



## Interview



J.H.

## Jonathan Hinkson

Director of the Legal Department and Attorney at Augé Holding Group

«Here in Andorra we are observing the development of revolutionary technologies»

IRINA  
**Rybalchenko**  
@PeriodicAND



In addition to the previous publication on the benefits of registering industrial property rights in Andorra, Jonathan Hinkson, Director of the Legal Department and Attorney at Augé

Holding Group, spoke to us about Andorra's integration into the international intellectual property protection system, as well as the prospects for the development of the technology cluster and the implications of Andorra's economy digitalisation.

**–What is the liability under Andorran law for infringement of intellectual property rights?**

–It is one thing to register a trade mark, patent or be the owner of a

copyright, but it is quite another to protect our rights against third parties.

Civil liability for infringement of intellectual and industrial property rights in Andorra depends on several factors. Leaving aside the non-judicial stage, the defence of intellectual and industrial property rights is done through legal action brought before the Batllia. The assessment criteria established by the law for calculating damages are the losses suffered by the owner of

the infringed right and his or her loss of profit.

The sentence handed down by the court includes the procedural costs to be borne by the offender.

**–Has Andorra signed any international agreements in the field of intellectual and industrial property?**

–The Paris Union Convention of 1883 was one of the fundamental caucuses for the protection of industrial property. According to the document, applying to this

convention, when a trade mark or patent is requested, the Andorran Trademark and Patent Office has the right of priority. This right is part of the company's global strategy. When a company applies for the registration of a trade mark, a six-month period opens up to extend the geographical scope of the said trade mark.

In the area of patents, the period is twelve months. This international agreement positions Andorra on the international scene, giving

Your leading real estate agency in Andorra.

Our experience guarantees results, realtors since 1988.



(+376) 353 424 / (+376) 379 769

(+376) 747 747

laportella@andorra.ad

Casa Nova Olivet 10 · Ordino

www.laportella.ad

it undisputed legitimacy, very important on a political level, as well as for businessmen and industry professionals.

There is another convention signed and ratified by Andorra (1886): the Convention for the Protection of Artistic and Literary Works. The above-mentioned agreement harmonises copyright rules.

**-What about copyright protection in Andorra?**

Copyright law protects works by the very fact of their creation. Unlike industrial property rights, copyright does not require registration with the Intellectual Property Office.

However, in the US, there is a copyright office that allows copyright owners to provide proof of the creation of their work and the date of creation.

I see a great predisposition of the country to identify new talent in the field of art. It would be good for new artists to be based in the Principality of Andorra, as they will be great ambassadors allowing them to create and develop projects at an international level from Andorra.

On the other hand, we implement surveillance services to detect infringements and protect



«I see a great predisposition of the country to identify new talent in the field of art»

our clients' copyrights. The Auge Holding Group's objectives are to optimise professional services in favour of clients; in particular, in the field of «anti-counterfeiting.»

**-Has the country's commitment to digital transformation helped generate value-added projects?**

Indeed, there has been a commitment to digitization by the Government. There are country models, such as Estonia, which have been able to be developed at an administrative and judicial level in the digital field. The digitization of these processes provides a certain added value that helps to save time and simplify procedures.

In Andorra, we have collaborations with the United States' MIT. Our country has characteristics that make it an agile «living lab» that allows the creation of differential projects, particularly in the field of «smart mobility.» I think that intelligent, sustainable mobility is a good illustration of what digitization and innovation in this sector allow. These initiatives form an effective technological cluster while capturing new initiatives and investments in technological projects. We are observing the development of revolutionary



«Here innovation can develop with the help of technology and the necessary expertise [...]»

technologies, such as blockchain or artificial intelligence.

One of the challenges of our small country is to present itself to the world as a showcase. Here innovation can develop with the help of technology and the necessary expertise, of a perfect telecommunication and energy infrastructure, of a rational use of resources and, in addition, with the support of the government in the digitalisation and diversification of the economy. It is a favourable ecosystem to promote innovative projects.

But our government cannot do it alone. The coexistence of the public and private sectors is fundamental. What the government can do is to create organisations with real interlocutors, such as Andorra Recerca i Innovació or Andorra Business, to «capture» innovative projects and further develop the ecosystem that has already developed in the country. I have a feeling that the government is providing cross-cutting support in this area.

The precise intention of Auge Holding Group is to be the interlocutor of the private sector and to promote quality projects in a practical and concrete way. ≡



*A unique and welcoming place to buy and/or eat fresh products.*

**Ciabatta bread sandwiches, hamburgers, crêpes...**

**OPENING HOURS:**

**Monday to Saturday:  
from 7:30h to 20:00h**

**Sundays:  
from 7:30h to 14:00h**

Carrer de la Vall, 2, AD500 Andorra la Vella Tel. +376 829 470  
Av. Casamanya, edifici Casa Font AD100 Ordino Tel. +376 847 064