**Portuguese Industrial Property Code**

Article 281

1 - The logo may consist of a sign or set of signs capable of being represented graphically, namely by word elements, figurative elements or a combination of both, or by a sign or set of signs that can be represented in such a way as to clearly and precisely determine the object of the protection granted to its owner.

2 - The logo must be suitable for distinguishing an entity that provides services or markets products, and may be used, in particular, in establishments, advertisements, printed matter or correspondence.

Article 288

1 - In addition to the provisions of Article 23, the registration of a logo shall be refused when:

a) It is made up of signs that cannot be represented graphically or in a way that makes it possible to clearly and precisely determine the object of the protection granted to its owner;

b) It consists of signs devoid of any distinctive character;

c) Consists exclusively of signs or indications referred to in Article 209(1)(b) to (d);

d) Contradicts the provisions of articles 281 to 283.

2 - The registration of a logo consisting exclusively of signs or indications referred to in Article 209(1)(a), (c) and (d) shall not be refused if, prior to the date of the application for registration and as a result of the use made of it, it has acquired a distinctive character.

3 - A logo containing all or some of its elements shall not be registered:

a) Symbols, coats of arms, emblems or distinctions of the State, municipalities or other public or private entities, national or foreign, the emblem and denomination of the Red Cross, or other similar bodies, as well as any signs covered by article 6-ter of the Paris Union Convention for the Protection of Industrial Property, unless authorized;

b) Signs with a high symbolic value, namely religious symbols, unless authorized, when applicable, and except when they are customary in everyday language or in the loyal habits of the trade of the products marketed or services provided by the entity for which the logo is intended and are accompanied by elements that give it a distinctive character;

c) Expressions or figures that are contrary to the law, morality, public order and good customs;

d) Signs that are likely to mislead the public, particularly about the activity carried out by the entity that is to be distinguished;

e) Signs or indications that contain, in all or some of their elements, designations of origin and geographical indications that are protected by national law, European Union legislation or international agreements to which the European Union is a party;

f) Signs or indications containing, in all or some of their elements, traditional terms for wine that are protected by European Union legislation or by international agreements to which the European Union is a party;

g) Signs or indications containing, in all or some of their elements, traditional specialties guaranteed which are protected by European Union legislation or by international agreements to which the European Union is a party;

h) Signs or indications containing, in all or some of their elements, plant variety names which are protected by European Union legislation or by international agreements to which the European Union is a party.

4 - Registration of a logo consisting exclusively of the National Flag of the Portuguese Republic or some of its elements is also refused.

5 - A logo containing, among other elements, the National Flag shall also be refused registration if it is likely to:

a) Misleading the public about the geographical origin of the products marketed or the services provided by the entity to which it is intended;

b) Mislead the consumer into believing that the products or services come from an official entity;

c) Bringing the National Flag or any of its elements into disrepute or disrepute.

6 - When invoked by an interested party, the recognition that the application for registration was made in bad faith shall also constitute grounds for refusal.

Article 289

1 - The following are also grounds for refusing registration

a) The reproduction of a logo previously registered by another party to distinguish an entity whose activity is identical to that carried out by the entity to be distinguished;

b) The reproduction of a logo previously registered by another party to distinguish an entity whose activity is similar to that carried out by the entity to be distinguished or the imitation, in whole or in part, of a logo previously registered by another party to distinguish an entity whose activity is identical or similar to that carried out by the entity to be distinguished, if it is likely to mislead or confuse the consumer;

c) The reproduction of a trademark previously registered by another party for products or services identical to those covered by the activity carried out by the entity to be distinguished;

d) The reproduction of a trademark previously registered by another party for products or services related to those covered by the activity carried out by the entity that is intended to be distinguished or the imitation, in whole or in part, of a trademark previously registered by another party for products or services identical or related to those covered by the activity carried out by the entity that is intended to be distinguished, if it is likely to mislead or confuse the consumer or if it creates a risk of association with the registered trademark;

e) The reproduction or imitation, in whole or in part, of a designation of origin or geographical indication that merits protection under the terms of this Code, European Union legislation or international agreements to which the European Union is a party, and whose application was submitted before the date of submission of the application for registration of the logo, subject to its subsequent registration;

f) Infringement of other industrial property rights;

g) The use of names, portraits or any expressions or figurations, without the authorization of the persons to whom they refer and, if they are deceased, of their heirs or relatives up to the 4th degree, or, even if obtained, if it results in the disrespect or disparagement of those persons;

h) Acknowledgement that the applicant intends to engage in unfair competition or that such competition is possible regardless of the applicant's intention;

i) The use of names, designations, figures or drawings that are a reproduction or imitation of a logo already registered by someone else, although it is permitted for two or more people with the same patronymic names to include them in their respective logos, as long as they are perfectly distinguishable.

2 - The grounds for refusal set out in articles 233 to 235 shall also apply to logo registrations, with the necessary adaptations.

3 - When invoked by an interested party, the following shall also constitute grounds for refusal

a) The reproduction or imitation of a trade name or company name, or only of a characteristic part thereof, which does not belong to the applicant, or which the applicant is not authorized to use, if it is likely to mislead or confuse the consumer;

b) Copyright infringement.

4 - For the purposes of points c) and d) of paragraph 1, a previously registered trademark means any national, European Union or international trademark registration which has effect in Portugal.

5 - The provisions of points a) to d) of paragraph 1 shall cover applications for the registrations mentioned therein, subject to their subsequent registration.

Article 293

1 - The registration of a logo gives its owner the right to prevent third parties from using, without his consent, any identical or confusing sign that is intended to individualize an identical or related activity and may cause a risk of confusion or association in the mind of the consumer.

2 - The provisions of article 249 shall apply to logos, with the necessary adaptations.