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ІМЕНІ ЮРІЯ КОНДРАТЮКА**

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INTELLECTUAL PROPERTY OBJECTS PROTECTION IN PORTUGAL

The protection of intellectual property in Portugal can be traced back to early times, when the first regulatory measures regarding printing and literary activity began to emerge across Europe. Initially, these measures were primarily administrative – for instance, the granting of printing privileges by royal authorities. However, they laid the foundation for the later development and formalization of systems aimed at protecting creative works.

The early steps toward protecting intellectual property in Portugal eventually led to stronger laws and international cooperation. Today, Portugal plays an active role in global efforts to protect intellectual property (IP), which supports its position as a reliable member of the international legal community. Portugal recognizes different types of IP, such as geographical indications, plant variety rights, and database rights, showing its broad commitment to protecting innovation and culture. Also IP rights in Portugal include a wide range of legal protections designed to safeguard the ideas and creations of individuals and organizations. These rights play an important role in encouraging innovation, supporting creativity, and boosting economic growth.

The main legal source for protecting IP in Portugal is the Industrial Property Code (*Código da Propriedade Industrial*) [2]. It defines the rules for protecting copyrights, patents and trademarks, and acts as a foundation for IP law in the country. Enforcing IP rights in Portugal involves different legal paths, such as civil lawsuits, administrative procedures, and criminal cases. The Portuguese Institute of Industrial Property (INPI) plays a key role in registering and managing IP rights. In addition, Portugal has specialized courts that handle disputes related to intellectual property.

Portugal protects the most common and economically significant types of intellectual property including the following:

1. Copyright in Portugal is governed by the *Lei do Direito de Autor* [1], which is part of the broader IP legal system. This law outlines the rights of authors and creators, the duration of protection, and exceptions to these rights. In general, authors have exclusive rights over their works for their lifetime plus 70 years after their death. During this period, they or their legal heirs can control reproduction, distribution, and public display, unless they transfer these rights through a license or agreement.

2. Trademarks protect names, logos, symbols, or any distinctive sign that identifies the goods or services of a company. They are valuable for building brand identity and customer loyalty. In Portugal, trademarks are regulated by the *Código da Propriedade Industrial*. To register a trademark, applicants must file with INPI, specifying the goods or services they want protection for. Once approved, trademark protection lasts for 10 years, with unlimited renewals.

3. Patents protect new inventions and grant exclusive rights to their creators for a period of 20 years from the application date. During this time, no one else can make, use, sell, or license the invention without the patent holder's permission. To obtain a patent in Portugal, inventors must file an application with INPI. It is examined for novelty, innovation, and industrial applicability. If approved, the invention gains full legal protection within Portugal.

4. Design rights cover the visual appearance of products – such as shape, color, surface, or patterns. These rights help businesses prevent imitation of unique product designs. To get protection, creators must register their design with INPI, providing illustrations and a brief description of its originality. Unlike patents, design rights focus only on aesthetics and don't require technical innovation.

Portugal offers a reliable and modern IP protection system that balances national rules with international cooperation. While industrial property such as patents, trademarks, and designs receives the most structured and enforceable protection due to formal registration processes, all types of creators benefit from Portugal's broad legal commitment to innovation and creativity.

References:

1. *Intellectual Law: web-site*. URL: <https://lta-portugal.pt/en/service/intellectual-law> (reference day: 14.05.2025)

2. *Protecting Intellectual Property in Portugal. International Trade Administration: web-site*. URL: <https://www.trade.gov/country-commercial-guides/portugal-protecting-intellectual-property> (reference day: 14.05.2025)