

# User Guide

## Hague System for the International Registration of Industrial Designs

### Specifications for Mexico

**Unofficial Translation**

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## Introduction to the Hague System

On March 6, 2020, the Government of Mexico deposited its instrument of accession to the Geneva Act of 1999 of the Hague Agreement Concerning the International Registration of Industrial Designs with the Director General of the World Intellectual Property Organization (WIPO).

This instrument entered into force on June 6, 2020 in Mexico. Henceforth, companies and designers in Mexico can use the Hague System to protect their industrial designs in Contracting Parties to the 1999 Act of the Hague Agreement. This means filing an international application in one language and paying fees in the same currency gives a person protection in the territories of up to 89 countries.

Likewise, foreign companies and designers can obtain protection in Mexico for their industrial designs through the Hague System.

This is a positive step by the Government of Mexico to support users of the industrial property system at home and abroad.

Thus, the Mexican Institute of Industrial Property (IMPI) has been called upon to make the Hague System in Mexico as effective a tool as the Madrid and PCT Systems, to serve users around the world.

To this end, IMPI has prepared this “User Guide to the Hague System for the International Registration of Industrial Designs. Specifications for Mexico”. This guide complements the one issued by WIPO, to be found at

[https://www.wipo.int/export/sites/www/hague/en/guide/pdf/hague\\_guide.pdf](https://www.wipo.int/export/sites/www/hague/en/guide/pdf/hague_guide.pdf).

It seeks to provide users with information so that they can file their applications with the International Bureau of WIPO from Mexico and provides information on the Mexican legal provisions that they must comply with when seeking protection in Mexico through an international application.

If you wish to apply for protection of your industrial design in Mexico or in other parts of the world using the Hague System, we invite you to read the following information.

## Filing an international application

### Direct filing

You can file your application directly with the International Bureau of WIPO through the electronic interface (e-filing) by clicking on <https://www.wipo.int/hague/es/e-filing.html>.

In eHague, you can complete the international application form electronically in Spanish, English or French and attach documents.

eHague is the preferred method for users worldwide to file applications directly with the International Bureau because of its simplicity and its modern features. It also allows you to renew and administer the rights related to your international industrial design registrations.

### Payment for the international application

You can pay the Hague System fees at the eHague portal (payment of the first part of the individual designation fee) in Swiss francs (CHF) using a bank card.

*Important.* This fee cannot be paid to IMPI.

The [fee calculator](#) of the Hague System allows you to calculate the fee, in Swiss francs, for filing the application for or renewal of registrations in the designated countries, i.e., in the countries where protection is sought.

### Indirect filing

#### Transmission of the application from Mexico to the International Bureau

You can file your application with the International Bureau from Mexico through IMPI (as an indirect filing office). IMPI will send your application to the International Bureau by mail.

To do this you must:

- prepare the international application. Complete the international application form DM/1 and the corresponding annexes, which can be downloaded from the WIPO website: at <https://www.wipo.int/hague/en/forms/>; and
- Pay the fee for the services **provided** by IMPI (payment of the first part of the individual designation fee), for the transmission by mail of a hard copy of the international application to the International Bureau.

To make the payment you must log in to your PASE account, click on “Online Payments” and on “Forms of Payment” select [article 37 I a](#). Here you can pay by credit or debit card and electronic transfer or generate a capture line to pay over the counter.

If you do not have a PASE account, create it right now with the help of [this video](#).

*Important:* Users who file their international application directly through the eHague portal will not be required to pay the transmission fee to IMPI.

## Considerations for Mexico

For international applications in which you designate Mexico, i.e., those in which you apply for protection in Mexico, you must take into account the following information regarding some sections of the form:

### Item 6 of form DM/1. Number of industrial designs

Mexican law only allows for the protection of one industrial design or a group of interrelated industrial designs forming a single design concept in one application, even though an international application may include up to 100 designs.

This does not limit your right to include up to 100 industrial designs in the international application. It means that you must pay the [article 37 I b](#) part of the fee for the services provided by IMPI for each industrial design or group of interrelated industrial designs forming a single design concept.

For more information about the national application for the registration of industrial designs, see the "[Guía del Usuario de Diseños Industriales para solicitudes presentadas a partir del 27 de abril de 2018](#)". [User guide on industrial designs for applications filed as from April 27, 2018]

Items 7 and 11 of form DM/1. International application filed on behalf of the creator

For the purposes of the Hague Agreement, the references in the Mexican legislation to "designer" should be understood to mean "creator" and vice versa.

When protection of an industrial design is sought in Mexico (when Mexico is designated) through an international application, the application must be filed in the name of its creator.

For the purposes of the Hague System, IMPI will recognize:

- 1) the declaration in which the applicant indicates that he or she is the creator of the industrial design; and
- 2) the declaration in which the creator assigns the international application to the person appointed as applicant.

The text of the declarations can be found in paragraph 7 of the form, as follows:

*"If Finland, Ghana, Hungary, Iceland and/or **Mexico** is/are designated, it is mandatory to indicate, in item 11, the identity of the creator. The latter declares to be the creator of the industrial design. Where the person identified as the creator is a person other than the applicant, it is hereby stated that the present international application has been assigned by the creator to the applicant."*

Item 13 of form DM/1. Priority claim

If you claim priority for an earlier international filing made under article 4 of the Paris Convention, you will have to submit the certified copy of the priority document for recognition in Mexico.

For that purpose, you can file the certified copy directly with IMPI within three months of the publication of the international registration in the [International Designs Bulletin](#), together with a translation and proof of payment of the applicable national fee.

In case of failure to comply with such requirements, priority will be deemed not to have been claimed.

IMPI will recognize certified copies of the priority document stored in a data storage device (CD, USB...) or with an electronic validation mechanism, submitted in accordance with the provisions of the *Acuerdo que establece las reglas para la presentación de solicitudes ante el Instituto Mexicano de la Propiedad Industrial* “Agreement regulating the filing of applications with IMPI”. It will also accept the certified copies available through the WIPO Digital Access Service (DAS) of the World Intellectual Property Organization.

Item 17 of form DM/1. Deferment of Publication of the International Registration

If Mexico is designated in an international application, the deferment of the publication of the international registration will not be possible, i.e., if you requested that the publication of your application be deferred, this will not apply in Mexico.

Item 18 of form DM/1. Reduction of the individual designation fee

When you designate Mexico, you may indicate under oath that you are an independent designer, a micro or small enterprise, a public or private higher education institution, or a public sector scientific or technological research institute in order to enjoy a 50% discount on the fees, in accordance with the conditions set forth in the first paragraph of the Fourth general provision of the *Acuerdo por el que se da a conocer la Tarifa por los servicios que presta el IMPI* “Agreement disclosing the fees for the services provided by the IMPI”. For this, you must check the corresponding box in which you declare under oath that the above is true.

To determine if you are a micro or small enterprise, you can consult the [“Acuerdo por el que se establece la estratificación de las micro, pequeñas y medianas empresas”](#) [Agreement laying down the classification of micro-, small and medium-sized enterprises].



## Substantive examination of the international application filed before IMPI when Mexico is designated

Once the international registration designating Mexico is published in the [International Designs Bulletin](#), IMPI will conduct the substantive examination in accordance with national legislation.

### Grounds for refusal

- The industrial design must be new and capable of industrial applicability; otherwise, the refusal will be issued on the basis of the publication of the industrial designs considered as prior art which, during the substantive examination, have been evaluated as relevant designs for purposes of objecting to the registration of the design in Mexico. However, refusal may be withdrawn if the applicant demonstrates that the industrial design is of independent creation and differs significantly from the prior art industrial designs cited as prior art.
- Where the industrial design does not fulfill the requirements for its protection under national law, IMPI will so notify the holder in a single letter of refusal of its effects in Mexico, through the International Bureau. This will be done within a period of 12 months as from publication of the international registration.
- If the reproductions contained in the international registration are not sufficient to fully disclose the industrial design, or if the group of industrial designs filed does not constitute a single design concept, IMPI may refuse the effects of the international registration.
- If the applicant claims priority in the international registration, IMPI will recognize it provided that the industrial design to be protected is identical to the one contained in the priority document. Otherwise, the refusal will include an objection to the recognition of the same, stating the relevant reasons and grounds.

In any case, the notification of refusal shall include the underlying reasons and grounds.

IMPI will not refuse protection of the international registration on the grounds that the formal requirements were not fulfilled, as these are considered to be satisfied by the examination carried out by the International Bureau.

Should IMPI issue a refusal, the holder of the international registration may reply directly to IMPI in accordance with the requirements and procedure provided for in national law. The International Bureau does not intervene in this procedure.

### Considerations for a reply to a refusal of an international registration

The holder of the registration may submit directly to IMPI a written statement containing such information, together with any additional or complementary documentation as may be necessary, including any amendments, clarifications or divisions that he or she considers relevant, within two months of the working day following the day of notification of the refusal. The document must be accompanied by the payment of the fee stipulated in [article 13](#) of IMPI's fee schedule, in order to reverse the refusal.

The holder may make use of an additional period of two months, which will be counted as from the working day following the expiration of the above-mentioned two-month time limit, by paying the fee provided for in [article 31](#) of IMPI's fee schedule for each of the additional months. Articles 111 and 117 of the [Federal Industrial Property Protection Law](#) (formerly articles 55 and 58 of the [Industrial Property Law](#)).

If the document is not accompanied by proof of payment of the applicable fee, IMPI will request the owner once only, through the [Industrial Property Gazette](#), to submit such proof within five working days. If the request is not met within the prescribed time limit, the document will be dismissed.

### Opposition period

In Mexico, there is no opposition period for industrial design applications.

### Grant of protection

Where the international registration is recognized in Mexico, IMPI will inform the holder, through the International Bureau, so that he or she may pay the second part of the individual designation fee.

The holder of the international registration may choose to pay the fee to the International Bureau in Swiss francs or to IMPI in local currency, provided that he or she does so within the first two months following the date of notification.

Should the owner fail to pay within the prescribed time limit, the Federal Industrial Property Protection Law provides for an additional period of two months. For each additional month, the fee must be paid in accordance with [article 31](#) of the fee schedule for IMPI services.

If this is the case, the holder must:

- pay the second part of the individual designation fee directly to IMPI in local currency;
- make an [article 31](#) payment for each additional month (at most two months); and
- show proof of payment.

If, upon expiry of the period, the holder of the international registration has not complied with the foregoing, IMPI will notify the International Bureau of the refusal of the registration in Mexico.

### Protection and duration of the international registration in Mexico

The protection will be granted under Mexican law and will be valid for five years, renewable for successive five-year periods up to a maximum of 25 years, subject to the payment of the applicable fees.

## Renewal

The renewal of the international registration must be effected directly with the International Bureau by payment of the applicable fee, through the electronic interface (e-filing) or forms for that purpose, no later than the expiry date of the registration.

If the holder fails to effect the renewal within the prescribed time limit, he or she will be granted a grace period of six months from the date on which renewal is due, subject to payment of the appropriate surcharge, as specified in the WIPO Schedule of Fees.

The International Bureau will inform IMPI through the International Designs Bulletin of the renewals filed and of the international registrations that have not been renewed, for the relevant purposes in Mexico.

International registrations and their renewals will be published in the [Industrial Property Gazette](#).

If the holder of an international registration fails to renew it within the six-month grace period, he or she may apply to IMPI for its restoration for the relevant purposes in Mexico, in accordance with article 161 of the Federal Industrial Property Protection Law (formerly article 81 of the Industrial Property Law). Such renewal will be contingent on the payment of the applicable fees in accordance with the provisions of [article 12b](#) of the IMPI fee schedule.

If the reinstatement is appropriate and the international registration is deemed to have been renewed in Mexico, IMPI will communicate it to the International Bureau for inclusion in the International Register.

## Changes to the International register: registration in IMPI

Any change (registration) made in an international registration protected in Mexico will have the same effect as if it had been made directly with IMPI. If the change relates to the ownership of the international registration, it will be held in abeyance until IMPI receives directly the certificate of transfer issued by the International Bureau or any document proving such.

All changes will be entered into the national records and published in the [Industrial Property Gazette](#).

### Registration of licenses for use

The holder of an international registration protected in Mexico must apply directly to IMPI for the registration of the license granted, in order for it to be effective against third parties within the national territory.

For the registration of such a license, it shall be sufficient to submit the appropriate application to IMPI under the terms laid down in the Federal Industrial Property Protection Law and the Regulations of the Industrial Property Law.

The application for registration shall be subject to payment of the relevant fees.

### Representation before IMPI

Where a third party files applications or requests directly with IMPI, it must do so in accordance with the requirements for representation established in the [Federal Industrial Property Protection Law](#) and the [Regulations of the Industrial Property Law](#).

### Applications and requests filed with IMPI

Holders of international registrations who file an application or request directly with the IMPI should ensure that they:

1. are written in or translated into Spanish;
2. provide an address for service in Mexico;
3. If they are submitted through IMPI's Electronic Services Access Portal (Your PASE account), the holder or representative must have the Unique Population Registration Key (CURP).

### Hague System fees

- Individual designation fee for Mexico, to be paid to WIPO, explanation of the fees:  
[https://www.wipo.int/edocs/hagdocs/en/2020/hague\\_2020\\_16.pdf](https://www.wipo.int/edocs/hagdocs/en/2020/hague_2020_16.pdf)
- Current fees:  
[https://www.wipo.int/edocs/hagdocs/en/2020/hague\\_2020\\_30.pdf](https://www.wipo.int/edocs/hagdocs/en/2020/hague_2020_30.pdf)
- Hague System Fee Calculator (WIPO's tool for determining the application fees to be paid to WIPO):  
<https://www.wipo.int/hague/en/fees/calculator.jsp>

### IMPI fees

- Current transmittal fee (required for international applications filed through IMPI as an indirect filing office) [Fees](#)

### Forms

- International application form (DM/1) and annexes  
<https://www.wipo.int/hague/en/forms/>
- WIPO instructions for completing form DM/1,  
<https://www.wipo.int/hague/es/guide/ia.html>

### General information and contact details

Mexican Institute of Industrial Property

Address: Arenal #550, Pueblo Santa María Tepepan, Alcaldía Xochimilco, Ciudad de México (México), 16020.

E-mail: [buzon@impi.gob.mx](mailto:buzon@impi.gob.mx)

Website: <https://www.gob.mx/impi>

Opening hours: Monday to Friday from 8:45 a.m. to 4:00 p.m.

## Contact

If you have questions, write to [buzon@impi.gob.mx](mailto:buzon@impi.gob.mx)