



Masters in Innovation and Entrepreneurship

Corporate Identity and Intellectual Property

Case Study Final Assignment

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1. Introduction

In this project, we will delve into the landscape of intellectual property across two distinct nations: Azerbaijan and Portugal and 2 distinct companies in this companies, namely: SOCAR and Galp Energia. Our primary focus is understanding how IP laws, strategies, and enforcement mechanisms affect both countries and prominent companies within them.

2. Azerbaijan

2.1 Brief overview of the country



Azerbaijan is a country in the South Caucasus, in the crossroads of Europe and Asia. It boasts a resource rich economy driven primarily by oil and gas exports. The government plays a considerable role in stimulating and developing economic growth through investments in infrastructure and some strategic sectors. However, economic growth remains very sensitive to changes in global oil prices and regional geopolitical complexities. Azerbaijan's continued efforts to strengthen its non-oil sectors will be crucial for long-term economic stability and prosperity.

2.2 Organizations and Treaties.

Azerbaijan, as a proud member of the World Intellectual Property Organization (WIPO), has officially approved and agreed to numerous important international agreements concerning intellectual property (IP). These are the WIPO treaties that Azerbaijan has ratified:

- **Berne Convention**
- **Budapest Treaty**
- **Hague Agreement**
- **Locarno Agreement**
- **Madrid Agreement (Marks)**
- **Madrid Protocol**
- **Nairobi Treaty**
- **Nice Agreement**
- **Paris Convention**
- **Patent Cooperation Treaty (PCT)**
- **WIPO Copyright Treaty**
- **WIPO Performances and Phonograms Treaty**

2.3 IP assets in Azerbaijan

Azerbaijan has strong intellectual property (IP) laws that offers a straightforward process for registering trademarks, patents, and copyrights. The Copyright and Related Rights Law of Azerbaijan was enacted in 1996 and revealed several facets of copyright safeguarding.

Potential Assets:

Oil and Gas Sector: Technologies for exploration, extraction, refining, and transportation.

Renewable Energy: Potential for growth in patents for solar, wind, and hydropower technologies. Agriculture: Innovations in crop sciences, irrigation, and agricultural machinery.

Cultural Intellectual Properties: Specialty cuisine, a unique culinary specialty, is a field that could benefit from patents in techniques like carpet weaving, unique musical instruments, food processing, and preservation.

Patents:

Azerbaijan's patent activities have seen a positive shift due to the country's growing emphasis on innovation. Traditionally, the country's patent activity has been primarily focused on the oil and gas sector. However, the government's efforts to promote economic diversity and technical progress have led to an increase in patent applications in various sectors. Azerbaijan is currently exploring alternative energy sources, obtaining patents for solar, wind, and hydropower technologies. Additionally, the growing ICT sector is producing patents for software and digital solutions.

Trademarks:

Trademarks are important for protecting brands and reputations, especially as Azerbaijan grows in areas other than oil exports, like tourism and other industries.

More trademarks are being registered, which shows that people understand how important branding is. Opportunities to grow a trademark is very promising, since Azerbaijan's traditional crafts, tourism, and emerging industries can benefit from strong trademarks and geographical signs to promote their rich history, create national tourist brands, and help businesses stand out in a crowded market.

(Intellectual Property Agency of the Republic of Azerbaijan, n.d.)

(Azerbaijan - Protecting Intellectual Property | Privacy Shield, n.d.)

Copyrights in Azerbaijan

Azerbaijan's copyright law protects various works, including literature, music, art, software, and digital content, ensuring creative industries benefit, digital content development, and cultural heritage preservation. However, challenges include addressing piracy and balancing protection with education and cultural exchange.

2.4 Cultural context in Azerbaijan.

For Azerbaijan, we have decided to choose music and cuisine for the further comparison reasons. Azerbaijan's traditional **music**, is a vast mix of Turkic and Caucasian influences, is a rich musical heritage. Mugham, a UNESCO-recognized Intangible Cultural Heritage, is a key area of IP consideration. Protecting traditional knowledge, copyright, and commercialization are crucial for Azerbaijani musicians, composers, and producers. Balancing IP protection with cultural context is essential for preserving and promoting this rich musical heritage.

IP protection is crucial in the Azerbaijani **cuisine** industry, as it protects the names and reputations of specific dishes, ingredients, and food products. Geographical Indications (GIs) link a product's origin to its unique qualities and reputation, making them valuable for Azerbaijani foods closely connected to a specific region. However, copyright limitations and documentation of traditional knowledge pose challenges. Design rights could protect unique packaging designs or distinctive shapes of traditional sweets, while trade secrets could safeguard family recipes or specialized preparation processes passed down through generations. Efforts to promote "Azerbaijani Cuisine" internationally fall into branding and marketing, where IP tools play a supporting role.

(Discover a Food Culture Underpinned by Longstanding Philosophies of Locavorism, Self-sufficiency and Seasonal Eating., 2022)

2.5 SWOT Analysis of Azerbaijan relying on IP

Strengths:

Growing Government Emphasis on cultural heritage: Azerbaijan recognizes the importance of cultural aspects, such as music and cuisine for economic diversification and has been implementing policies to support the sector's growth. Mugham, it's biggest strength when it comes to music.

Young and Tech-Savvy Population:

An increasingly digitally literate population offers IT skills.

IP generation Potential: Azerbaijan's IT sector is maturing, allowing for the generation of valuable software IP such patents and copyrights.

Weaknesses:

Limited IP Awareness: Azerbaijan's IT infrastructure, startup ecosystem, and R&D spending are still inferior to other tech hubs. The lack of startups in music tech industry heavily limits IP potential of the country.

Human Capital Flight: Talented people leaving for other countries could hurt local industrial growth.

Dependence on Foreign Technology: Azerbaijan may still import software, instruments, underlining the necessity for homegrown innovation.

Opportunities:

Focus on Emerging Technologies: Azerbaijan might pioneer AI, cybersecurity, or e-governance solutions and export IP.

Legal Changes: Azerbaijan can implement new laws to further protect its cultural heritage, for music genres like Mugham and for food like Qutab and Dolma

Non-Oil Sector Demand: Agriculture, tourism, and manufacturing will increase demand for customised software solutions.

Regional Leadership: Azerbaijan might become a regional IT hub benefiting neighbouring markets for the mentioned industries above and advance its IP potential.

Threats:

Competition from Established Tech Hubs: Larger IT centres may make it harder to attract investment and talent.

Cybersecurity: Digitization increases risk, necessitating strong cybersecurity.

IP Infringement: Weak IP enforcement could discourage domestic innovation and foreign IT investment in Azerbaijan.

Summarizing the SWOT, given sectors in Azerbaijan, despite the government support, tech-literate population, and emerging Intellectual Property potential, faces challenges like underdeveloped ecosystem, limited IP awareness, talent drain, and reliance on foreign technology. Opportunities lie in niche technologies, international partnerships, non-oil sector needs, and regional IT leadership.

3. Choosing the company: SOCAR

3.1 SOCAR: A Brief Overview

Why to choose SOCAR? As mentioned before, Azerbaijan is a state which is very rich in oil in gas and SOCAR is a state-owned national oil and gas company based in Baku, Azerbaijan, which operates across various segments including upstream exploration, production, refining, natural gas transportation, distribution, and renewable energy. Originating from the nationalization of the Azerbaijani oil industry after the Bolshevik Revolution, SOCAR exports its products to over 50 countries and emphasizes collaboration and value creation. Their strategic projects, including investments in Turkey, play a crucial role in energy security and diversification.

(Teodoro, 2023)

3.2 Role of IP for SOCAR

SOCAR, relies heavily on Intellectual Property (IP) to protect its innovative ideas, technologies, and processes. IP, including patents, trademarks, and trade secrets,

provides legal protection, preventing competitors from replicating their innovations. Trademarks also help establish SOCAR's brand identity, enhancing customer trust and loyalty. IP assets can be monetized through licensing agreements, generating revenue and expanding the reach of innovations. IP also helps SOCAR attract investment and partnerships, mitigate risks associated with competitors infringing on its technologies, and provide a strategic advantage by negotiating favorable terms in joint ventures or collaborations. IP is essential in international markets, as rights vary by country. As SOCAR transitions towards green energy, IP will continue to play a pivotal role in its success.

Main IP Assets of SOCAR:

Patents: SOCAR is actively involved in energy sector R&D. Their patent portfolio: Drilling technologies, reservoir management, and hydrocarbon recovery are upstream activities. Efficiency enhancements, environmental impact mitigation, and safety protocols are incorporated into refining processes. As SOCAR shifts its focus towards renewable energy sources, patents associated with eco-friendly technologies gain significance.

(SOCAR Downstream Successes and Challenges of Revamp Project, n.d.)

Trademarks: The Trademark Office in Azerbaijan is the official language for trademark applications, requiring formal and substantive examinations. Multiple-class applications are possible, and Azerbaijani is the official language for proceedings. The Trademark Office plays a crucial role in SOCAR's brand identity and market positioning, particularly in the significance of Heydar Aliyev Oil Refinery (HAOR).

(Trademark in Azerbaijan – IP Guide – IP Coster, n.d.)

(Azerbaijan - Trademarks - IPR Group - Patent and Trademark Attorneys, 2018)

Copyrights: The company does not hold any registered copyrights since it relies, they rely mostly on oil and gas sector. However, the assumption is that technical documentation, including reports, manuals, and training materials, is protected under copyright protection, as are any proprietary software developed in-house for operations, data analysis, or other purposes, as these materials are likely to contain copyrighted elements.

3.3 SWOT of SOCAR in IP terms

Strengths

Active R&D Focus: SOCAR's work in energy sector R&D shows how patentable core oil and gas processes and new renewable technologies can be.

Trademark Protection: SOCAR's proactive brand protection is shown by their knowledge of trademark methods and value, especially for the Heydar Aliyev Oil Refinery.

Weaknesses

Patent Portfolio Ambiguity: It's still not clear how big and strong SOCAR's current patent portfolio is.

Public IP Information Is Limited: It's not easy to find information about particular patents, trademarks, or the company's general IP strategy.

Possible Underutilization of Copyright: SOCAR may not fully utilise copyright protection for its educational, promotional, or marketing products.

Opportunities

Strategic Patenting: Proactive patenting can secure licencing revenue streams and technological advantages in the traditional and renewable energy sectors.

Enhanced Branding: By extending trademark protection to encompass products, services, and forthcoming innovations, SOCAR can improve its standing in the marketplace.

Expanding copyright protection: Copyrights for SOCAR are an unissued potential and they may encompass a broader spectrum of creative output may present supplementary avenues for revenue generation and enhanced security.

3.4 Does SOCAR has any registered trademarks?

SOCAR holds several registered trademarks. Here is the information on one of them:

SOCAR, the State Oil Company of the Azerbaijan Republic, has registered a trademark in the United Kingdom under the SOCAR mark. The UK Intellectual Property Office assigned the SOCAR mark Application Number #UK00801289629, a unique ID for the SOCAR mark. The SOCAR mark is filed under Class 001 Chemicals for various industries, including industry, science, photography, agriculture, horticulture, forestry, and unprocessed artificial resins and plastics. It also includes substances for tanning animal skins and hides, adhesives, and biological preparations. (*Elite, n.d.*)

4. Portugal

4.1 Brief overview of the country



Portugal is a country in the South of Europe, what is known as the peninsula Iberica, dividing territory with Spain. It features the most western point of the European continue. It is one of the oldest countries in Europe that during the 15th and 16th centuries led the age of discovery, conquering territories in South Americas to Asia, India to Africa. They had established one of the longest sea trades and commercial empires and achieved the status as one of the main political and economic powers then. In their journey of discoveries, they were able to also enrich their culture and contribute a prominent cultural footprint to the world.

Cultural Context:

Food and music are often amongst the most valued aspects of a cultural and traditional identity and IP protection should consider the collective nature of some traditions.

However, many culinary and musical heritage have heavily relied on oral transmission of knowledge passing down from generation to generation, making documentation and IP registration challenging. Therefore, it is extremely complex to protect culinary practices such as recipes and techniques.

Protecting folklore music and traditional dances is equally challenging defining ownership and ensuring proper credit using the current IP framework.

4.2 SWOT Analysis of Portugal relying on

Strengths:

- Portugal has a rich historic culture with unique music style of folklore melancholic music known worldwide as Fado and their Mediterranean influenced cuisine using specific regional products that are protected with traditional seals such as Pastel de Nata (custard tart) that have international recognition.
- As a mechanism for cultural arts protectionism, the country counts with the office for General Inspection of Cultural Activities known as IGAC. Their focus is on copyright protection of original artistic work bounded by a framework of legal decrees (lgac.gov.pt, 2014).
- The agency responsible for granting protections of trademarks and intellectual property is the Instituto Nacional da Propriedade Industrial (INPI) created in 1976 under the ministry of justice. INPI is also responsible for geographical indications (GIs) that provides local producers seeking protection for their products, to register a GI and ensure that only products from a specific location and produced using traditional methods can use the designated name such as. (INPI, n.d.)

- As part of the EU, the country benefits from Harmonised EU IP laws (EUIPO, n.d.), that offers a robust protection landscape as well as belonging to the WIPO – World Intellectual Property Organization (www.wipo.int, n.d.).

Weaknesses:

- Piracy of music content remains a challenge especially for folklore that exists beyond IP existence and has been passed down by generations. This can undermine the artistic origins and the value of creative works.
- Portugal lacks innovative capacity beyond the industries its economy is centred around, that is services, industries, chemistry and engineering.
- Despite having a robust judicial system around IP matters, the Portuguese IP office might have fewer resources with a lack of capacity to deliver the work at good timing, because of slower processing time.
- Piracy of content and counterfeiting remain an issue, with migrants from Asia replicating local produces in Asia and importing for commercial purpose into Portugal. This undermines the value of the local creative works and reduces potential income for local creators.

Opportunities:

- Digital platforms offer new opportunities to showcase the Portuguese culture especially traditional music and cuisine. Online applications are now available through INPI for trademarks and GIs, simplifying the process for creators.
- Portugal's growing tourism sector has been creating demand for authentic cultural experiences. There is need to act and leverage IP rights to generate income for artists and restaurants that safeguarding heritage.
- As a small country with little less than 10 million people, it is highly dependent on tourism, attracted by vibrant sunny weather and beaches, along charming city landscape with great food and beverages. With International recognition of local products, local producers and creators of different sectors are increasingly encouraged to get intellectual property rights.
- Because it benefits from a EU legal framework and offers a broad protection with cross Europe, a lot of companies and individuals are attracted to register their IP needs in Portugal, with cheaper costs, and being a small country.
- Additional protection for IP concerns for Portuguese cultural heritage especially for its produces, is offered by ICC (International Chamber of Commerce) that is present in the country with the interest to contribute with programs such as BASCAP (Business Action to Stop Counterfeiting and Piracy) and has created the Commission for IP that integrates different members from public and private institutions. (ICC Portugal, n.d.)

Threats:

- In the future, IP regulators face the challenge of fostering an economic transition in innovation as a source of growth and adapting economic activity to the technologies of the third industrial revolution across all sectors. Encouraging greater innovation practices within the economic sector is a key element of this transition and IP protection ecosystem must be strengthened.
- Enforcement of IP rights on infringements against piracy is still a challenge due to limited resources, leaving creators' feeling vulnerable, especially when dealing with international infringers.
- Portugal's cultural heritage of artisan production has traditionally been passed down orally and has lacked documental evidence of originality therefore IP registration can be challenging. Foreign entities might misappropriate traditional works and values, potentially diluting their meaning and origins or diminish economic value.
- Global trends and cultural mixes tend to homogenize traditions and cultures, needing to find a balance between preserving unique identity while adapting to a changing environment.

4.3 IP in Portugal

The Portuguese Intellectual Property Court was created by Law No. 46/2011, of June 24, and installed by Ordinance No. 84/2012, of March, with the objective of creating a court of specialized jurisdiction in matters of intellectual property. (www.ministeriopublico.pt, n.d.)

The Copyright and Related Rights Code remained unchanged, with the most recent modification being in 2019. Since 2018, the Industrial Property Code has remained unchanged.

Portugal's patent registration tax increased by 72.2% in 2020 compared to 2019 when there were 391 requests for patent registrations. These figures demonstrate how resourceful and creative Portuguese people are when handling challenging circumstances, such as pandemics. In 2021, there will be a significant increase in patent applications due to the ongoing quest for a vaccine and/or medication. (Lomba, 2021)

There are 6 different types of categoric of protections issued by INPI for portuguese heritage products:

ETG – Especial tradicional Garante;
DO – Denomination of origin in Portugal only;
DOP – Protected Denomination of origin in EU;
IG – Geografical Indication in Portugal only;

IGP – Protected Geographical Indication in Europe.

The List of registered and protected products of Portugal is composed of 6 categories (Calado and Soeiro, 2022):

| category | A Agric | B Beverage | C processed foods | D Other Beverages | E Artisan works | F Traditional Dishes |
|----------------|------------|---------------|-------------------------|-------------------------|-----------------------|----------------------------|
| Nr of products | 143 | 19 | 1207 | 15 | 140 | 29 |

5. Choosing the company: Galp Energia

5.1 Galp Energia: A Brief Overview

Galp Energia is the leading Portuguese multinational energy company established in 1999 and headquarters in Lisbon. It is a spin-off joint venture of two state companies Petrogal and Gas de Portugal, and as the names indicate, Oil and Gas. However, today amongst its pillars it dedicates itself to renewable energy sources.

Business Focus (galp.com, n.d.):

Predominantly oil and gas, Galp controls nearly half of the country's fuel commerce and all its refining capacity. Their expertise includes:

- Exploration and production of oil and natural gas.
- Investment into foreign territories across four continents.
- Refining and marketing of petroleum products.
- Renewable energy and Sustainable initiatives like Hydrogen production
- Investing in solar energy solutions through Galp Solar branch.

5.2 Role of IP for Galp

For efficient exploration and extraction, inventions in exploration and production in the industry relies heavily on technological advancements. From the development of unique data analysis methods, drilling techniques, and subsea equipment designs, it is important to patent these tools that are crucial to protect the inventions and investors, preventing competitors from unauthorised copying.

Software and digital tools in today's sophisticated energy industry is used widely, for example on reservoir modelling, risk management, and logistics optimization.

Brand protection through trademarks registration is important for Galp to protect their brand names of multiple products and logos and Prevents Mississauga of similar names or logos that could create confusion for consumers.

Considering that Galp is focusing on renewable energy like solar power, they might find a different IP landscape with an appetite for patents related to solar cell technology and energy storage solutions.

5.3 SWOT of GALP in IP terms

Strengths:

Existing IP portfolio with concentration in trademark registration. As the leading energy company in Portugal with strong brand reputation it needs safeguard.

Weaknesses:

No visibility into specific inventions, although it is known that they are participating in multiple renown and innovative projects especially in renewable energies.

There is lack of IP strategy in the company itself beyond Trademark as it has not established an IP strategy for its solar energy branch (Galp Solar).

Opportunities:

Solar energy and hydrogen project development may require patent registration for innovations.

Threats:

Renewable energy companies might possess strong patent portfolios that Galp needs to request authorisations to copy or use, resulting in financial investment.

Shifting regulations in the sector to disincentivize fossil fuels could negatively impact Galp business reliance on oil and gas.

5.4 Does Galp has any registered trademarks?

By conducting a Search on WIPO database, we have found that GALP has 293 filings with 208 successful registrations, although all are trademark related. Filing has been done in all continents, as to them it is important to protect their brand value.

From further research, we see that the company has multiple brands of motor oils, that it is key that each of them has a trademark registration, to avoid counterfeit that is damaging to their reputation.

In 2023, they filled 4 different trademark registration, in Europe 3 and 1 in Uruguay to cover the South America Region.

6. Conclusion, comparison according to SWOT analyses.

Azerbaijan vs Portugal:

- Portugal has a stronger foundation in Intellectual Property laws and enforcement due to it being a EU country.

- IP awareness and innovation capacity are more weak in Azerbaijan in comparison to Portugal.
- Portugal has more refined opportunities in cultural and IP commercialization and expansion within the EU.
- Azerbaijan faces more threats from geopolitical instability and weaker IP protection discouraging investment.

SOCAR vs Galp Energia:

- Both of the companies prioritize trademarks, SOCAR's research and development focus may point to greater patent strength.
- SOCAR has less transparency regarding their IP assets in comparison to Galp.
- Galp has a clearer path to expand IP in renewable energies, where SOCAR may need to catch up with them.
- SOCAR may face more obstacles in international markets with less established and enforced IP systems.

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