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**Council for Trade-Related Aspects
of Intellectual Property Rights**

Original: Spanish

**NOTIFICATION OF LAWS AND REGULATIONS
UNDER ARTICLE 63.2 OF THE TRIPS AGREEMENT**

MEXICO: FEDERAL LAW ON INDUSTRIAL PROPERTY PROTECTION

Notifying Member	MEXICO
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Details of the notified legal text

Title	Federal Law on Industrial Property Protection
Subject matter	Industrial property (general)
Nature of notification	<input checked="" type="checkbox"/> Main dedicated intellectual property law or regulation <input type="checkbox"/> Other law or regulation
Link to legal text*	https://ip-documents.info/2020/IP/MEX/20_4644_00_s.pdf
Notification status	<input type="checkbox"/> First notification <input type="checkbox"/> Amendment or revision to notified legal text <input checked="" type="checkbox"/> Replacement or consolidation of notified legal text(s)
Previous notification(s) referred to	IP/N/1/MEX/I/13 , IP/N/1/MEX/16 ; IP/N/1/MEX/I/12 , IP/N/1/MEX/15 ; IP/N/1/MEX/I/11 , IP/N/1/MEX/12 ; IP/N/1/MEX/I/4 ; IP/N/1/MEX/I/5 ; IP/N/1/MEX/I/7 ; IP/N/1/MEX/I/3 ; IP/N/1/MEX/I/6 ; IP/N/1/MEX/I/8 ; IP/N/1/MEX/I/9 , IP/N/1/MEX/C/3 ; IP/N/1/MEX/I/10 ; IP/N/1/MEX/I/1/Add.2 ; IP/N/1/MEX/I/1/Add.3 ; IP/N/1/MEX/I/1/Add.1 ; IP/N/1/MEX/I/1

Brief description of notified legal text

The purpose of the Law is to protect industrial property by regulating and granting patents for inventions; registering utility models, industrial designs, layout designs of integrated circuits, trademarks and trade names; publishing trade names; declaring the protection of appellations of origin and geographical indications; regulating industrial secrets; preventing acts that infringe industrial property or constitute unfair competition in relation to it, and establishing sanctions and penalties in that regard; and promoting and encouraging industrially applicable inventions, improvements in technology, creativity in the design and presentation of new and useful products, and the dissemination of technological knowledge in the country.

A general description of the most relevant changes in the replacement Law is given below.

In "Patents":

- Reflects best international practices relating to patentability and exclusions thereto, and also to what is deemed to be an invention.
- Expressly establishes the "Bolar provision", enabling the necessary preparations to be made to obtain the sanitary registration of a medicine in relation to a patent that will soon expire.

- Expressly establishes a mechanism for direct coordination between the Mexican Industrial Property Institute (IMPI) and the health authority, to provide information required in the marketing authorization procedure for allopathic medicines.
- Increases the period of validity of utility models to 15 years.
- Incorporates handicrafts as industrial designs and strengthens regulations in that regard through the entry into force in Mexico of the Hague Agreement Concerning the International Registration of Industrial Designs.
- Establishes specific procedures for the surrender, rectification and limitation of patent or registration holder rights, which creates legal certainty in the protected subject matter.
- Clarifies the grounds for declaring patents, registrations of utility models and industrial designs to be null and void, taking account of their particular characteristics.

In "Industrial Secrets":

- Introduces the concept of misappropriation and exceptions thereto.
- Specifies responsibility regarding access to industrial secrets in judicial or administrative proceedings.
- Defines administrative infringements, thereby facilitating the imposition of provisional measures to stop a possible violation.
- Eliminates the obligation to register the licensing of rights in order to take effect *vis-à-vis* third parties.

In "Trademarks":

- Modifies the time used to calculate the validity of registrations of trademarks, trade notices and trade names, changing from the date of submission to the date of grant, thereby giving the holder 10 years of effective protection.
- Reduces requirements for recognizing a trademark as well known or famous.
- Avoids abuses: establishes grounds for cancellation of certification marks, thereby encouraging holders to duly discharge their mandate and powers as certifying bodies.
- Eliminates the obligation to register the licensing of rights in order to take effect *vis-à-vis* third parties.
- Reduces requirements for franchise agreements.
- Eliminates uncertainty created by the last reform of the Law in force regarding the registrations and dates requiring the declaration of use of a trademark.

In "Appellations of Origin and Geographical Indications":

- Enhances the concepts of appellations of origin and geographical indications, reinforces recognition thereof by identifying their individual requirements, and specifies their legal nature as domestic goods.
- Stipulates that IMPI must take action for their protection and defence and authorizes it to delegate that power to a third party.

- Enables the chambers of the Congress of the Union to present a request for a general declaration of protection (subject to the approval of two thirds of the members present).
- Defines the characteristics of the rules for the use of a protected geographical indication.
- Establishes the concept of the party responsible for certifying compliance with the rules of use, the procedure for their accreditation and, in the event of non-compliance, their cancellation.
- Eliminates the submission of documents relating to formalities for authorizing the use of an appellation of origin or a protected geographical indication.

With regard to "Enforcement":

- Provides for the determination of damage/injury *vis-à-vis* IMPI or directly *vis-à-vis* the courts, without the need for a prior administrative declaration.
- Strengthens the framework of border measures and measures for the digital environment.
- Establishes conciliation as an alternative dispute resolution method. The resulting agreement will terminate the proceedings, have the status of *res judicata* and give rise to the ensuing implementation.
- Creates constraint measures, increases penalties and incorporates the possibility for these to be cumulative.
- Eliminates unnecessary procedures that delay approval of the destruction of pirated products seized by IMPI.
- Introduces new categories of criminal offence relating to industrial secrets and geographical indications.
- Establishes the definition of trademark counterfeiting, which will make for better integration of the file, giving legal certainty to the holders.
- Increases penalties for offences.

Language(s) of notified legal text	Spanish
Entry into force	5 November 2020
Other date	Publication: 1 July 2020

Notification details

Submission date of notification	24 July 2020
Other information	
Agency or authority responsible	<i>Instituto Mexicano de la Propiedad Industrial</i> (IMPI) (Mexican Industrial Property Institute)

* Links are provided to texts of laws and regulations notified under the TRIPS Agreement in the form supplied by the Member concerned; the WTO Secretariat does not endorse or revise their content.