

Intellectual Property Practice Group Newsletter



Mexico: Amendments to Federal Copyright Law and the Federal Criminal Code intended to strengthen enforcement of rights in the digital environment.

This is part 2 of our series of newsletters on Intellectual Property amendments to laws in Mexico to comply with USMCA standards, especially on enforcement of copyrights in digital environments.

Both the Federal Copyright Law and the Federal Criminal Code were modified. In this newsletter we highlight the most relevant changes.

I. Federal Copyright Law.

- » Copyright owners have the right to authorize or forbid internet access to their works.
- » Copyrights on software now include the right to authorize:
 - ◇ Any form of reproduction **including unauthorized rental of licensed software to third parties**. This section will become relevant in complex corporate structures, where one entity acquires a license and the use of the software benefits other entities.
 - ◇ Decompilation, processes to reverse engineer and disassemble software.
 - ◇ Public communication of software.
- » - Some fair use exemptions are included, such as (i) technical measures to access works in the public domain, (ii) engineering to prevent access to works by minors, (iii) activities intended to ensure cybersecurity, (iv) national security, and (v) activities intended to facilitate access to persons with disabilities.
- » Internet service providers will not be liable for copyright infringement when:
 - ◇ They do not initiate the chain of transmission of the copyrighted work.
 - ◇ They include and do not interfere with security measures.
- » Online service providers, which will include several popular platforms such as YouTube and Twitter, will not be liable when:
 - ◇ They implement a notice and takedown system, intended to respond to a representative of the copyright owner or a requirement from

authorities.

- ◇ They execute takedowns unilaterally and in good faith, with a notification to the party responsible for uploading content.
- ◇ They have a policy establishing termination of accounts that incur repeated offenses.

The notice and takedown system has been the subject of controversy, as it facilitates enforcement by copyright owners, and it includes minimum requirements.

This newsletter was prepared by Juan Luis Serrano-Leets (jlserrano@sanchezdevanny.com).

II. Federal Criminal Code.

Several activities are defined as felonies, as follows:

- » Deciphering and decompression of telecommunications signals; sales of apparatus useful for these activities.
- » Redistribution of satellite signals.
- » Manufacturing of devices intended to deactivate security measures.
- » Recording of movie exhibitions in cinemas or similar locations.

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Contact

Juan Luis Serrano-Leets
jlserrano@sanchezdevanny.com

Mexico City:

Av. Paseo de las Palmas #525 Piso 6
Col. Lomas de Chapultepec, 11000
Ciudad de México
T. +52 (55) 5029 8500

Monterrey:

José Clemente Orozco #335 Piso 4
Despacho 401 Col. Valle Oriente, 66269
San Pedro Garza García N.L.
T. +52 (81) 8153 3900

Querétaro:

Blvd. Bernardo Quintana #7001
Torre 1 Oficina 1109 Col. Centro Sur, 76090
Querétaro, Qro.
T. +52 (442) 296 6400



Sánchez Devanny Eseverri S.C.



@SanchezDevanny



/sanchezdevannymx

www.sanchezdevanny.com

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