

Intellectual Property Practice Newsletter March 16th, 2018

Publication of amendments to the Mexican Industrial Property Law to include Geographic Indication protection and lengthen exclusivity term for Industrial Designs.

On March 13, 2018, Amendments to the Mexican Industrial Property Law were published in the Federal Official Gazette ("Amendments"), which will enter into force in 30 business days from its publication.

As main changes, the Mexican Industrial Property Law is including the regulation and protection of geographical indications ("G.I."), as well as administrative procedures that interested parties must carry out for the publication of a G.I. protection statement in the Federal Official Gazette, and/or in order to obtain a formal authorization from the Mexican Government to use a protected G.I.

G.I. protection statement applications may be filed by private entities or individuals that directly extract, produce or manufacture the product sought to be protected and by manufacturers or producers chambers or associations linked to such product. A 2-month term opposition proceeding is also established.

Formal authorizations will be in force for a renewable 10-year term. Relevant authorizations may be subject to invalidity and cancellation actions.

The Amendments also established an administrative procedure to acknowledge and carry out the recording of foreign protected G.I.s. Opposition proceedings are also available in connection to the acknowledgment of foreign protected G.I.

Infringements to a protected G.I. may be pursued through administrative and criminal actions.

Additionally, the Amendments include the extension of Industrial Design protection, providing for a renewable 5-year registration capped at 25years. Section 32 BIS was included to expressly define the terms "independent creation" and "significant degree" used to determine the allowance of a registration.

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These Amendments also modified the term provided for third parties to submit with the Mexican Institute of Industrial Property ("IMPI") information regarding the novelty and inventiveness of a patent application. The term was reduced to 2 months from the publication of a patent application in the Intellectual Property Official Gazette.

Our team of experts in Intellectual Property and Foreign Trade and Customs practices is prepared to address any related questions. In case you require additional information or support regarding these matters, please do not hesitate to contact us.

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