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AMENDMENT TO THE FEDERAL LAW FOR THE PROTECTION OF INDUSTRIAL PROPERTY

On April 3, 2026, a comprehensive amendment to the Federal Law for the Protection of Industrial Property ("LFPPI") was published in the Federal Official Gazette, entering into force the day following its publication. The reform seeks to streamline proceedings before the Mexican Institute of Industrial Property ("IMPI"), introduce novel legal concepts, and align the regulatory framework with international standards. Some of the most significant changes are summarized below.

1. Maximum Decision Deadlines. The amendment establishes the following maximum decision deadlines for the IMPI:

- **One year** for patent, utility model, and industrial design applications.
- **Two months** to resolve industrial design renewal applications.
- **Two months** for applications for integrated circuit layout design registrations.
- **Five months** for trademark applications.
- **Three months** for trademark renewal applications.
- **Five months** for recognition registrations of foreign appellations of origin and geographical indications.
- **Two months** for authorizations to use appellations of origin and geographical indications, as well as their renewals.
- **Two months** for recordal of licenses and franchises.

To reinforce the foregoing, a mechanism called the Patent or Registration Mandatory Resolution Issuance Procedure is established, under which, when IMPI has not issued a final decision within the statutory deadlines described above, applicants may request the Specialized Technical Committee -also a newly created body- to initiate this procedure.

Its purpose will be to secure a resolution of the proceeding in question, within ten business days.

2. Provisional Patent Application. Following the practice of jurisdictions such as the United States, the reform allows the filing of a provisional patent application — which must meet certain minimum requirements — for the purpose of setting a filing date. The applicant must then file the corresponding patent application within the following twelve months. Provisional applications will not be published by IMPI and will not enjoy priority rights.

3. Restoration of Priority and Reinstatement of Rights. The amendment formalizes the restoration of priority and the reinstatement of rights. When an application claiming priority rights is filed outside the time limits set by the Paris Convention, the applicant may request its reinstatement within the two months following the expiration of the applicable deadline, in harmony with the standards of the Patent Cooperation Treaty (PCT). Additionally, an extraordinary mechanism is provided to comply with IMPI's requirements within fifteen days following the expiration of the original deadline.

4. Compensatory Certificates for Regulatory Delays in Pharmaceutical Patents. In compliance with the USMCA, supplementary protection certificates are introduced for pharmaceutical patents when there are unreasonable delays by the Federal Commission for the Protection against Sanitary Risks (COFEPRIS) in granting marketing authorizations. The compensatory period may not exceed five years.

5. Claim of Ownership of Patents and Registrations. A procedure is established to claim ownership of patents, utility models, or industrial designs granted to a person who was not entitled to obtain them; if the claim is upheld, IMPI will reissue the corresponding title.

6. Distinctive Signs: New Categories and Additional Prohibitions. Position marks, motion marks, and multimedia marks are now expressly recognized, and a trademark may consist of a combination of any of the elements listed in the law, without being limited to specific categories.

Regarding prohibitions, new grounds are introduced that prevent the registration of:

I. Signs that reproduce or evoke elements of the cultural heritage or traditional expressions of indigenous and Afro-Mexican communities, unless authorization from the corresponding community assembly has been obtained.

II. Titles of periodical publications or broadcasts, fictional characters, stage names, and names of artistic groups, when they are likely to create an association with pre-existing rights or lack distinctiveness.

III. Technical or commonly used names, as well as words, designations, phrases, sounds, or figurative elements of the goods or services they seek to distinguish that lack distinctive character.

The trademark examination procedure is now expressly divided into a formal examination and a substantive examination, conducted in successive stages. Regarding suspension of proceedings, the amendment extends the period to request suspension, now including the additional period under Article 226, and requires the applicant to state in writing in the file the existence of proceedings initiated at the request of a party, failing which the proceedings will continue to their conclusion. A new ground for suspension is added: when registrations belonging to the same holder are subject to nullity, lapse, cancellation, or cessation of effects actions, or have been resolved but challenged, subsequent identical or confusingly similar applications will be suspended until a final decision is reached, to avoid contradictory resolutions.

7. Registration of Corporate Changes. Any change to the rights holder's corporate name, business name, or legal form must be registered before IMPI to be enforceable against third parties. Rightsholders may file a single application to register the corporate change on multiple registrations or applications, provided the holder is the same.

8. Administrative Violations: *ambush marketing* and artificial intelligence. *Ambush marketing* is introduced as an administrative violation, sanctioning acts that create an unfounded presumption of a sponsorship relationship between a distinctive sign and a mass-gathering event.

Additionally, it is specified that the infringing conduct set forth in Article 386 will also be sanctioned when committed through artificial intelligence tools, including the generation of infringing content. This provision does not constitute an independent ground for liability, but rather a specification applicable to conduct already contemplated by law.

9. Electronic Proceedings Before IMPI. The filing and processing of administrative infringement proceedings before IMPI through electronic means is now authorized.

10. Legal Representation and Verification of Authority. IMPI is granted the authority to require, when there are well-founded doubts, the submission of the document evidencing the powers of the person granting a simple power of attorney on behalf of legal entities, thereby strengthening the verification of the chain of representation.

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