

The “Ce” Declaration of Conformity: when enterprises decide to translate official documents themselves

Common translation differences found in EN-ES documents

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Abstract

There are several European documents concerning small and medium enterprises (SMSs) which do not have an official template of a “Ce” Declaration of Conformity document, due to the fact that every time that any of them is drafting a new one, the structure or content is never equal. The enterprise’s work is to arrange all the qualifications and characteristics of the item described following the intended instructions as detailed in EU legislation. This is the reason why the macrostructure of those documents is very similar, but no totally equal. As these documents adopt a similar format style, we can often find the translation in several languages in the same document. The fact is that translation plays a really important game here, since these documents are translated into several languages at a time, but the quality of translation changes from one language to another and from one document (made by one enterprise) to the other (made by another enterprise). We analyze the different mistakes found in the translation of “Ce” Declaration of Conformity documents in the language pair English/Spanish and try to describe to our best knowledge what these documents are for following the descriptive assessments from official EU legislations.

Key Words

Bussiness translation, legal translation, “Ce” Declaration of Conformity, EU, European legislation



Introduction

The importance that Intellectual Property and CE marking directives play with regards to “Ce” Declaration of Conformity documents is really big, since both these two items need to be considered when making a document of this type. Due to the fact that such documents follow the specifications highlighted by EU regulations, the major part of enterprises, given the globalisation that surrounds us these days too, decide to translate the same into several languages. Although it is not necessary to do that, since we have also found lots of documents written in just one language (only in the case of English), the tendency is to draft a document into a minimum of two languages (as specifications require), of which English will be inevitably one (we can perfectly assume English as the language of business¹, or as some experts may call it, *lingua franca* in the communication of business –amongst many other domains–).

It is important to mention that from a corpus made of nearly 48 documents analyzed for the aims of this study, only 14 were written into just one language. The rest were all bilingual –or multilingual–, including always English, as we can resume in the table below:

Number of documents	Language/s involved	Frequency
14	Only English	29,16 %
48	English	100 %
34	Spanish	70,83 %
34	French	70,83 %
25	German	52,08 %

¹ English as the language of business: “Ready or not, English is now the global language of business. More and more multinational companies are mandating English as the common corporate language—Airbus, Daimler-Chrysler, Fast Retailing, Nokia, Renault, Samsung, SAP, Technicolor, and Microsoft in Beijing, to name a few—in an attempt to facilitate communication and performance across geographically diverse functions and business endeavours.” Source: Neely, Tsedal (2012). [Online: <https://hbr.org/2012/05/global-business-speaks-english>].

The “Ce” Declaration of Conformity: when enterprises decide to translate official documents themselves

23	Italian	47,91 %
12	Portuguese	25%
5	Czech	10,41 %

Objectives

In this study, we attempt to describe the state of the question referring to Intellectual Property, firstly, and to CE marking directives, on the other hand, in order to understand to full process in the making of a “Ce” Declaration of Conformity document. Then we will show the different translations found in several documents of this kind and we will analyze the most important translation differences found on them as well. To get to arrange this study, we have created a corpus of “Ce” Declaration of Conformity documents with a total of 48 documents. We will draft our provisional conclusions regarding the results obtained during the analysis of this paper.

What is understood by the term “Ce Declaration of Conformity”?

A “Ce” Declaration of Conformity is a document in which the inventor or legal representative declares his/her conformity to the invention/product to have followed all the regulations specified in EU Directives.

The Declaration of Conformity is thus a legal document which accompanies all CE products which are sold in the European Union (hereinafter, EU). One important consideration is that all these products must be CE marked, a procedure that we will come into afterwards. We cannot think of any new product which has not been supplied without any Declaration of Conformity to the end user. To sum up, this document clearly states that your new product or invention meets all legal requirements to be sold or supplied. It is a summary of the technical characteristics which define it.

A “Ce” Declaration of Conformity must have been written in the same language that the user’s manual and must be translated into any language spoken in the end user’s country. This is the reason why the only language that appeared in our chart above without any translation included was English:

English is globally spoken, so one way to get assured about the comprehension of a document of this kind is by translating it into English. We can of course translate this document into any other language spoken in the end user's country, as we have mentioned before.

If any enterprise is to make any changes into the characteristics of manoeuvring of the new item or invention, this new considerations must be conveniently included into the Declaration of Conformity, even if those changes are done years after the invention was first made.

The information that this document must include is the following: name of the inventor or enterprise creating/taking responsibility for the new invention or product, as well as the address of contact; applicable safety directives the product complies with; description of the characteristics of the new product or invention; and signature of the manufacturer or inventor (or enterprise/organisation) launching the new product.

We would like to include this brief summary drawn by the CE marking specialist webpage Conformance® to illustrate what we have already mentioned:

The Declaration of Conformity is a special document, which the manufacturer signs to say that the product meets all of the requirements of the applicable directives. It must be issued by the manufacturer, or by the person placing the product on the EU market if the manufacturer is not based in Europe.

Basically, it's a piece of paper, which someone has to sign to say that the product meets the requirements of the directive(s) which apply to it. The idea is that making someone put their signature on a piece of paper concentrates their mind on whether or not the product really does comply. It also allows an enforcement authority to identify who is responsible for a product and what that person claims to have done to CE mark it.

A properly issued Declaration of Conformity is always issued by the product's manufacturer (or representative), importer or distributor; never by a test house or Notified Body.

The “Ce” Declaration of Conformity: when enterprises decide to translate official documents themselves

The Intellectual Property. A documentation process that the translator cannot forget about

The process of documentation is really important in every single translation project that the translator wants to get responsibility for. One of the most important considerations surrounding a “Ce” Declaration of Conformity document is that the enterprise shall always have followed two different procedures for this document to be extensively completed: the first one, the process of CE marking, and the second one, all Intellectual Property (IP) requirements. We are going to start now by emphasising the most important characteristics that the translator should consider when translating one document of this type, since understanding the whole process can be hard (and even more when translating) if he/she hardly knows much about Intellectual Property, new inventions and legal requirements in this context in large.

Intellectual Property protects the new products which are to be placed on market, in any modality they can be drafted or designed.

Merriam-Webster defines *Intellectual Property* in the following terms:

1. Property (such as an idea, invention, or process) that derives from the work of the mind or intellect
2. *Also:* An application, right or registration relating to this.

Cambridge Dictionary combines some more information about the concept:

1. *Abbreviation:* IP. Someone’s idea, invention, creation, etc., that can be protected by law from being copied by someone else.

Finally, we would like to draft the definition presented by the online Business Dictionary:

1. Knowledge, creative ideas, or expressions of human mind that have commercial value and are protectable under copyright, patent, servicemark, trademark, or trade secret laws from imitation, infringement, and dilution. Intellectual property includes brand names, discoveries, formulas, inventions, knowledge, registered designs, software, and works of artistic, literary, or musical nature. It is one of the most readily tradable properties in the digital marketplace.

From the information hereinabove defined, we can deduce that IP works hard in order to assure that any invention or product is conveniently protected before being marketed. When a manufacturer is to apply for a patent or to register a brand, design or product, he must apply into any of the IP Offices in order to check if the new invention is brand new or if it belongs to any other person or entity. In order to do that, it is necessary to verify a lot of information contained in different offices, maybe in several countries at a time. Thanks to some international treaties, it is no further essential to check all the information contained in all of the offices of the countries where this product is to be protected. The new procedure is easier and faster, too.

We count with several offices throughout the world: the European Patent Office (EPO), the World Intellectual Property Organisation (WIPO) and the European Union Intellectual Property Office (EUIPO). In Spain, we depend on the Spanish Patent and Trademark Office (*Oficina Española de Patentes y Marcas, OEMP*).

In each one of these organisations' webpages, the translator will find a lot of information relating to any topic he/she must get into in order to search for information that may come in useful during his/her documentation process. When translating a document of this type, these minimal considerations and pieces of knowledge are really well received, since we must understand the typology, the conventions and undoubtedly the terminology employed in each case. And sometimes, many of the answers we may be looking for can be very well highlighted in some of the webpages aforementioned, especially when it comes to requirements, legal procedures, instructions, terminology employed to describe a concrete aspect in the documentation to get fulfilled by the enterprise, legal specifications, etc. In some webpages, such as EUR-LEX, for instance, we may find the official translation in all European languages of the terminology mostly employed in this category of documents. It is also convenient to get informed about the latest requirement changes or possible modifications which may be included in any of the clauses of the document (especially if it concerns terminology or lexical fields).

The “Ce” Declaration of Conformity: when enterprises decide to translate official documents themselves

The CE marking in products

In order to obtain the CE marking in our newest product or invention, six different steps are to be followed. Before being sold, many products require a CE marking, especially when they are to be sold in the EEA (the European Union, Iceland, Lichtenstein and Norway).

CE marking assures the assessment in your product and guarantees that it fulfils all EU safety requirements. It is the only mark which guarantees the conformity of the product with regards to the requirements of the appropriate EU Directive. The CE mark is drafted like this:

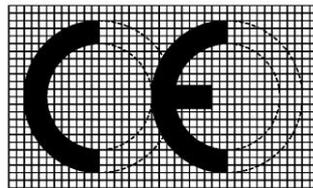


Figure 1. CE mark.

Downloadable from online source: https://ec.europa.eu/growth/single-market/ce-marking_es.

Accessed on: 2018-08-29

The steps that manufacturers should consider are the following:

1. Identify the EU requirements and applicable directives for the product.
2. Check and verify whether the product or invention meets the requirements specified.
3. Verify if the invention or product should be tested by a Notified Body (special conformity assessment bodies).
4. Test of the product or invention and assessment of the product's conformity.
5. Compile the technical documentation dossier.
6. Proceed to make the Declaration of Conformity and affix the CE Mark.

This figure, extracted from Ce Marking Association®, can very well illustrate the steps to be followed during this process:

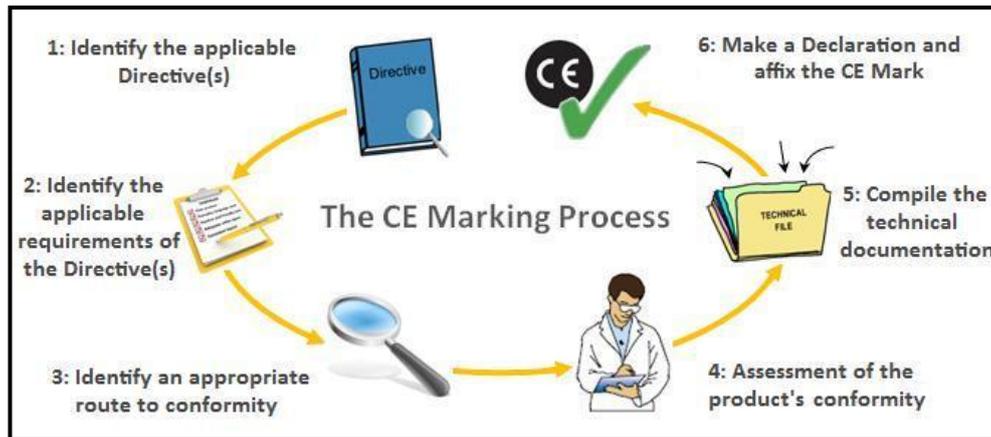


Figure II. The CE marking process. Source: <https://www.cemarkingassociation.co.uk/process/>. [Online. Accessed on 2018-09-02].

A model of “Ce” Declaration of Conformity document

As we have already mentioned, the “Ce” Declaration of Conformity is a document in which a detailed list of technical characteristics about the product is notated. We are going to show a template of such document, in order to identify the different parts in which it is divided.

EU “CE” DECLARATION OF CONFORMITY	
We, the manufacturers,	①

(name and address of the manufacturer/company, telephone, email address)	②
This declaration of conformity is issued under the sole responsibility of the manufacturer.	
Product: _____	③
Type: _____	④
Batch: _____	

The “Ce” Declaration of Conformity: when enterprises decide to translate official documents themselves

Serial number: _____

Object of the declaration (identification of the product allowing traceability; it may include clarity where necessary for the identification of the product and include a photograph where appropriate).

The object of the declaration described above is in conformity with the relevant Community harmonisation legislation:

References to the relevant standards used (or references to the specifications in relation to which conformity is declared):

Where applicable, the notified body (name, number) performed (description of intervention) and issued certificate (certificate number).

Digit notified body number: _____

Additional information: _____

Signed for and on behalf of (responsible person): _____

Place/Date of issue: _____

Name, function, signature: _____

Note: Always refer to the applicable Product Legislation for the specific requirements for the Declaration.

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Figure III. A template in English of a “Ce” Declaration of Conformity document.

As we have proved from the template above, there are at least ten different parts in which a document like this can be divided into:

1. Identification of the manufacturers.
2. Name and address of the manufacturer (and his authorised representative, if applicable).
3. Identification of the product.
4. Statement: *This declaration of conformity is issued under the sole responsibility of the manufacturer.*
5. Object of the declaration (*identification of the product allowing traceability with the possibility of including a photograph if it is required*).
6. Statement: *The object of the declaration described above is in conformity with Directive _____.*
7. References to the relevant performance requirements and test standards in relation to which conformity is declared.
8. Statement: *The notified body (...) performed a (...) conformity assessment procedure and issued the certificate (...).*
9. Additional information.
10. Signature (signed for and on behalf of), place and date of issue.

If the product is to be sold in a country (or countries) where a language different from that of the manufacturer's country is spoken, a translation must be included. As we have observed from corpus, the pattern is to differentiate one language from the other by using a slash (/). We have not found any case in which a new document has been elaborated for each of the translations.

We are going to propose now a template of what a "Ce" Declaration of Conformity translation may consist of, basing our translation in several parallel and comparable texts from corpus. In this case, we have chosen a Spanish demonstration, as if the product to be placed on market where to be sold both in the UK and Ireland (for instance) and Spain.

The “Ce” Declaration of Conformity: when enterprises decide to translate official documents themselves

**EU “CE” DECLARATION OF CONFORMITY
DECLARACIÓN “CE” DE CONFORMIDAD UE**

We, the manufacturers, / El fabricante,

(name and address of the manufacturer/company, telephone, email address / nombre y dirección del fabricante/empresa, teléfono, dirección de correo electrónico)

This declaration of conformity is issued under the sole responsibility of the manufacturer. /

Declara bajo su responsabilidad el producto detallado.

Product / Producto: _____

Type / Modelo: _____

Batch / Lote: _____

Serial number / Número de serie: _____

Object of the declaration (identification of the product allowing traceability; it may include clarity where necessary for the identification of the product and include a photograph where appropriate). / Objeto de la declaración: identificación clara del producto para proceder a su trazabilidad. Se adjuntará una foto del mismo en aquellos casos en los que sea necesario.



The object of the declaration described above is in conformity with the relevant Community harmonisation legislation: / El objeto de la declaración precedente está en conformidad con las disposiciones de las Directivas europeas siguientes:

References to the relevant standards used (or references to the specifications in relation to which conformity is declared): / Referencias de las normas armonizadas aplicadas (o

referencias de las especificaciones de conformidad pertinentes): _____ _____
Where applicable, the notified body (name, number) performed (description of intervention) and issued certificate (certificate number). / Si procede, el Organismo Notificado (nombre, número) ha emitido el Certificado de examen CE de tipo número (descripción) y ha expedido el certificado de examen CE con el número (número del certificado). _____ _____
Digit notified body number / N.º de identificación del Organismo Notificado: _____
Additional information / Información complementaria: _____
Signed for and on behalf of (responsible person) / Firma: _____
Place/Date of issue: _____ / Firmado en _____, a _____
Name, function, signature / Nombre, cargo y firma: _____

Figure IV. A template in English and Spanish of a "Ce" Declaration of Conformity document.

In order to translate into Spanish the above document, we have used a corpus of 34 different documents translated into Spanish, so that it is been convenient for us to make use of parallel and comparable corpora so that to identify each section with the corresponding (and usual) translation in Spanish.

From the information of such corpora we can perfectly identify that a word-by-word translation is not always issued. There are some structures whose translation is made equal (or calqued), but in the major part of the cases, the TT (translated text) and the ST (source text) does not coincide. A couple of differences have been identified, though:

The “Ce” Declaration of Conformity: when enterprises decide to translate official documents themselves

Title	<p><i>EU “CE” DECLARATION OF CONFORMITY DECLARACIÓN “CE” DE CONFORMIDAD UE</i></p> <p>Location of “UE/EU”: beginning/end of sentence.</p>
Statements	<p><i>We, the manufacturers / El fabricante</i></p> <p>Whereas a “we” (first-person plural) subject is employed in English, a noun phrase is used in Spanish.</p> <hr/> <p><i>This Declaration of Conformity is issued under the sole responsibility of the manufacturer. / Declara bajo su responsabilidad el producto detallado.</i></p> <p>A passive voice structure, with “This declaration” as subject, is employed in English. In the Spanish version, the verb “declarar”, “to declare” in English, is employed instead of the noun phrase “declaración”, which would have been the word-by-word translation. Under the assumption of the verb “declarar”, the Spanish version understands that it is referring to the Declaration of Conformity.</p> <hr/> <p><i>[...] the relevant Community harmonisation legislation / [...] las disposiciones de las Directivas europeas</i></p> <p>The noun “Community” has not been translated by “Comunidad” or “Comunidad Europea”, but by “europeas”, referring to the “legislation”, “Directivas” in Spanish: “Directivas europeas”.</p>
Functional translations	<p><i>Where applicable / Si procede</i></p> <p>A word-by-word translation would suggest nothing to the Spanish version. Thus, a functional translation should be employed so that the recipient of the TT can understand the context and meaning of that phrase.</p>

Verb tenses	<p><i>Performed [...] and issued [...] / ha emitido [...] ha expedido [...]</i></p> <p>A past simple form of the verbs “to perform” and “to issue” has been employed in English. In Spanish, this kind of typology may prefer present-perfect tenses to past simple ones: “ha emitido” (ES) > “has performed” (EN); “ha expedido” (ES) > “has issued” (EN).</p>
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Translations mistakes, differences and techniques found in real documents

We have found several translation differences concerning documents of EU “Ce” Declarations of Conformity. Although a template example in EU webpages has been forwarded into European languages, as we mentioned before this kind of document does not have to be completed upon an official template. Each enterprise, depending of the specifications and requirements which must identify upon the product must compile its own model. It is possible to include the logo or trademark of the enterprise, especially when the enterprise is to attach several documents concerning its product to several official documents.

In this chart we have highlighted the most noticeable translation differences from English to Spanish (or viceversa) relating to Declarations of Conformity. The mistakes across which we have come have to do with grammar, spelling, translation, linguistics or punctuation. As the corpus has been compiled using different templates and official documents from private enterprises, the details of contact of such enterprises will not be provided in order to assure their privacy of data.

Word-by-word translation and calques	<p><i>DECLARA QUE EL DISEÑO Y FABRICACIÓN DE LA MÁQUINA (ES) / declares that the design and construction of the machine (EN)</i></p> <hr/> <p><i>Por la que se modifica la Directiva de Máquinas en lo que respecta a la máquina para la aplicación de plaguicidas (ES) / Amending Machinery Directive with regard to machinery for pesticide application (EN)</i></p>
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The “Ce” Declaration of Conformity: when enterprises decide to translate official documents themselves

	<p>The use of capital and small letters in this example does not coincide either.</p> <p><i>We, the manufacturers (EN) / Nosotros, los fabricantes (ES)</i></p> <p><i>We declare under our sole responsibility for the equipment (EN) / Declaramos bajo nuestra sola responsabilidad para el equipo (ES)</i></p>
Use of capital letters and small letters	<p><i>ES CONFORME A LAS DISPOSICIONES DE LA DIRECTIVA DE MÁQUINAS (ES) / complies with the regulations of the MACHINERY DIRECTIVE (EN)</i></p> <p><i>Is in conformity with the provisions of the following Directives (EN)/ Es conforme a las disposiciones de las Directivas (ES).</i></p> <p>The word “following” is not present in the Spanish version either.</p>
Elision of elements	<p><i>DECLARA QUE EL DISEÑO Y FABRICACIÓN DE LA MÁQUINA (ES) / declares that the design and construction of the machine (EN)</i></p> <p><i>RoHS Restriction of certain Hazardous Substances in electric and electronic equipment (EN)/ Directiva RoHS (ES).</i></p> <p>In English, the complete name of the “RoHS” Directive has been developed, so that any reader can understand the meaning of the acronym “RoHS”.</p>
Linguistic amplification	<i>Ecodesign (EN) / Diseño ecológico (ES)</i>
Naturalisation	<i>Certified on the (EN) / Certificado el día (ES)</i>

False sense	<i>That the equipment is in conformity with the following relevant Union harmonisation legislation (EN) / Que el equipo está en conformidad con la siguiente armonización legal relevante de la Unión (ES)</i>
	It is not a “legal armonisation” that the text is talking about (“armonización legal”, as Spanish version suggests), but “relevant Union harmonisation legislation”.
	<i>Certificate number (EN); certificado y número (ES).</i>
	It is not the same concept: whereas “certificate number” refers to “certificado número ..” or “número de certificado” in Spanish, the Spanish version offers two possibilities here, as if the original version said “certification” on the one hand and “number” on the other hand.

Results

It is important to emphasize that the major part of the mistakes and translation differences hereinabove mentioned are probably due to the excessive use of professional translator’s substitute tools which, employed beyond the goals for which they were created, provide us with results with no high standards of quality parameters, at least as expected –and which with no doubt would a professional of our sector provide with.

On the other hand, the techniques employed, such as naturalisation or linguistic amplification, are, in our opinion, very well justified, offering quality results in the target text. Notwithstanding, calques –both syntactic or terminological–, literal translations –without justification– and false senses show a great deal of both source and target language knowledge lack, since if the writer of the text had some knowledge of them, many of the undue

The “*Ce*” *Declaration of Conformity*: when enterprises decide to translate official documents themselves

translation mistakes found in the sentences of “*Ce*” *Declarations of Conformity* may have been elided.

Provisional conclusions

Even though this document is a non uniformed template made by any EU organisation, it is important that enterprises do revise the results and consult documentation strategies so that they can offer much better quality results. Only a well documented translator will be able to employ the best expressions depending on the context, and only this will guarantee the complete confection of a document of this kind, with such big importance for global enterprises, consumption and consumers. We highly emphasize the importance that translation plays in this regard, since this type of document shows to consumers the minimal requirements of products before being placed on marketplaces, so it is due that all the information contents are very well understood.

In conclusion, when writing official documents which are very recurrent by enterprises of a concrete sector, we should not have to rely on a translation made intuitively or throughout IT or computer-based programmes which do not proofread the extent of the work done. When we deal with a document like this, a “*Ce*” *Declaration of Conformity*, so recurrent amongst enterprises, it is important to count with a template (modifiable for each one of the languages for which the product is intended to be placed on market) of intended quality, duly justified and proofread by translators, since being done otherwise will end up by a notion of non-quality, something which does not convene to enterprises with a distinction place in business rankings.

An extensive process of document is thus expected from the translator. We highly demand to enterprises to consider these points of view, since using CAT tools online without the supervision of a professional of language will end up in calques and word-by-word translations that will suggest nothing to the end recipient (and the goal of translating this document is not to proceed with the regulations and legislations –being translated because it is the law– but for the whole understanding between companies, enterprises and people. And consumers all around the world, of course).

On the other hand, the commission of some faults such as false senses or literal translations suggests a lack of documentation by the translator or a lack of knowledge of the language employed in the translation.

Language is, as always, the best letter of motivation, and the use that each one of us do of her will revert to various consequences; in this domain, of financial and business nature.

The “Ce” Declaration of Conformity: when enterprises decide to translate official documents themselves

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