



MEETING SERIES

Maria Angélica Garcia

*UK Intellectual Property Attaché for LATAC
(Latin America and Caribbean)*

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An unprecedented investment of

R\$20 million

from the United Kingdom in the INPI (BPTO) is part of the international collaboration agenda

The good work of the National Institute of Industrial Property (INPI / BPTO) has reached the ears of the UK Government. In an unprecedented decision for Brazil, it decided to invest around R\$ 20 million in the autarchy in order to improve the Brazilian patent system. The funds came from the Prosperity Fund (PF) - British Government cooperation fund financed by the Foreign and Commonwealth Office.

To better understand this decision, the expected benefits and how the money will be spent, Roberto Ribeiro, partner at Daniel Advogados interviews Maria Angélica Garcia, UK Intellectual Property Attaché for LATAC (Latin America and Caribbean).

Angélica talked about her activities as an attaché for Latin America and the Caribbean with her usual spontaneity and profound knowledge on the topics discussed here, and detailed aspects of this partnership between the United Kingdom and Brazil.

Besides being a lawyer, Angélica specialized in Intellectual Property at the renowned Queen Mary, University of London. Learn a little more about her professional career and how she came to be part of the world of Intellectual Property (IP).

“ I went to London to specialize in Tax, I didn't know IP. After a conversation with a friend, he said: 'IP is captivating, you should at least attend a class!' I attended some classes with him, fell in love with it and changed my master's degree to specialize in IP. I work for the British government for exactly 5 years, I started as the innovation and technology manager for the Department of International Trade, where I stayed for 1,5 years, then I took over the role of the UK Intellectual Property Attaché for Brazil, and now we have expanded our scope of work to the wider Latin America and Caribbean.”

**Maria Angélica
Garcia**

UK Intellectual Property
Attaché for LATAC (Latin
America and Caribbean).



Roberto Ribeiro – Can you tell us a little about the activities of the British Intellectual Property Office, the UK IPO?

Maria Angélica – The UK IPO is the British Intellectual Property office. It is an independent agency of BEIS (Department for Business, Energy & Industrial Strategy), which would correspond to a ministry in Brazil. The Office works with industrial and copyright rights, as well as with IP dissemination and education. We have several tools to support business and startups in identifying, protecting and valuing their IP rights. We also have several projects which focus on education and raising awareness of IP, divided by age groups and target audience, where we work together with stakeholders like schools, universities and technology centres. The office also coordinates the dissemination of the importance of intellectual property to the wider society. And even though we are not an enforcement agency, we coordinate this work to make sure that the challenges faced by the industry are heard by the enforcement agencies and reflected in our Enforcement Strategy.

RR - What is the UK IPO's collaboration activity with other countries like?

MA - We have a department responsible for integration and collaboration with other countries. Our attachés program lies inside that department. We currently have attachés in 5 markets that are commercially important for British companies. I take care of Brazil, Latin America and the Caribbean. However, we also have representatives in India, China, Southwest Asia, the USA (in Washington), to take care of the IP chapters within the free trade agreements between the United States and the United Kingdom. In addition, we have an attaché at the World Intellectual Property Organization (WIPO) in Geneva, Switzerland, who deals with our multilateral relations. When it comes to resources, the IPO is self-sufficient. It manages its own profit, which does not need to be passed on to the government. Every resource that enters IPO is reinvested to the office development, then improving services for its users.

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Roberto Ribeiro
 Partner at Daniel Law

RR - What are your latest and most important achievements and highlights in IP for your office, here in Brazil?

MA - The British Government works on two major agendas in Brazil. One is IP protection. Our main partner is the INPI / BPTO together with the Ministry of Economy. On this agenda, we have a collaboration agreement that predicts various actions to share experiences and information. But, without a doubt, I think that today our biggest project is the "Prosperity Fund' (PF) '. PF is a British fund that helps middle-income countries on several fronts, including IP. Our biggest project has a budget of around R\$20 million, intended to help modernize the INPI / BRPTO. Together with the INPI / BRPTO team, today under the chairmanship of Dr. Claudio Furtado, and the team from the Ministry of Economy, we are working on this project to help improve the efficiency of the INPI / BRPTO through the articulation of actions on several fronts. This project is, for us, "the apple of the eyes". It is the first time that IPO is working on an IP project of this magnitude. IPO has also submitted information for the benchmark work that the Ministry of Economy is leading in the construction of the National IP Strategy. Moreover, we work very focused on the Enforcement agenda (or opposing rights in court), which is in compliance with IP law. On this agenda, we are the only country that has signed a collaboration agreement with the CNCP (National Council to Combat Piracy), which is part of the Ministry of Justice structure. This agreement predicts exchanges of experience, training, preparation of studies, among other actions. We also have a signed collaboration agreement with the City of São Paulo, and we work closely with the Federal Revenue Service, CyberGaeco, ANCINE, ANVISA, ANATEL, and other stakeholders who also work on the anti-piracy agenda in Brazil. In the UK, we have PIPCU - which is the British police unit that deals with crimes against Intellectual Property. Its Detective

Superintendent came to Brazil at the end of last year, for a series of meetings and debates with colleagues from the Brazilian Government. In late 2018, we took a Brazilian prosecutor to London on a training program. Back in Brazil, he adapted PIPCU's actions to the Brazilian reality and has had impressive and successful results in the fight against online piracy! He has even adapted these techniques to curb the sale of overpriced Coronavirus products, available on the internet.

“We provide tools to help companies identify and work with their IP assets at various stages. First, we identify whether or not it has IP assets, then they can value those assets.”

RR - Has the Coronavirus had an impact any point in the project?

MA - Unfortunately, due to the Coronavirus, we had to postpone a mission to London that was about to happen. In the agreement we have with the CNCP, there would be a training trip for various stakeholders from the Brazilian government to the UK, to make this immersion in order to enable an exchange of experiences with the British police and colleagues from the IPO. The group included professionals from the Ministry of Justice and Public Security, Federal Police, Federal Revenue Service, ANCINE, Anvisa, Anatel, from the municipality of São Paulo and enforcement agencies in Latin America. The agenda we prepared was brilliant and we were ready to go. But our collaboration continues online, and the mission is going to happen as soon as we can travel again. I think that these two agendas - our work with the INPI / BPTO within the scope of the Prosperity Fund and the advancement of actions on the Enforcement agenda - are our two most recent achievements in Brazil.

RR - Has any condition or performance indicator (KPI's) been made to monitor the investment of the money contributed?

MA - Yes. Actually, this money does not go to the Brazilian Government, it goes to the external consultancy and the UK Government controls the flow of investments. There are "milestones" that need to be achieved in order for the consultancy company to receive the money. The goals of the project were defined in accordance with INPI / BRPTO and the Ministry of Economy. So, yes, this project is divided into stages and the money will be released as the deliveries are fulfilled.

RR - In a recent conversation with Dr. Claudio Furtado, he told me that this issue of combating the backlog has already been treated as a "turned page", that is, it is already a consolidated and forwarded process. He's already thinking about the next steps. Among them, there was mention of an activity that is quite developed abroad, in England also, obviously, which is "IP monetization" or IP valuation as a financial asset. Do you work with this type of activity or help companies in this regard?

MA - Not directly. We provide tools to help companies identify and work with their IP assets at various stages, as they can first identify whether there are IP assets to be protected and then they can value those assets. But, this is done much more in the UK, where we have colleagues that offer this initial support. I see that IP valuation is much more discussed domestically in the UK than when they come to me to learn more about how to protect their IP rights in Brazil, for instance. We support big UK companies in Brazil, and some of them have their own legal departments that take care of IP related matters. So, in this case, the help is much more institutional, for example, supporting the company to build a bridge with external entities, or to engage with the Brazilian government. From my experience and, generally speaking, British companies that are not in Brazil, still have doubts which are way more linked to the principles of the Brazilian system, deadlines and

"IP needs to be in the Chief Executive Officer (CEO)'s mind when they are going to put their business plan together."

RR - This is very interesting. So do you think that, even in such a developed economy as the UK's, there is still a demand for the spread of what IP is, its principles, etc?

MA - Yes. I still receive questions like “ how to patent my brand?” IP is specific and not obvious at all to people in general. IP needs to be in the CEO's mind when they are going to put their business plan together. They need to understand it as value generation. Usually IP becomes a topic on the agenda when a problem occurs, due to a dispute or when you receive a letter saying that you are infringing somebody else's patent or trademark. Few, especially startups, start their planning thinking: ‘how am I going to work on my brand? How can it generate me financial returns? Do I have anything to protect? Am I able to obtain a patent? “. We see that IP has advanced a lot in the world, with the help of organizations like WIPO, innovation centres, think tanks, and others. But, it is still a distant reality for many companies that do not understand it or do not want to spend on it.

RR - Because of this perception, do you believe that there would be an improvement in this question of information about IP, if the subject were a subject in some courses at universities?

MA - Yes. People think that IP is something insular, very far from their reality. But everything has IP, doesn't it? Specially in the pandemic context, there have been several discussions about how to accelerate the protection of technologies related to the covid-19. Some countries are not able to export machines and respirators, intended for domestic use. Thus, there is a lot of technology transfer being worked on, so that this technology is not just in the country of origin and that it manages to bring aid in a way, other than exporting. But lots of people are unaware that IP is so present in their lives.

RR - According to WIPO's 2017 report [1], IP and other intangible assets add twice as much value associated to the economy than tangible assets. And about 1/3 of the value of the products we buy comes from intangibles such as brands and technology. That is, today our economy is much more based on the hierarchy of value for knowledge, than for the production of tangible goods. That alone would be enough to understand that the business economy of several sectors is based on knowledge. And if that knowledge is protected, it will give a higher return on investment (ROI).

MA - Yes, I agree.

RR - Besides the Prosperity Fund, is there any other project, for Brazil or for the region, that you already have in mind and that you can reveal, that maybe will continue the Prosperity Fund? Or are you going to wait for the results with the Prosperity Fund in the region and then draw up new plans?

MA - Prosperity is just a major point in our collaboration with Brazil and now with Latin America. Within our partnership, Prosperity is one of the projects. Within this project, for example, the agreement with the CNCP predicts a study on the damage and scale of piracy in Brazil, so that the government can have more data to support the creation of more effective public policies against piracy.

“ Prosperity Fund is just a major point in our collaboration with Brazil and now with Latin America. ”

RR - Indeed. Could you elaborate a little more on how the Brasil-UK and UK-Latin America interaction operates?

MA - We have a very large British diplomatic mission in Brazil. We have our embassy in Brasília, consulates in Rio de Janeiro, São Paulo, Recife and Belo Horizonte. Our collaboration with Brazil touches many areas: science and innovation, international trade, projects around green finance, sustainable development and the Prosperity Fund itself. I am very glad to see that IP is a priority for the Brazilian Government and that it is increasingly understood that the proper protection and observance of IP rights is fundamental for economic growth and incentive for innovation. It is necessary that IP is part of a larger National project, where the interests of the parties converge, where the agenda is worked in an integrated manner. I see that our collaboration has matured as the importance of the subject in the country has been gaining prominence. Today, for example, we see the resume of activities of the Interministerial Group on Intellectual Property (Grupo Interministerial de Propriedade Intelectual - GIPI). We maintain contacts with the Itamaraty, as well as with agencies such as Anatel, Anvisa, Ancine, the Federal Police, the Judiciary, CNI, among others. Our collaboration is growing stronger and stronger in the Country.

RR - Do you identify any barriers or difficulties to the implementation of your programs?

MA - I think that, in the beginning, because IP was not seen as a priority in past governments, our collaboration was more timid. But it has changed, IP became relevant and, as a result, our collaboration with the Brazilian Government has also progressed and intensified.

RR - How do you evaluate the IP structures for businesses in the countries where you operate?

MA - We have started our work with other countries in Latin America very recently. We have been working with INDECOPI in Peru, INAPI in Chile and SIC in Colombia. They are doing a great job. But we have to keep in mind that Brazil is an immense country, so the challenges in Brazil are also proportional to the size of its economy and extent, such as cultural diversity that sometimes leads to differences in understanding about how IP can be developed. But I see that Brazil has taken a significant leap with its all the recent improvements in the IP system.

RR - What message would you, as a representative of the UK IPO, like to leave for us to transmit to the general public, be it national, foreign and companies from different segments?

MA - I would say that IP needs to be considered as part of an economic context. When thinking about creating a company or working on a business model, IP is important. It is an important asset that needs to be understood, valued, and also respected. It protects innovation and motivates creation. And international collaboration is essential for countries to have a global IP system that works, that is effective, that helps bring in international businesses and foreign investments. And, in the same vein, the fight against piracy is also very important, not only because piracy is harmful to IP holders, but also because it is a public security problem. Nowadays, we know the danger it poses. Piracy even finances organized crime. And again, collaboration among countries is extremely important. Piracy has no boundaries, it is a danger that affects all countries. IP is important, it needs to be understood, protected and respected and collaboration is fundamental for this agenda to be successful in every country.

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