

Terms of Reference

Technical Assistance Expert team for IP Protection

1. Background Information – About LCBA Canada

Canada and the European Union have since 1976 a long-term partnership. More recently 2 major agreements were signed by both parties: (a) the EU-Canada Comprehensive Economic and Trade Agreement (CETA) and the (b) Strategic Partnership Agreement (SPA), which foresee enhancing cooperation in sectors such as energy and the environment. Both agreements recognize the relevance of cooperating in the Environmental and Energy sector, in issues of common interest, namely Climate change, Energy policy, Trade and Commerce of Environmental Goods, among many other issues of common interest.

On the one hand, Canada is the 10th larger emitter of Green House Gases (GHG) per capita, on the other hand, the EU has built a conducive environment for the development of green solutions over the decades and is seeking to assume leadership in Climate Change action, thus expanding the European Green Deal into third countries.

In 2016 Canada signed the Paris Protocol, committing to limit the average global temperature increase below 2°C. Its national emissions target is 513 megatons (Mt) of carbon-dioxide equivalent (CO₂e), representing a 30% reduction from 2005 levels (732 Mt CO₂e) by 2030. However, Canada has a long way to de-carbonise its economy, with about three times the emissions per capita of the EU and Japan. As per Canada's Changing Climate Report (CCCR) the nation's climate has warmed by an average of 1.7°C since 1948, nearly twice the global average of +1.0°C. Canada's northern regions have warmed faster, currently 2.3°C above the pre-1948 average, putting the Arctic at particular risk.

The Low Carbon and Circular Economy Business Action (LCBA) - within which the present Terms of Reference are being released - seeks to promote the internationalisation of EU cleantech SMEs and small-mid caps by facilitating industrial cooperation between EU low-carbon solution providers and industry partners from Canada. It has the equally important objective of reducing industrial green-house gas (GHG) emissions, in line with the Paris Agreement on Climate Change and in line with the EU Economic Diplomacy, Climate Diplomacy and implementation of the Circular Economy agenda.

The LCBA EU-Canada entails the following results /products:

- P.1 Mapping of potential low carbon and circular economy technology needs and gaps in Canada with the clear objective of finding a match with available offer in the EU.
- P. 2 Identification of business opportunities and mobilisation of potential partners in Canada and the EU in the targeted sectors.
- P.3 Organisation of matchmaking activities, including screening of candidates, virtual online matchmaking sessions and matchmaking missions in the relevant countries in the pre-identified sectors with the most potential for EU SMEs.
- P.4 Provision of technical assistance to the commercially viable and most bankable projects resulting in a finalised Joint Business Concept (JBC) leading to actual monetary transaction/investment.

- P.5 Support to the commercialisation of the Joint Business Concepts and their submission to financial institutions for access to credit when needed.

2. Objectives and Expected results

2.1. Overall Objective - Impact

To promote the internationalisation of EU cleantech SMEs and small-mid caps by facilitating industrial cooperation between EU low-carbon solution providers and industry partners from Canada.

2.2. Specific objectives - Outcomes

The objective of this assignment is to provide Technical Assistance to the project stakeholders (EU suppliers) to facilitate the development of durable commercial partnerships between Canadian Buyers and the EU Supplier.

2.3. Expected results - Outputs

The main goal of this activity is to provide Technical Assistance required by the parties and approved by the Client (EU) on IP protection.

3. Activities

CESO is looking for a team of experts/service provider to provide advice and guidance to the EU Sellers on the procedures required to ensure the protection of the Patent /innovation in Canada, for each approved Joint Business Concept (JBC) which requires IP protection. The Experts/Service Providers will become part of a pool of experts, managed by CESO, accordingly with the JBC requirements.

The activities to be implemented under this assignment will be tailored to the needs of the JBCs' stakeholders, which were duly approved by the Steering Committee. An indicative list of activities include, but is not limited to:

- Agree with the beneficiaries (either buyers, sellers or both) on the workplan and methodology to be applied;
- Provide guidance to the EU Sellers on the matters of IP protection in Canada;
- Duly assess the technology presented by the EU seller, concerning the IP status in Canada;
- Prepare an initial concept note, based on the needs assessment shared by the project, which shall include a workplan of the expert's intervention (explaining how the needs will be address, when and which direct results will come from expert's support.
- Deliver a technical report providing relevant assistance to stakeholders (such as an assessment report, acritical review of the legislation, ...).
- Drafting a final summary note of the intervention.

The experts/service provider shall address the needs/concerns expressed by the Canadian buyers and the EU suppliers that have successfully signed a JBC and to whom TA was granted. As those needs cannot be pre-defined, the experts/service provider should be relatively flexible and have strong adaptability skills.

4. Expert's Profile (CV)

To carry-out the activities, CESO is seeking to contract a Service Provider or a Team of Experts on IP protection. The team will be part of a Pool of Experts/service Providers, to provide Technical Assistance to the different requirements outlined on the **Section 9 of the JBC**.

Qualifications:

Master Degree in Law or Business with a focus on Intellectual Property protection, or proven experience in these areas.

Soft skills:

- Excellent Communication and Written Skills;
- Strong knowledge of Canadian business environment;
- Strong knowledge of the regulatory framework concerning Intellectual Property protection, both in Canada and the European Union;
- Experience supporting EU innovators on IP protection outside Europe;
- Knowledge of the EU-Canada trades and bilateral covenants;
- Ability to work as team leader.

General professional experience

A minimum of 10 years of professional experience in issues related to **commercial law, with a focus on IP protection**.

Specific professional experience

- Proven experience in providing assistance to EU Innovator, in Canada;
- Consolidated knowledge of Canadian business and regulatory environment, on what concerns IP protection;
- Attested experience working with the private sector, both in Canada and European Union;
- Experience with dealing with EU funded projects is an advantage.

Language skills

Fluent in English.

Working level of French is an advantage.

5. Time Frame of the Assignment

The technical assistance activities to be carried out by the Service Provider/ team of experts are expected to be implemented from November 2021 onwards, until August 2023.

As the present assignment does not have fixed time limits, we expect some degree of flexibility and availability from the Experts/service Provider. The indicative duration of each TA intervention shall be assessed on a case-by-case basis, tailored to the needs of JBCs' stakeholders.

6. Deliverables

- An initial Concept Note;
- Technical reports providing each tailored Technical Assistance (such as an assessment report, a critical review of the legislation, ...)
- A final summary note of the intervention, including lessons learnt and way forward

All the reports/ results shall be issued in English.