

Amendments to the Federal Law for the Protection of Industrial Property

Mexico City, April 15, 2026

On April 3, 2026, a decree amending, adding, and repealing various provisions of the Federal Law for the Protection of Industrial Property (the "LFPPPI" or the "Law") was published in the Federal Official Gazette, focusing on technology transfer and the simplification of patent and registration procedures. Among the main changes are:

1. The Procedure for the Issuance of Mandatory Resolution of Patents or Registrations is established, under which an applicant may petition a Specialized Technical Committee, constituted by the Governing Board of the Mexican Institute of Industrial Property ("IMPI"), when the authority has not issued a final decision within the newly established **maximum timeframes for various procedures**, which are: (i) 1 year for the resolution of patents, utility models, and industrial designs (counted from the start of substantive examination); (ii) 5 months for trademark applications, commercial notices, and trade names, as well as for applications for declarations of protection of appellations of origin ("DO") or geographical indications ("GI"); (iii) 3 months for trademark renewals, and (iv) 2 months for layout designs of integrated circuits, renewals of industrial designs, authorizations for the use of DOs and GIs, and the recordal of licenses.
2. In terms of patents, the concept of a **provisional patent application** is introduced, providing preliminary protection to inventors while the invention is being further developed, with a non-extendable grace period of 12 months to file the definitive application. The provisional application is not subject to publication or substantive examination, does not confer priority rights or the benefit of earlier applications, and, if the definitive patent application is not filed in due time, the provisional application will be deemed abandoned without the need for a declaration by IMPI.

Once the formal requirements have been met, **early publication of the application may be requested**, thereby accelerating the commencement of substantive examination. IMPI is also required to inform the applicant of the possibility of requesting such early publication.

In addition, the Law provides for the possibility of avoiding abandonment by **reinstating rights** within 15 business days from the business day following the expiration of a missed deadline.

It also introduces the possibility of claiming ownership of a patent, utility model, or industrial design that has been improperly granted, provided that the right remains in force (including through the claimant's payment of the corresponding annuities).

A grace period of 2 months following the expiration of the original term to claim priority is established (12 months for patents and 6 months for industrial designs).

In the case of **pharmaceutical patents**, the term of protection may be adjusted in cases of unreasonable delay in the granting of marketing authorizations by the Federal Commission for the Protection against Sanitary Risks ("COFEPRIS"). Such adjustment may not exceed 5 years from the day following the expiration of the patent term and is subject to the payment of the corresponding annuities; failure to make such payment will be deemed a waiver of the adjustment period by the holder. COFEPRIS will determine the compensatory period and must request the corresponding adjustment from IMPI.

3. In relation to trademarks, formal and substantive examinations are expressly recognized within the trademark prosecution process. Position, motion, and multimedia marks are incorporated as registrable subject matter, significantly modernizing the available protection options. Additionally, the suspension of the examination of later-filed applications for identical or confusingly similar marks is introduced when prior registrations or applications are subject to nullity, cancellation, lapse, or related proceedings.

Likewise, any sign that reproduces or imitates elements linked to the cultural heritage, traditional knowledge, or cultural expressions of Indigenous and Afro-Mexican peoples is established as a ground for refusal, unless the application is filed by members of such communities and is supported by prior authorization from the relevant community assembly.

The registration as trademarks of titles of periodical publications, fictional or symbolic characters, human characters, and names or denominations of artistic groups is prohibited, except when filed by, or with the authorization of, the **holder of the corresponding rights**.



4. In relation to national **DOs or GIs**, the reform reduces to 1 month the timeframe for filing oppositions and related submissions in opposition proceedings to applications for declarations of protection, and IMPI must issue a decision within a maximum period of 5 months from the close of the pleadings stage. For foreign DOs or GIs, the timeframe for opposition and related submissions remains at 2 months.
5. In terms of infringements, **ambush marketing** is introduced as an infringement, consisting of industrial or commercial activities or acts that mislead the consuming public into believing, without basis, that there is an official sponsorship relationship between a brand and a public or private mass event. Additionally, as a general rule, infringing conduct may also be deemed to exist when carried out using artificial intelligence.
6. A restriction is established on the **recordal of assignments of patents or registrations for industrial designs or utility models** where there are existing encumbrances that have not been cancelled. Similarly, in the case of trademarks, owners are required to **record changes in their name or corporate name**, as well as any changes to their legal status, in order for such changes to be enforceable against third parties.
7. The powers of IMPI are expanded to promote innovation and **technology transfer** through technical support activities, legal advisory services in connection with licenses and assignments, the design of collaboration schemes, and coordination with the Ministry of Science, Humanities, Technology and Innovation to foster the protection of intellectual property and scientific advancement. Its powers are also expanded to establish rules for the submission, processing, and resolution of infringement actions through electronic means, including the ability to order measures in digital environments such as the suspension, blocking, or removal of content.
8. The LFPPI is comprehensively amended with the aim of incorporating inclusive language.

The reform to the LFPPI entered into force on April 4, 2026. Proceedings initiated prior to its entry into force will continue to be governed by the legal framework in effect at the time of their initiation, without prejudice to the fact that the Procedure for the Issuance of Mandatory Resolution of Patents or Registrations may be applied to matters that remain pending once the Specialized Technical Committee has been established. In this regard, the IMPI Governing Board will have a period of 30 days from the entry into force of the decree to constitute such Committee and issue the guidelines governing its composition and operation. The Federal Executive will adopt the corresponding regulatory amendments and, until such amendments are issued, the existing provisions will remain in force to the extent they do not conflict with the decree.



* * *

This document is a summary for disclosure purposes only. It does not constitute an opinion and may not be used or quoted without our prior written permission. We assume no responsibility for the content, scope or use of this document. For any comments regarding it, please contact any partner of our firm.

