is not the original author.

In the case of folklore, traditional cultural knowledge and expressions, there is an immediate obstacle: the creation is collective and diffused, so there would be no way of identifying a creator other than (perhaps) a representative or a legal entity, such as an association, through a legal fiction (a legal assertion to provide protection).

Would this be a “*sui generis*” regulation? Since the copyright act would not be able to accommodate this type of protection.

Folklore, traditional cultural knowledge and expressions can sometimes be protected by existing IP systems, such as copyright and related rights, geographical indications, appellations of origin and trademarks. For example, contemporary adaptations of expressions of folklore are eligible for copyright protection. At the same time, interpretations or performances of traditional songs and music may fall under the WIPO Performances and Phonograms Treaty and the Beijing Audiovisual Performances Treaty. Trademarks can be used to identify authentic indigenous arts, as done by the Maori Arts Council in New Zealand for the *Te Waka Toi* Awards. Some countries also have specific legislation to protect expressions of folklore. In addition, the WIPO Intergovernmental Committee (IGC) on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore is negotiating the international legal protection of traditional cultural expressions (TCEs). The World Intellectual Property Organization has a division on the subject and has been debating possible solutions.¹³

VI. International trends and challenges

This chapter summarizes some of the main trends and challenges at the global level around intellectual property.

Effects of the pandemic and the post-pandemic moment

All countries in the world are going through a period of economic and social recovery from the recent pandemic. The cultural and creative industries are adapting to the digital acceleration and trying to recover from the substantial impact on creative economic value chains, authors, and rights holders.

Overlapping rights

Intellectual property must be analysed systemically so that numerous legal protections can coexist and adapt to contemporary creations.

¹³ See <https://www.wipo.int/tk/en/>.

Copyright, IP, technology, artificial intelligence, regulation,

Intellectual property, especially copyright, has become increasingly closely linked to artificial intelligence and countless technological resources. Authorship and ownership rights in intellectual works generated by artificial intelligence are central to the debate. Provisions must be based on international treaties, national legislation, ethics, transparency, and intellectual honesty.

Enforcement

Enforcement (compliance mechanisms for protecting intellectual property) must be a priority as related measures are increasingly complex and challenging in the digital environment.

The digital environment, transparency, value gap

Enormous amounts of intellectual works are in the digital environment distributed through streaming platforms. The new business models have led to restructuring economic value chains and debates around the need for transparency and ethics in the economic exploitation and dissemination of these intellectual works on the Internet.

Mediation, arbitration, conciliation

Alternative dispute resolution mechanisms such as mediation, arbitration and conciliation for copyright and intellectual property are becoming increasingly widespread because they are quicker, less expensive, and more specialized.

Limitations and exceptions: museums, libraries, universities, orphan works

The need for balance in the intellectual property system, specifically in copyright, is increasingly necessary. The debate around exceptions and limitations to copyright protection is equally crucial so that it is possible to stimulate the creative virtuous cycle.

Accountability of Collective Management Organizations

Collective Management Organizations continue to play a vital role in the copyright ecosystem and must uphold values related to accountability: transparency, accountability and responsibility of managers.

Importance of moral rights and various applications

Moral rights have become increasingly prominent in the copyright ecosystem, as seen in court decisions worldwide. In parallel to the necessary economic retribution, the discussion around preserving rights related to paternity and the integrity of intellectual works is also essential.

IP education and strategy

Intellectual property education must be increasingly broad, systematic, and appropriate for all age, social and cultural groups. An intellectual property strategy is fundamental for all countries because it rationalizes and identifies priority actions through recognising and respecting sovereignty, the need for development and preserving countries' cultural identity. Intellectual property plays a fundamental role in creating a stable and predictable environment in which a better understanding of the value of copyright can further accelerate growth and employment.

VII. Main findings and recommendations for Angola

In Angola, the limited use of IP rights is mainly due to the high level of informality, with most of the adult population involved in small-scale businesses. The effective adoption of intellectual property in Angola will only occur as more formal, demanding and ambitious entrepreneurship develops. Given this situation, there is a need for greater coordination between promoting intellectual property and encouraging innovation and entrepreneurship.

The intellectual property ecosystem still has considerable room for progress in Angola. There is a majority understanding among national interlocutors in the cultural and creative industries that there is basic legislation, especially in copyright, with the basic and necessary premises of the rights, types of use and modalities of economic exploitation.

However, the regulatory legal framework must better adapt to the Angolan reality. The production of infralegal normative acts such as regulations and decrees could be a viable solution to improve current regulations faster and more straightforwardly since drafting laws in any country is complex and takes time.

The need to adapt existing legislation to technological demands driven by the advance of the digital environment is also an urgent necessity, considering the significant concentration, use and exploitation of intellectual works on the Internet.

Many Angolan creators feel unsafe publicising their art on the Internet (i.e., via social media platforms) because of the lack of regulatory framework and mechanisms to prevent infringement and misuse of their intellectual works by third parties.

Regarding international treaties, there are still countless international frameworks that Angola has not adhered to, particularly copyright treaties. The lack of adherence to international treaties has repercussions in legal and institutional insecurity regarding the global economic exploitation of their works and legal insecurity for the creator or rights holder who intends to transfer their property rights to Angola.

Angola's participation in multilateral negotiating forums such as the World Intellectual Property Organization and the World Trade Organization is fundamental. Angolan interlocutors need training and capacity building to improve negotiating capacity and representativeness to place Angola in the international intellectual property agenda debates. International treaties allow minimum rights and obligations that can confer greater balance and harmony between the adhering countries. Adherence to international agreements on intellectual property must be assessed in the light of sovereign interests. Still, the absence of adherence to international treaties in copyright produces regulatory gaps with repercussions on national creators' transfer of property rights.

Angola is rich in traditional knowledge, traditional cultural expressions and folklore, and it is essential to have a debate around their intellectual property protection adjusted to the Angolan reality. It is vital to seek solutions to find effective and legally viable protective measures to preserve cultural identity and promote cultural and creative industries associated with traditional knowledge, traditional cultural expressions, and folklore.

The collective management system in Angola was developed mainly for the music sector. Therefore, there is a need to improve the collective management system, not just the music sector. In addition, the values and principles of accountability should be used to guide CMOs, emphasising transparency, the responsibility of managers, and the production of reports and data. Collective management entities play a crucial role in education, dissemination, and training, which is why Angola should boost and direct the work of these bodies in this direction.

Regarding existing draft laws in cultural and creative industries, an excellent regulatory practice is to formalise public consultations between the government and society to collect concrete data and analyse the regulatory impact on the various economic value chains. At the same time, the drafting of opinions by competent government bodies also contributes to efficiency in drafting laws and public policies since these are legislative texts with significant technical and legal dimensions.

The importance of initiatives, actions and movements around intellectual property education cannot be emphasised enough, including disseminating knowledge widely, systematically, permanently and appropriately to all social, cultural and age groups.

There is still a lot of room for progress in combating piracy. This is a global demand driven by the development of the digital environment, the scale, speed and all the challenges that the Internet has brought. The effective fight against the infringement of intellectual works is only possible if it is strategic, articulated, cohesive, and carried out on several fronts in the digital or physical environment.

Developing cross-sector intellectual property groups to align and discuss intellectual property strategies has proved productive and effective in many countries. These are groups with the participation of government representatives, representatives of the cultural and creative economic value chains, universities, various sectors and intellectual property rights holders. These groups work together, exchanging perspectives and experiences to generate transparency, efficiency, information, cohesion, initiatives and intellectual property strategy. The groups have successfully produced positive results in combating counterfeiting and piracy and harmonising the economic asymmetries resulting from the unauthorised use of intellectual works.

Some progress has been made in Angola in combating counterfeiting. The Partners Against Piracy¹⁴ platform is worth mentioning. It coordinates multisectoral action on joint, integrated projects focusing on fighting and repressing piracy against intellectual property and the infrastructures that allow creative content to circulate. The Partners Against Piracy initiative also includes public bodies like the National Service for Copyright and Related Rights (SENADIAC), the Angolan Institute of Industrial Property (IAPI), the General Tax Administration (AGT), the National Agency for Economic Inspection and Food Safety (ANIESA), the Criminal Investigation Services (SIC) and the National Institute for Consumer Protection (INADEC). Private sector players include television operator Multichoice Angola, FINSTAR (Zap) and TV Cabo. Collective management entities for copyright and related rights also participate, including the Angolan Copyright Society (SADIA) and the National Union of Artists and Composers - Society of Authors (UNAC-SA). Campaigns are planned with educational and pedagogical actions through television and radio debates, lectures, seminars, and street activities. The events provide information materials, advocate for the respect and protection of intellectual property, and warn about the risks of illicit conduct and piracy and its seriousness.

Intellectual property is a highly technical and complex area of legal science. Professional training is essential, including complementary training for the magistrates responsible for issuing decisions on intellectual property. Developing intellectual property mediation, conciliation, and arbitration centres has also proven to be profoundly effective since the results tend to be more precise, swift and legally secure.

The digital environment is a fundamental locus for the economic exploitation of intellectual works and concentrates a significant part of contemporary creative products. Therefore, there is a need to promote investment in digitalising economic value chains in coexistence with analogue business models. There is no absolute replacement or suppression of analogue products or business models by digital, as they coexist.

Angolan authors and creators seek more space, representation, and a greater balance of action and dialogue between authors and national rights holders. There is an asymmetry in the cultural and creative economic value chains and reduced negotiating capacity on the part of creators.

Due to the country's talented and creative human capital, Angola has great potential to harness its cultural and creative industries. The following measures could be put in place to increase the country's capacity for innovation and creation:

1. Permanently establish a culture of respect for intellectual property.
2. Identify the country's creative and innovative potential.
3. Rationalise the use and exploitation of intellectual assets protected by intellectual property.

¹⁴ See: <https://allafrica.com/stories/202303310094.html>.

4. Develop a national strategy to meet the needs of creators while preserving cultural identity efficiently.
5. Strengthen education in intellectual property covering children, young people and adults broadly and appropriately.
6. Recognise cultural and creative intellectual potential and develop a resilient, sustainable cultural and creative industry.

It is essential to be clear about how intellectual property can be used to integrate the cultural and creative industries and promote regional and national tourism. When intellectual property provides legal certainty for an event or tourist attraction, a chain of positive impacts affects the local hotel, gastronomic and commercial sectors. In this context, there are some interesting examples of successful cases when IPR contributed to the thriving of creative industries. These include:

- Collective trademarks in Gambia. To address tourism challenges and opportunities in the Gambia, the country developed different strategies within the tourism value chain to support informal suppliers such as beach fruit sellers, guides, craft market vendors, tourist taxi drivers, small hotels and guesthouses.
- Trademark registration for festivals such as the Montreux Jazz Festival. In this example, copyright can also be applied to related rights (performers).
- Dilmah Tea in Sri Lanka is another example of a collective trademark. Dilmah has expanded into tourism by turning four tea estate bungalows in central Sri Lanka into luxury guesthouses known as the Ceylon Tea Trails. This innovative concept plunges tourists into daily life on a working tea estate and teaches them how to brew the perfect cup of tea.
- The Library of Alexandria in Egypt uses copyrights and trademarks to provide access to intellectual works with legal certainty and respect for authors and rights holders.
- Countless examples of geographical indications which directly promote local tourism.

In conclusion, intellectual property is the legal vector that facilitates and enables legal and ethical security throughout the creative ecosystem. Intellectual property also strengthens the capacity for tourism growth, contributes to preserving the community's cultural identity and is a powerful instrument for countries' economic recovery in the post-COVID era.

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