

## The Economic Importance of Trademark Registration in Kosovo

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### Abstract

The main purpose of this paper is to collect research data on how often Kosovar customers purchase trademarked products / services from our businesses and how the brand name affects their persuasion to purchase that product / service. Another purpose of this research is to understand what motivates consumers to buy branded products / services from Kosovar businesses, to understand their attitudes about how well they value these branded products, what factors motivates them most in buying trademarked products / services and how important are promotional activities and advertising in persuading consumers to buy trademarked products / services and their impact on increasing sales to businesses in Kosovo. From the results of the research we have reached important conclusions regarding the influence of trademark on consumer behavior.

Trademark is an important instrument for persuading consumers to buy products and that business and financial performance of businesses is enhanced by the brand name.

To accomplish the goals in this study we have put forward two basic hypotheses; H1- "The age of consumers may influence the purchase of a product/service with a particular trademark of Kosovo businesses"; and H2- "Promotional activities and advertising of a trademark can persuade consumers to buy trademarked products and increase the success of the sale of Kosovo businesses". Trademark registration under Kosovo legislation is not mandatory, but it is preferable to do so because of the protection against risks, such as the use of the mark by another company which will result in reduced sales and powerlessness to change the situation because we can know which business uses the product first.

Considering that the area of trademark development in Kosovo is relatively the area that has received the most focus over the last decade, there are also cases of lack of basic knowledge of publicly owned industrial property rights. Which could encourage individuals to advocate for intellectual work and the pursuit of new ideas. The importance and treatment of intellectual property as an intangible asset should be enhanced both in the public sector and within private companies.

**Keywords:** Brand, survey, Kosovo, market, *trademark*, IPAS, API.

### Introduction

In the free market economy, business activity is mainly conducted by private businesses that operate on the basis of applicable legal rules and business customs. During business development economic entities - businesses create a reputation in the marketplace by creating trademarks and product brands. To identify the brand of an enterprise, it must register in the relevant register and obtain the status of a registered trademark.

The origins and origins of the trademark date back to ancient times when artisans

reproduced their signatures or "trademarks" in their artistic or everyday use products. A trademark is a trademark, which identifies goods or services offered by a particular individual or enterprise.

"A trademark is any sign that identifies the goods of a given enterprise and distinguishes them from the goods of its competitors." <sup>1</sup>

"A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trademarks are protected by intellectual property rights." <sup>2</sup>

Given the importance of trademarks to the market economy, states enact laws regulating the registration procedure and its basic definitions. In this regard, the Republic of Kosovo has also adopted the Law on Trademarks, Law n r. 04 / L-026. According to this law: "A national trademark is a trademark acquired in the proceedings before the Office in accordance with the provisions of this law."<sup>3</sup>

The right to a trademark is acquired by registering it in the register of trademarks managed by the Industrial Property Office. A domestic or foreign entity may own a trademark in the Republic of Kosovo. An entity that is not a citizen of the Republic of Kosovo or has no registered business headquarters shall report to the Office only through authorized representatives. Thus, under the essential law for trademark protection and the acquisition of the rights deriving it is registration under the legal procedure at the competent institution. To register a trademark it must be a combination of words, letters and numbers. They may consist of sketches, symbols, three-dimensional signs, such as the shape and packaging of goods, auditory signs, such as musical or vocal sounds, fragrances or colors used as distinctive features.

Certification marks are used as an indication of the origin, quality of the production method or other common characteristics of the goods or services.<sup>4</sup>

Brand strategies are: expanding the range, expanding the brand, multiple brands and other brands.

## **1. Registration of trademarks under the legislation of the Republic of Kosovo**

Trademark registration plays an important role in tactical trademark decisions. Make that registered the company differentiates it from other products and services of companies and for this reason it is important to protect trademarks.<sup>5</sup>

The procedures for trademark registration as well as each stage of the IPO registration process are set out in Chapter V, respectively, Article 23 to Article 44 of the Trademark Law.<sup>6</sup>

More detailed registration requirements are also provided by Administrative Instruction no. 13/2012 On the Trademark Registration Procedure issued by the Ministry of Trade and Industry (MTI).<sup>7</sup>

<sup>1</sup> World Intellectual Property Organization: "Introduction to trademark law and practice" Geneva, 1993, second edition, WIPO PUBLICATION No 653 (E).

<sup>2</sup> World Intellectual Property Organization. <https://www.wipo.int/trademarks/en/>.

<sup>3</sup> Ligji për Markat Tregtare Nr. 04/L-026, neni 3, paragrafi 1.16.

<sup>4</sup> Nimani, Artan. Trends and orientations of economic development in Kosovo. Wien 2018.

<sup>5</sup> Cros Border Cooperation (2013), "Krijimi i Markës", Shkup, page 18.

<sup>6</sup> Ligjit për Markën Tregtare, Republika e Kosovës.

<sup>7</sup> USAID (2014), "Marka Tregtare", Prishtinë, page 41.

Nh under the Ministry of Trade and Industry operates the Industrial Property Agency (briefly API), the Rest a responsible institution for the examination of applications of industrial property objects, drafting, proposing and ratifying international agreements in the field of intellectual property, and promoting industrial property rights. The API records all industrial property claims through the IPAS database. Within the API there is also the Appeals Commission that handles the Appeals of the parties against the API decisions.<sup>8</sup>

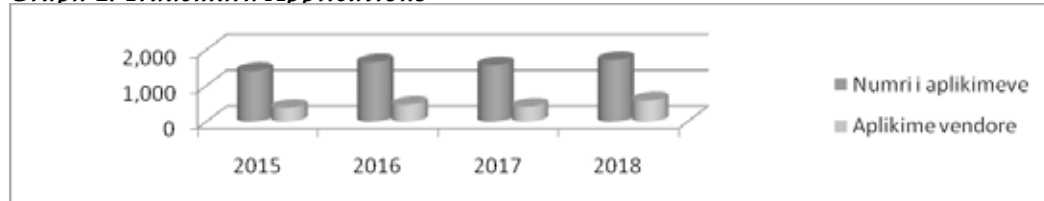
The Industrial Property Agency has committed itself to accepting and identifying applications for industrial property objects: Trademarks, Patents, Industrial Design, published trademark infringement, trademark research, patents, early examinations, extensions, modifications, requirements for retention, priority documents, replacement of representatives, general authorizations, authorizations for relevant cases, appeals committee complaints, appeals committee decisions and other additional documentation. During 2018, 9,782 different documents were received at the API documentation reception office, which we reviewed. During the year there was an increase in the number of incoming documents, which is evident from the chart above. This increase was due to the extension of the trademarks of 2008, which corresponds to the 10th anniversary of the application.<sup>9</sup>

The trademark registration procedure begins with the submission of the application to the office. The registration application can only be for one mark for which protection is sought. The trademark registration application must contain:

- Trademark registration application;
- Data on the applicant;
- List of goods or services for which registration is required;
- The appearance of the trademark.<sup>10</sup>

When the application for registration of the trade mark meets the requirements of the law t and there exist obstacles a registration and within the law is not raised an objection to the registration, or when the present opposition has been rejected by a final decision, the Office invites the applicant to within sixty (60) days of the date of receipt of the invitation, pay the registration fee for the trademark in force for ten (10) years.<sup>11</sup>

**Graph 1: Trademark Applications**



Source: Industrial Property Agency, 2018

The number of trademark applications has increased in 2018 by 8.95%, compared to the previous year. The increase in the number of applications, especially local

<sup>8</sup> Republika e Kosovës (2017), “Programi Kombëtar për Zbatimin e Marrëveshjes së StabilizimAsociimit (PKZMSA) 2017 – 2021”, Prishtinë, faqe 140-141.

<sup>9</sup> Qeveria e Kosovës, Ministria e Tregtisë dhe Industrisë, Agjencia për Pronësi Industriale (2018), “Raporti Vjetor-2018”, Prishtinë, faqe 3.

<sup>10</sup> Ligji për Markat Tregtare, nenet 23 dhe 24.

<sup>11</sup> Ibid, neni 40 paragrafi 1.

ones, is also attributed to the activities carried out by the API to raise awareness of the importance of protecting trademarked products and services, such as seminars, conferences and media promotion, held during this calendar year.

API during 2018 has made progress in reducing backlog trademarks, from 86.52% in 2017, to 91.59% in 2018, despite accepting over 1716 new trademark applications. The procedures for how businesses should obtain a trademark are: The trademark application form; Appearance of the sign; List of goods and services where the mark will be applied, indicating the Nice classification categories; Applicant information; Proof of payment of the fee; Authorization (if the applicant is not domiciled) and Priority Declaration if there is a previous foreign application.<sup>12</sup>

Under the Trademark Law, collective marks are recognized and used to distinguish the goods and services of members of the association as legal entities that own the trademark from the goods or services of other enterprises and when the purpose is to identify the goods or services of the association. Placed on the market by members of the association which owns the trademark. Application for brands collectively make associations of producers, suppliers of services or traders registered under the legislation in force. By law, certification marks are recognized as determinants of the determination of the quality, origin, and manner of production or other common features of goods or services. The brand owner certification is not entitled to use only one brand certification but also even has the right to authorize and supervise the use of the mark by the entities authorized to use the trademark in accordance with the rules of use of the mark certification.<sup>13</sup>

### 3. Motives and makes the Fit trademark registration

According to researcher Bardhyl Ceku, any trademark to be valued as such must contain some values such as: Brand loyalty; Brand recognition; Quality obtained; Brand associations; Other relevant assets such as patents, trademarks and links of the same channel .

There are several main reasons for registering trademarks:

1. The first is to use other assets of the firm - this motive is about trademarks that are used to increase the value of the assets that a company already possesses, whether that company image, customer base or bargaining power. A new brand can strengthen any of these assets.
2. The second motive is to emphasize the importance of product or market innovation for both firm insiders and outsiders - a new trademark will show that something new is happening and acting as a signaling device for this.
3. The third motive is to improve the trader of the firm's asset broker- if an asset is listed, it is a valuable indicator and helps to use that asset in the market because it becomes a recognized entity. It is to prevent marketing imitation. By claiming a trademark, direct imitation by a competitor becomes more difficult.

Following and applying trademark law is very important in promoting an efficient economy. Trademarks have an impact on social welfare. Trademarks have managed to resolve the symmetry of information between sellers and buyers. Companies use

<sup>12</sup> Ligji Nr.04/L-026 për Markën Tregtare, [Kosovë](#).

<sup>13</sup> Çela Mërsi (2015), "The importance of Trademarks and a review of empirical studies", European Journal of Sustainable Development, Elbasan, faqe 127,

trademarks as a sign to consumers that their products are of safe quality. Researchers Landes and Posner have argued that investing in trademarks reduces research costs, which would help companies set a high product price and increase profits. The higher the investment in the trademark, the higher the quality of the product.<sup>14</sup>

Other benefits of trademark registration are:

- Clutter damage in some cases of violations,
  - The right to use ® in your trademark
  - A simple process to secure domains and usernames on social sites like Facebook, Twitter and YouTube,
  - Significantly stronger protection than "common law" signs ( aka . Unregistered).
- This can make it much easier to recover your property, let's say if anyone happens to use your company name as their Twitter coach.<sup>15</sup>

### 1. Trademark protection in Kosovo

There are several reasons why a trademark should be protected by a manufacturer or service provider:

- Provides legal protection to its owner through the exclusive right to use it for the purpose of identifying the goods or services or authorizing someone else to use it in exchange for payment;
- There is a 10-year trademark protection period, this protection period can also be unlimited if the renewal fees are paid;
- This protection is enforced by the court, which has the power to block trademark infringement;
- Trademark protection hinders the efforts of consumers and counterfeiters to use similar trademarks to market weaker products or services.<sup>16</sup>

### 2. The importance and value of the trademark

The importance of the trademark can be viewed in two respects: from consumers and from manufacturers. For consumers, a brand is important because it shows the level of trust, quality, and risk. So consumers tend to buy something previously tried and from which they are not disappointed. In addition, the brand gives the consumer information about the product itself.

By the producer, a mark successful and popular with customers turn into a competitive advantage and a source of income. Also, the ease of recognizing a brand by customers helps in collaborating with third parties such as brokers.<sup>17</sup>

What a brand is (or as it is known by English "Brand ") is the identity of a business, product, or service. It may be wrong to think that a brand is simply a name, but it is not.

The brand features, in addition to the brand name, include distinctive marks, unique symbols, color combinations, typefaces, or a particular slogan. As time goes by, brand understanding is evolving including the personality of a product or business and how consumers perceive it.\*

<sup>14</sup> Small Business Trends (2012), "What is the trademarks"

<sup>15</sup> Nimani Artan (2017), "Bazat e Menaxhimit Ndërkombëtar", Universiteti i Prizrenit, Prizren, faqe 116

<sup>16</sup> Po aty

<sup>17</sup> Brand Identity (2017): Çfarë është dhe si përcaktohet?

## 6. Why is brand identity important?

There are two reasons that elevate a brand's identity:

1. It's a guide for those involved in communication - brand identity is the corporate communication compass, the tool that regulates strategy across different media and channels, reducing the risk of errors. By appealing to brand identity, communications office specialists can study messages and campaigns that are always in line with brand identity and never in contradiction or contradiction.

2. It is the company ID card in the market. Brand identity conveys feelings of consistency and reliability to the target and other reference realities. Provides a scheme of behavior and values of the employees themselves. In other words, if applied correctly, it gives the company the opportunity to present itself with an accurate and distinct personality from the competition.\*

The use of the brand is justified for five reasons:

- The brand facilitates product identification and simplifies processing and repair,
- The trademark is legally protected by product features against various duplicates,
- The brand creates the idea of a certain level of quality for the product and creates the opportunity to create loyal customers,
- The brand creates the opportunity to define the offer in a segment of market specifics,
- The brand name offers the opportunity for the product to have a history and personality and, therefore, justify a certain price level.
- The characteristics of a good brand name are:
  - Short and simple;
  - Easy to say and read;
  - Easy to recognize and remember;
  - Pleasant to read or hear, easy to pronounce;
  - Only pronounceable in one way;
  - Pronounced in all languages (for export products);
  - Stay modern;
  - Suitable for packaging and labeling needs;
  - Possible legal use (not deposited by another firm);
  - It should not be offensive, shameful or negative (in use in other languages);
  - Must suggest the benefits of the product;
  - Adaptation to any publishing media (especially in the media and television) should be envisaged.\*

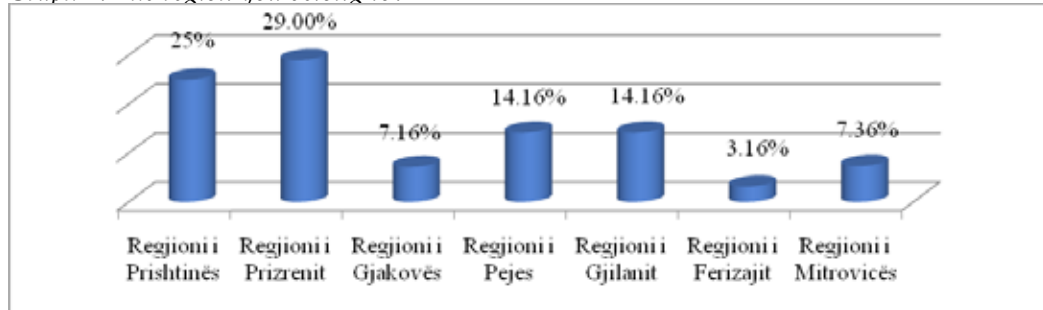
## 7. Trademark Research (ResearchResults)

This research aims to identify how trademarked products / services affect consumer buying behavior. There are many factors that affect the behavior of consumer widow, the most important are: age, family, age groups, perceptions, emotional and personal motives, quality products, affordable prices and quality perceptions beliefs, etc.

This research elaborates on the impact of the trademark on consumer persuasion on deciding to buy products / services from Kosovar businesses. By this we mean that the trademark due to its advantages has an impact on the buying behavior of the consumers and this would have a direct impact on the growth of Kosovo business development. Data collection was done through interviews with random customers from all regions of Kosovo. I conducted this interview through a questionnaire with

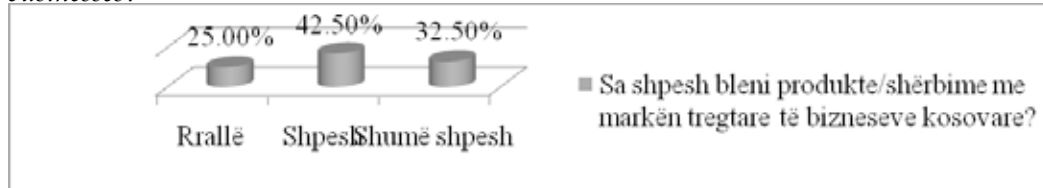
11 multiple-choice questions. Also, this research has sampled 70 respondents. Data analysis was done through graphs and SPSS software.

Graph 2: The region you belong to?



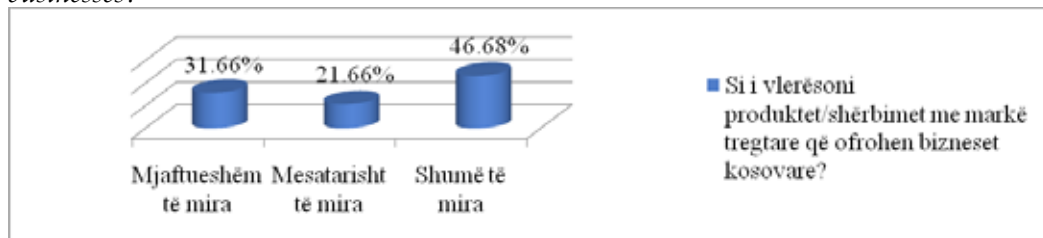
Of the 70 responses received from customers spread across all regions of Kosovo, 29% are from the Prizren region, 25% are from the Pristina region, 7.16% are from the Gjakova region, 14.16% are from Prizren region. Pejaregion, 14.16% are from Gjiçan / Gnjilane region, 3.16% are from Ferizaj / Uroizevac region and 7.36% are from Mitrovica region.

Chart 3: How often do you buy products / services with the trademark of Kosovar businesses?



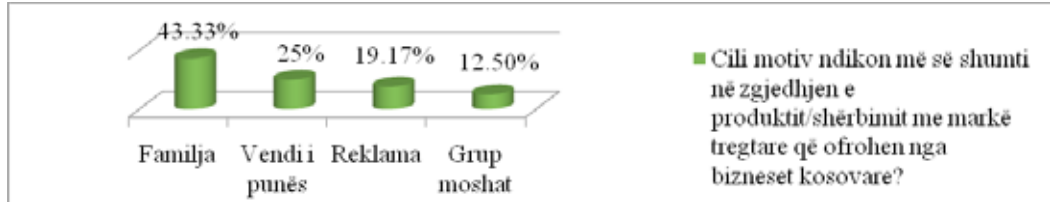
Respondents scattered across all regions of Kosovo state that: 25% of them claim that they rarely buy trademarked products / services, 62.50% of them claim that they often buy trademarked products / services", 32.50% of them claim that they often buy trademarked products / services.

Chart 4: How do you evaluate the trademarked products / services offered by Kosovar businesses?



As shown in the graph: 31.66% of them consider that the trademarked products / services provided by Kosovar businesses are good enough, 21.66% of them consider that the trademarked products / services provided by Kosovar businesses are on average good and 46.68% of them consider that the trademarked products / services offered by Kosovar businesses are very good.

Graph 5. Which motive most influences the choice of branded product / service offered by Kosovar businesses?



Consumers (respondents) scattered throughout the regions of Kosovo think that: 43.33% of them stated that the family is the main motive most influencing the choice of branded product / service offered by Kosovar businesses; they have claimed that the workplace has the most influence on the choice of branded product / service offered by Kosovar businesses, 19.17% of them claim that advertising affects most of the choice of branded product / service offered by businesses Kosovars and 12.50% of them stated that age groups have the most influence on the choice of trademarked product / service offered by Kosovar businesses.

Figure 6: Do you happen to buy the products / services of a Kosovo business just because they identify as trademarks?

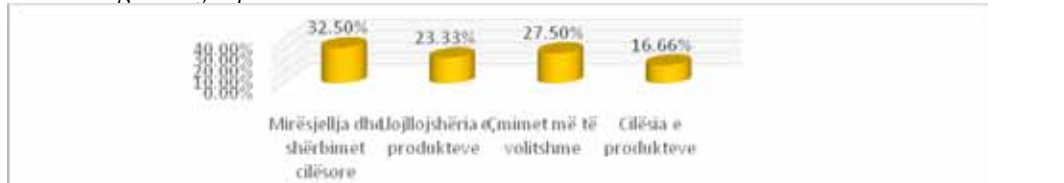


Feedback from consumers (respondents) spread across all regions of Kosovo, 57.50% of them claim that the trademark affects them in deciding to buy a product / service of a Kosovo business and 42.50% of them claim that the brandmarketing does not affect them in deciding to buy a product / service of a Kosovar business.

Graph 7: Do you think that promotional activities and advertising of a trademark can increase the success of selling Kosovo businesses?



Thus, 81.66% claim that promotion and advertising of a trademark affect business sales growth in Kosovo businesses and 18.33% claim that promotion and advertising of a trademark influence sales growth in Kos





As rain h et the results of the respondents, 32.50% of them claimed that politeness and quality services affects mostly in deciding to purchase a particular brand, 23:33% of them claimed that the variety of products that possess business affects mostly in deciding to buy a particular brand, 27.50% of them claim that favorable prices influence the most in deciding to buy a particular brand and 16.66% of them claim that the quality of products most in deciding buying a particular brand.

**8. Verification of hypotheses**

The hypothesis validation will be done through SPSS. The main analyzes that will be used to confirm the hypotheses are: regression analysis, ANOVA and Chi-Square test. The validation of the first hypothesis will be done through regression analysis and ANOVA.

**H1:** The age of consumers can influence the purchase of a product / service with a particular trademark of Kosovar businesses

**Table 1: Discrete statistics of trademark age variables Descriptive Statistics**

|   | Mean   | Std. Deviation | N  |
|---|--------|----------------|----|
| 1. How often do you buy products / services with the trademark of Kosovar businesses? | 1.3250 | .47034         | 70 |
| 2. Age  | 2.2083 | 1.18744        | 70 |

**Table 2: Presentation of analysis correlation of variables age-trademark Correlations**

|                     | How often do you buy products / services with the trademark of Kosovar businesses? | Trademarks |
|---------------------|--|------------|
| Pearson Correlation | .841   | .841       |
| Sig . (1-tailed)    | .000   | .000       |
| N                   | 70   | 70         |

**Table 3: Regression analysis Model Summary**

| pattern | R                 | R Square | Adjusted R Square | Std. Error of the Estimate | Change Statistics |          |     |     |               |
|---------|-------------------|----------|-------------------|----------------------------|-------------------|----------|-----|-----|---------------|
|         |                   |          |                   |                            | R Square Change   | F Change | DF1 | df2 | Sig. F Change |
| 1       | .841 <sub>a</sub> | .707     | .704              | .25576                     | .707              | 284.455  | 1   | 68  | .000          |

a. Predictors:(Constant), 3. Age

**Table 4: ANOVA-**

**ANOVA <sup>a</sup>**

| pattern |            | Sum of Squares | df | Mean Square | F              | Sig .             |
|---------|------------|----------------|----|-------------|----------------|-------------------|
| 1       | regression | 18 606         | 1  | 18 606      | <b>284 455</b> | .000 <sup>b</sup> |
|         | residual   | 7719           | 67 | .065        |                |                   |
|         | total      | 26 325         | 68 |             |                |                   |

a. Dependent Variable: How often do you buy products / services with the trademark of Kosovar businesses?

b. Predictors : ( Constant ), Age

**Table 5: Coefficients analysis Coefficients <sup>a</sup>**

| pattern |             | Unstandardized Coefficients |            | Standardized Coefficients | t      | Sig. |
|---------|-------------|-----------------------------|------------|---------------------------|--------|------|
|         |             | B                           | Std. error | Beta                      |        |      |
| 1       | ( Constant) | .590                        | .049       |                           | 11 921 | .000 |
|         | Age         | .333                        | .020       | .841                      | 16 866 | .000 |

a. Dependent Variable How often do you buy branded products / services from Kosovo businesses?

Analyzing the data obtained from SPSS, the coefficient of determination  $R^2 = 0.707$ , which indicates that the equation explains only 70.70% of the distribution of observations, a high value indicating that the age of consumers is a factor but not the only factor. , which affects the purchase of trademarked products / services offered by Kosovar businesses. The obtained equation is not valid since the statistical probability  $F = 284.455 > 0.05$ . In conclusion we can say that age is not the (only) explanatory variable that influences consumer buying in the trademark. H2: "Promotional activities and advertising of a trademark can persuade consumers to buy trademarked products and increase the success of selling Kosovo businesses." The second hypothesis is confirmed by the Ch-Square test.

**Table 6: Deskreptive statistics of variables Cross tabulation**

|   |     | Do you think that promotional activities and advertising of a trademark can increase the success of selling Kosovar businesses? |      | total |
|---|-----|---|------|-------|
|   |     | 1:00  | 2:00 |       |
| Do you think that promotional activities and advertising of a trademark can increase the success of selling Kosovar businesses? | yes | 51  | 0    | 51    |
|   | not | 12  | 7    | 19    |
| total   |     | 63  | 7    | 70    |

**Table 7: SPSS Results from Chi-Square Test Chi-Square Tests**

|                                    | Value               | df | Asymp .Sig .<br>(2-sided) | Exact Sig .<br>(2-sided) | Exact Sig .<br>(1-sided) |
|------------------------------------|---------------------|----|---------------------------|--------------------------|--------------------------|
| Pearson Chi-Square                 | 55.950 <sup>a</sup> | 1  | .000                      |                          |                          |
| Continuity Correction <sup>b</sup> | 52.246              | 1  | .000                      |                          |                          |
| Likelihood Ratio                   | 60.916              | 1  | .000                      |                          |                          |
| Fisher's Exact Test                |                     |    |                           | .000                     | .000                     |
| Linear-by-Linear Association       | 55.484              | 1  | .000                      |                          |                          |
| N of Valid Cases                   | 70                  |    |                           |                          |                          |

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 7.15.

b. Computed only for a 2x2 table

**5% Reliability** - Hypothesis validation is done through statistical tests, each statistical test has its own degree of reliability. Usually  $\alpha = 5\%$ , it is the degree of reliability that tests the hypothesis more accurately and gives more reliable results.

Asymp. At  $0.000 < 0.05$ , the hypothesis is accepted, ie, promotional activities and advertising influence the consumer's conviction to buy the products / services of a trademark offered by a Kosovo business and at the same time assist businesses in increasing sales.

### Conclusions and recommendations

The brand is the reflection of a customer, the company has to predict in the future what kind of customer it wants to address and work towards those customers. A brand needs to be easily remembered, understood, adapted, liked and protected. Brand building involves a number of successive steps such as: appearance, adaptability, performance, advantage and sound connection.

The Republic of Kosovo has a complete legal basis for the protection of trademarks and intellectual property (Law No. 04 L-026 on Trademarks, Law No. 05 L-040 on Amending and Supplementing the Law No. 04 L-026 on Trademarks Commercial, Administrative Instruction No. 14/2016 on Trademark Registration and Administrative Instruction No. 10/2016 on Administrative Fees for Industrial Property Facilities). The development of the field of trademark and intellectual property can create a great focus on creating innovative ideas in Kosovo and more on the economic development of the country. Considering that the area of trademark development in Kosovo is relatively the area that has received the most focus over the last decade, there are also cases of lack of basic knowledge of public intellectual property rights, the extension of which could encourage individuals to advocate for intellectual work and the pursuit of new ideas.

The importance and treatment of intellectual property as an intangible asset should be enhanced both in the public sector and within private companies.

From the research results we came to the following conclusions:

1. 62.50% of our business customers claim that they often buy trademarked products / services;

2. 46.68% of clients think that the trademarked products / services provided by Kosovar businesses are very good;
3. 43.33% of clients stated that the family is the main motive most influencing the choice of branded product / service offered by Kosovar businesses;
4. 57.50% of clients claim that the trademark affects them in deciding to buy a product / service of a Kosovar business;
5. 81.66% of clients claim that the promotion and promotion of a trademark affect the increase of sales to Kosovar businesses;
6. 32.50% of customers stated that quality courtesy and services influence the most when deciding to buy a particular brand.

Based on the elaboration of the paper and its conclusions, we came to these recommendations:

7. Our businesses and companies must invest in ongoing staff training on the importance of creating and registering trademarks;
8. Create an intellectual property agency strategy to raise awareness of businesses and companies about the importance of trademark;
9. Relevant trademark institutions should continuously handle cases of trademark infringement, in which case appropriate remedies should be provided in the event of infringements;
10. Equal treatment of brand applications.

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