



## COMMERCIAL LEGAL COMPETITIVENESS: AN ANALYSIS OF THE TERMINOLOGY CONSTRUCTION AND EVOLUTION OF THE CONCEPT

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### Abstract

A documentary review was carried out on the production and publication of research papers related to the study of the concept of *commercial legal competitiveness*. The purpose of the bibliometric analysis in this document was to know the main characteristics of the volume of publications registered in the Scopus database during the period between 2016 and 2020, achieving the identification of 43 publications. The information provided by said platform was organized by means of tables and figures categorizing the information by *year of publication*, *country of origin*, *area of knowledge* and *type of publication*. Once these characteristics were described, a qualitative analysis of the position of different authors in relation to the proposed topic was carried out. Among the main findings of this research, it is identified that Russia, with 6 publications, is the country with the highest production worldwide. The area of knowledge that made the greatest contribution to the construction of bibliographic material referring to the study of *commercial legal competitiveness* was Engineering with 19 published documents; and the type of publication that was most used during the aforementioned period was the conference paper, which represented 54% of the total scientific production.

**Keywords:** Competitiveness, legal competitiveness, commercial competitiveness, commercial legal competitiveness.

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## 1. Introduction

*Legal competitiveness*, in the consideration of its terminological construction, is conceived as the capacity of an institution to offer legal services with the same effectiveness and efficiency as its potential competitors or, even, with higher levels of quality. However, if the term is extended to the commercial level (*commercial competitiveness*), it gives rise to the concept of *commercial legal competitiveness*, which is identified as the capacity of these institutions to provide legal services aimed at the management of foreign trade with the same or higher levels of effectiveness and efficiency than potential competitors (García, Acevedo & Medina, 2009).

Currently, organizations are increasingly participating in international markets due to globalization that has allowed the expansion of borders for institutions seeking growth in terms of their impact and participation in different markets. For the above, the need has arisen for a legal framework to regulate the behavior of such organizations by means of agreements, laws, treaties, among others, through which, such activity is granted legal capabilities and limitations that provide equal opportunities and transparency in all negotiations in the international arena. In Latin America, there have been multiple intentions to form trade blocs such as the initiative known as the Pacific Alliance (formed by Colombia, Chile, Mexico and Peru), representing 40% of trade in the aforementioned region of the world, and which sought, in principle, the elimination of 92% of tariff items among its negotiations (Ugarte, 2015). The above represented a challenge in legal matters, since the establishment of regulations that achieve the purpose of agreements such as the aforementioned, ensure the economic growth of the countries in the region and facilitate commercial activity in different economic sectors. The birth of international treaties and the need for the existence of a legal framework that delimits the scope of organizations has been the subject of study by experts in the area. So, this article was developed with the objective of presenting a review and analysis of the terminological construction and evolution over time, and the main approaches that have been attributed to *competitiveness* in general and *commercial legal competitiveness* in particular. For this purpose, a bibliographical review will be made through articles and books by renowned authors on these terms. It is concluded on the importance of approaching these concepts in the research community, in order to obtain information about the current state of knowledge regarding *commercial legal competitiveness*.

## 2. General Objective

To analyze from a bibliometric and bibliographic perspective, the production of high impact research papers on the concept of *commercial legal competitiveness*, during the period 2016-2020.

## 3. Methodology

A quantitative analysis is made of the information provided by Scopus and Web of Science (WOS) under a bibliometric approach on the scientific production concerning the production of articles in the Scopus bases related to the study of *commercial legal competitiveness*. Also, from a qualitative perspective, examples of some research papers published in the area of study mentioned above are analyzed from a bibliographic approach to describe the position of different authors on the proposed topic. And the search is carried out through the tool provided by Scopus and the parameters referenced in Table 1 are established.

### 3.1 Methodological design

Table 1 contains the methodological design of this research, as shown below.

**Table 1.** Methodological design.

	Phase	Description	Ranking
Phase 1	Data Collection	A total of 43 publications were identified through the Scopus database search tool.	Published papers whose study variables are related to the production of articles in the Scopus database on <i>commercial legal competitiveness</i> . Research papers published during the period 2016-2020. Without distinction of country of origin. Without distinction of area of knowledge Without distinction of type of publication.
Phase 2	Construction of analysis material	The information identified in the previous phase is organized. The classification will be made by means of graphs, figures and tables based on data provided by Scopus.	Word Co-occurrence. Year of publication Country of origin of the publication. Type of publication
Phase 3			

	<p>Drafting of conclusions and final document</p>	<p>After the analysis carried out in the previous phase, The study proceeds to the drafting of the conclusions and the preparation of the final document.</p>
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Source: Own elaboration (2020).

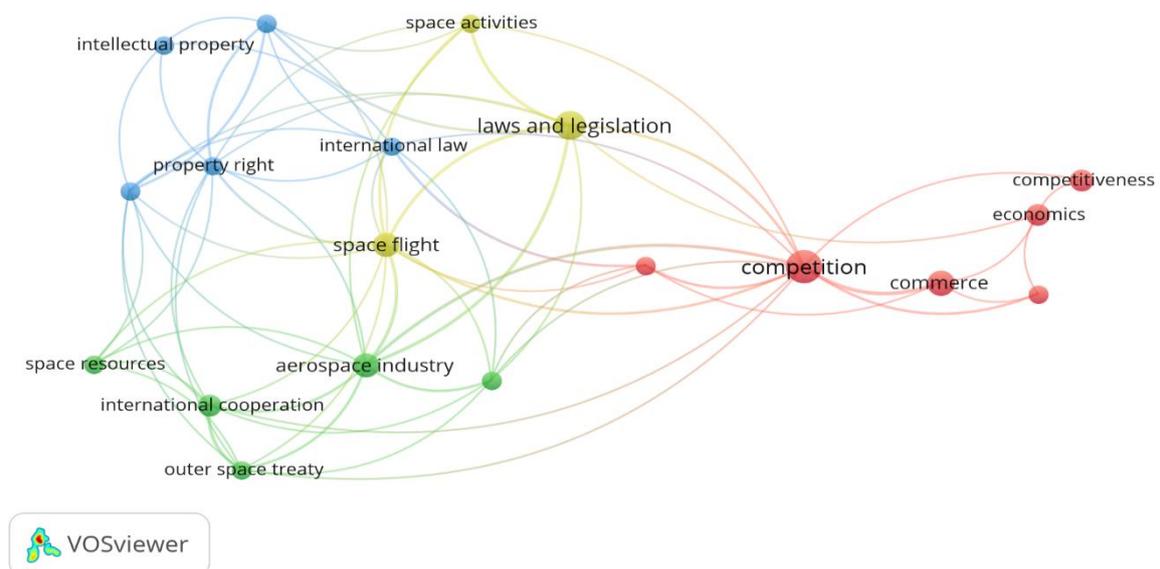
#### 4. Results

Next, the results of the research are discussed, through the co-occurrence of keywords, the distribution of scientific production by year of publication, the distribution of scientific production by country of origin and the distribution of scientific production by area of knowledge.

##### 4.1 Keyword co-occurrence

Figure 1 shows the co-occurrence of keywords within the publications identified in the Scopus database.

Figure 1. Co-occurrence of words.



Source: Own elaboration (2020), based on data provided by Scopus.

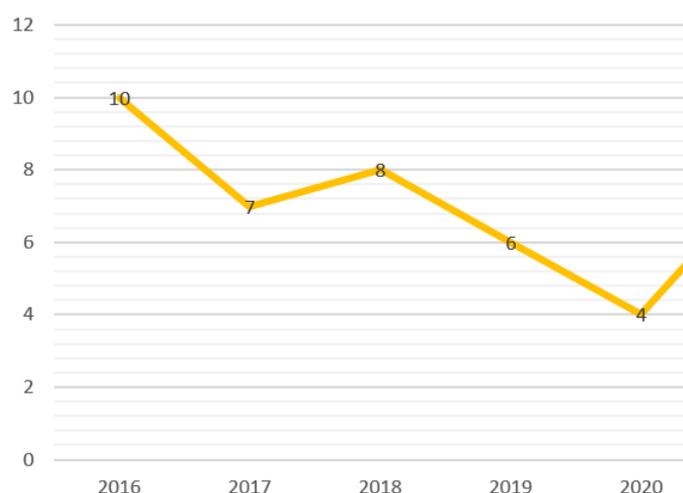
Likewise, Figure 1 shows how the different keywords used in the research identified through the execution of Phase 1 of the Methodological Design are related. Thus, it is evident that the keyword

*competition* is the one that is mostly referenced in the publications reported by Scopus. This term is related to studies on trade, economics and competitiveness. On the other hand, the terms international cooperation, space resources, aerospace industry and outer space treaty are part of a group of research that begins to develop new knowledge around space trade, such as the one negotiated regarding the use of the electromagnetic spectrum. In addition, the terms intellectual property, property rights and international law, form another set of publications with a related area of knowledge that allows inferring how innovation in different processes is also supported by a legal framework that defends the property right to a new product, a new tool, a new service or the improvement of any of the aforementioned.

#### 4.2 Distribution of scientific production by year of publication

Figure 2, on the other hand, shows how the scientific production is distributed according to the year of publication, taking into account that the period from 2016 to 2020 is taken.

**Figure 2.** *Distribution of scientific production by year of publication.*



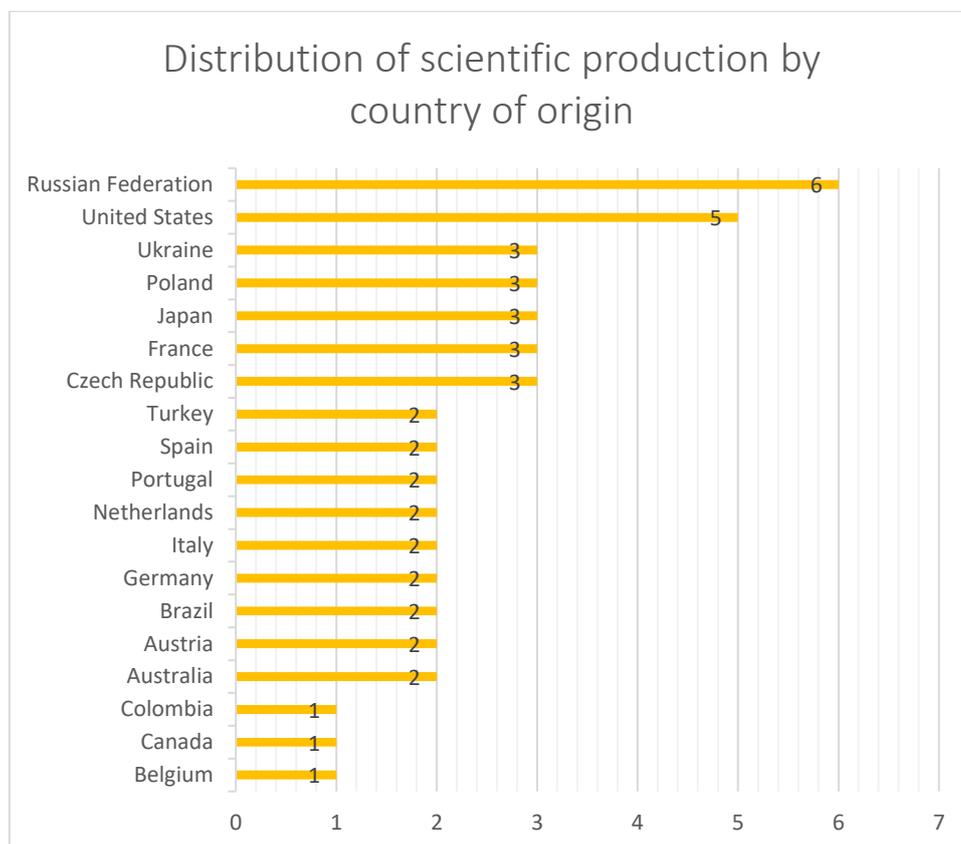
**Source:** Own elaboration (2020), based on data provided by Scopus.

In addition, Figure 2 shows a decrease in scientific production in relation to the variable object of this research. In 2016, 10 publications were registered compared to 4 in 2020, a juncture in which the text entitled “Economic competition in electronic commerce and its protection in the Mexican legal system” (Oropeza, 2018) stands out, a study where the specifications of tradable goods are established and the establishment of a special legal regulation is justified. Then, it comments on the need to regulate areas such as: the promotion of competitiveness, the prohibition of monopolies, the regulation of digital companies, the institutional design of the Mexican electronic market structure, the limits and scope of State intervention, consumer protection and jurisdictional competencies, among other issues.

#### 4.3 Distribution of scientific production by country of origin

Figure 3 shows how scientific production is distributed according to the country of origin of the institutions with which the authors are affiliated.

**Figure 3.** Distribution of scientific production by country of origin.

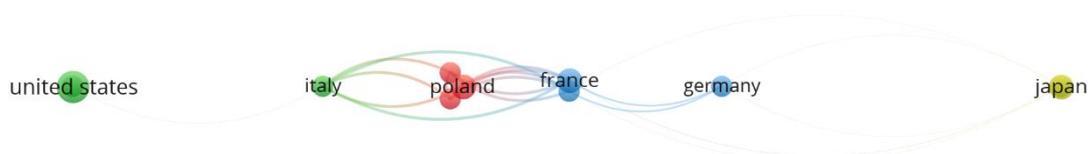


**Source:** Own elaboration (2020), based on data provided by Scopus.

The review reported that Russia was the country with the highest scientific production, with a total of 6 publications referring to the variable of the study of *commercial legal competitiveness*, followed by the United States, with 5 records, and Ukraine, with 2. It becomes imperative to refer to the article entitled “Analysis of the impact of intellectual property on economic development in countries of the Americas, Asia and Europe” (Gayosso et al., 2019) which establishes that technological innovation and creative activity constitute fundamental sources of progress and growth, and, therefore, intellectual property has been acquiring more and more importance, it is because its protection has become a tool to promote the creation of knowledge and its respective international transfer under the above premise the figures of protection of industrial property such as trademarks, patents, utility models and industrial designs take on a substantial relevance, since they are mechanisms that ensure the protection of innovations and their economic exploitation, resulting in the development and economic growth of the countries that in turn are favored within the economic balance.

At this point, it should be noted that the production of scientific publications, when classified by country of origin, presents a special characteristic and that is the collaboration between authors with different affiliations to both public and private institutions; whether these institutions are from the same country or of different nationalities, so that the production of an article co-authored by different authors from different countries of origin allows each one of them to add up as a unit in the general publications. This is best explained in Figure 4, which shows the flow of collaborative work from different countries.

**Figure 4.** *Co-citations between countries.*

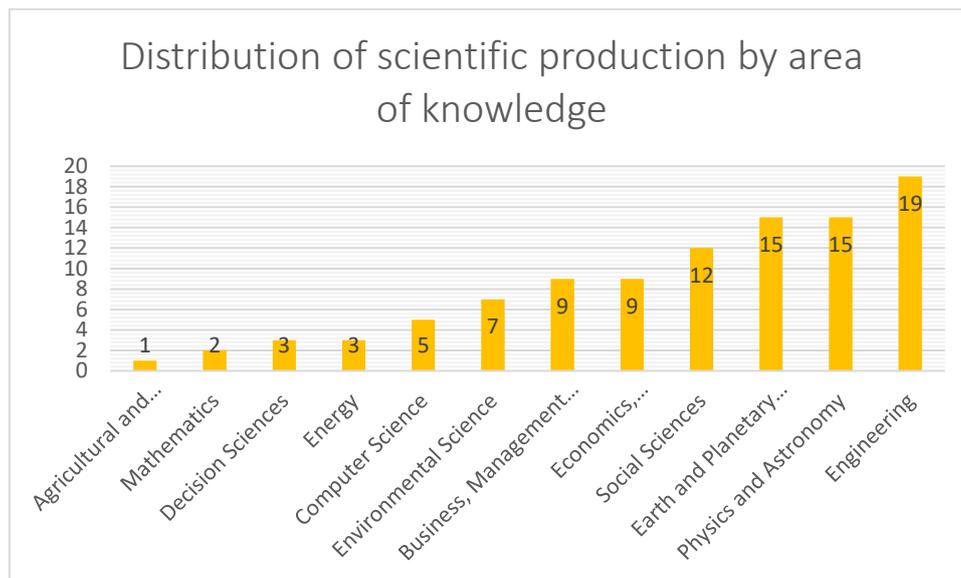


**Source:** Own elaboration (2020), based on data provided by Scopus.

Thus, Figure 4 shows the United States as the country in the American continent with the highest scientific production in relation to the topic under study. Poland is also found with records in Scopus database publications and with authors affiliated with countries such as France, Italy and Germany; and finally, Japan also contributes to scientific production on the topic.

#### **4.4 Distribution of scientific production by area of knowledge**

Figure 5 shows how the production of scientific publications is distributed according to the area of knowledge and through which the different research methodologies are executed.

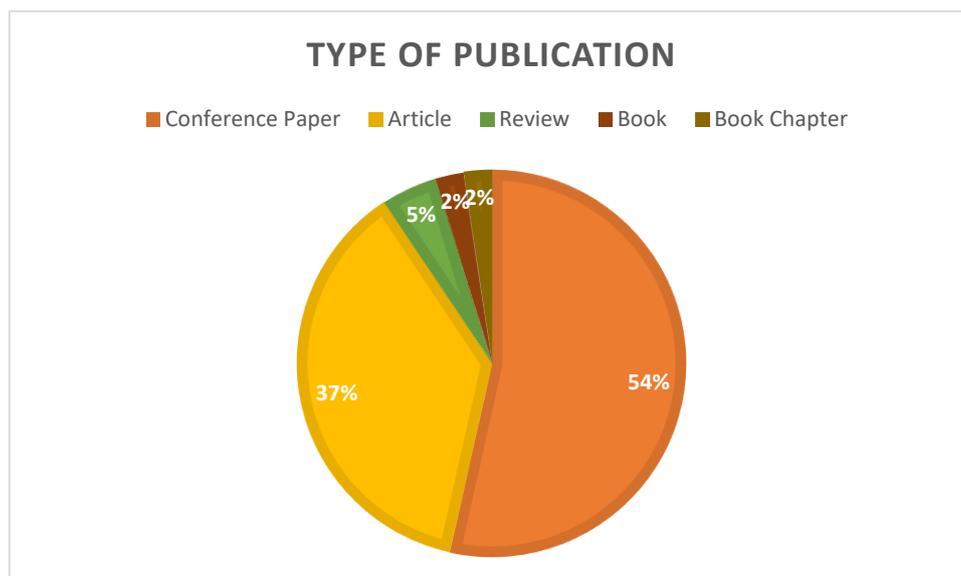
**Figure 5:** Distribution of scientific production by area of knowledge.

**Source:** Own elaboration (2020), based on data provided by Scopus.

Figure 5 shows how the different areas of knowledge contribute to scientific production regarding *legal competitiveness* within the framework of the international economy. The fact is that the pillars on which our societies are built continue to evolve constantly, adapting new social environments that directly and indirectly affect all fields of discernment. Phenomena such as globalization and, in general, the liberation of the economy, have created new challenges of knowledge that have had to be faced from every point of view, ranging from the area of Engineering, as shown in the graph, with a total of 19 publications, Physics and Astronomy, with 15 records, and Social Sciences, with 12 publications in total. The lack of knowledge regarding the legal environment and its impact on new policies have led to scientific production in economic topics that within the period between 2016 and 2020 have led to 12 publications, as shown in Figure 5, and in areas that would be thought to be as distant as Mathematics, with 2 publications; and, finally, Agriculture and Biological Sciences.

#### 4.5 Type of publication

Figure 6 shows how the bibliographic production is distributed, according to the type of publication chosen by the authors for the purposes of this research report.

**Figure 6:** Type of publication.

**Source:** Own elaboration (2020), based on data provided by Scopus.

Once Figure 6 is analyzed, it can be seen that the type of publication that is most used at the time of scientific production in relation to the subject of this research is the Conference Article, which has 23 documents that represent 54% of the total research niche, followed by the Journal Article, with 16 publications that correspond to 37% of the total; and finally, Reviews, Books and Book Chapters, with 2 for the first two and the last one for the Publication Type of Book Chapters.

## Conclusions

The bibliometric analysis proposed in the present research allowed determining that Russia was the country with the highest number of bibliographic records in the Scopus database, during the period from 2016 to 2020, with a total of 6 papers. The year with the highest scientific production recorded in the aforementioned platform was 2010, when 10 research papers related to the study of *commercial legal competitiveness* were published. The main characteristic of the volume of scientific production about the reference concept lies in the constant decrease in the number of publications year after year, which allows inferring that the subject of study of this paper has not generated greater interest among the scientific community in recent years. This could be explained by the stability in terms of the legislation of international treaties that regulate the behavior of institutions and/or organizations that exercise commercial activity outside the borders. It is important to highlight the importance of knowing the conceptual evolution of *commercial legal competitiveness*, taking into account globalization and the reduction of distances due to the use of Information and Communication Technologies (ICT's), as well as innovation in different processes and products, which are protected thanks to the laws that defend intellectual property. However, it is important to highlight the stability of international regulation to

manage and control the commercial activities of institutions and organizations that exchange goods and services with countries other than their country of origin.

Studies such as the one presented in this article are expected to constitute a useful reference for the international community, considering the visibility they give to the current bibliography on the study of *commercial legal competitiveness*, which, as demonstrated by the bibliometric analysis developed, is scarce considering that there was no spatial delimitation; that is, the study was carried out at a global level. Therefore, it is desirable that new international scenarios exist where commercial activities can be developed within a flexible legal framework that takes into account the current situation of companies, organizations and institutions, within the radius of action of the world economic reactivation. And hence the growing need to stabilize the world economy that deteriorated due to the pandemic decreed by the World Health Organization (WHO) due to the rapid spread of the Covid-19 virus originated in China, and that in a very short time invaded the entire world, a situation with which different economic sectors were harmed, which was accentuated by the measures to restrict mobility, as a strategy designed to reduce the number of infections and deaths in all nations.

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