

### Notice and Takedown: New provisions established in the LFDA Regulations

Mexico City, September 24, 2026

On September 24, 2026, the Federal Official Gazette published the [Decree amending the Regulations of the Federal Copyright Law](#) ("LFDA") regarding technological protection measures and intermediary liability, encompassing Internet Service Providers ("ISPs") and Online Service Providers ("OTTs") in copyright matters. The Decree will enter into effect 90 business days following its publication.

#### Background

The USMCA, signed in 2018, established an obligation for Mexico, the United States, and Canada to update and harmonize their respective legal frameworks. Mexico amended the LFDA in 2020, introducing concepts such as Technological Protection Measures ("TPMs"), the "Notice and Takedown" mechanism, "Safe Harbor" provisions to protect ISPs and OTTs, as well as new penalties for infringements in the digital environment.

Notice and Takedown is the mechanism by which any person who believes their copyright is being infringed through content published by a user on a platform or website may request that the platform's intermediary administrator remove such infringing content. In exchange for proceeding with such removal, the intermediary is deemed not liable for the infringing content created and published by third-party users of its platform. This legal protection is called Safe Harbor.

To prevent any person from censoring content they simply dislike, and to ensure that only content that actually infringes copyright is removed, without the involvement of a governmental authority (such as the Mexican copyright regulatory authority or a judge), the requesting party is required to provide certain minimum information, and sanctions apply in the event of a false declaration. Additionally, the author of the content identified as infringing is given the opportunity to defend the legality of their content by demonstrating they hold a right to publish it.

Likewise, the LFDA added TPMs; that is, if content protected by copyright is also protected by a technological measure designed to prevent infringement (for example, software that prevents the content from being copied), the circumvention of such technology constitutes a violation of the law.

This procedure is not new. The Regulations had not been updated to align with the 2020 amendment, and therefore this reform seeks to develop, detail, and elaborate on the existing processes set forth in the LFDA.

### **Who is this applicable to?**

This amendment applies to both ISPs, which include providers that offer Internet connection services, and OTTs, which encompass all platforms, websites, applications, and systems delivered over the Internet, such as social media networks, websites, search engines, email accounts, instant messaging services, and service applications, among others.

### **Content of the Decree**

One of the open questions following the 2020 amendment to the LFDA was determining which content was protected and could be subject to a removal request under the Notice and Takedown system set forth in article 114 Octies.

The Regulations define the scope of the concepts of “material” or “content”, including literary, musical, and cinematographic works, among others, as well as performances, editions, phonograms, videograms, broadcasts, and other intellectual property rights protected by the LFDA.

Likewise, the Regulations exclude from the concept of circumvention of a TPM those cases in which the content or material is not protected under the Law.

In addition, the image and voice of performing artists are included, in accordance with article 87 of the LFDA, which was recently amended in relation to AI, among other matters. This extension to personality rights **may not align** with the scope of article 20.89 of the USMCA and may impose operational burdens on platforms.

The Regulations establish and elaborate on the requirements applicable to notices through which copyright holders may request that OTTs remove potentially infringing content. They require the submission of information to identify the content, the rights holder’s details, and a description

of the relevant facts, in addition to a sworn statement that the information provided is truthful and submitted in good faith, among other requirements.

Notably, the Regulations do not require the rights holder to establish infringement beyond such a declaration; instead, the burden effectively falls on the uploader to demonstrate authorization or otherwise justify the challenged use.

It is worth noting that OTTs are prohibited from conditioning the adoption of takedown measures on the submission by the rights holder of registration certificates, titles, or other documentation. This prohibition does not apply to counter-notices, where supporting documentation may be required. OTTs are also required to make a notice submission form available to users in a clear and accessible manner.

Article 37 Septies regulates the counter-notice procedure, requiring the requester's identification, contact information, proof of ownership or a declaration of lawful use, and acknowledgment of penalties in the event of a false counter-notice. A counter-notice must be filed by a user whose content has been removed due to alleged infringing conduct and who believes the OTT has made a mistake, with the aim of having such content restored. Importantly, the OTT is not required to validate the authenticity of the documentation submitted, and the removal or restoration of content does not constitute validation of any party's documentation.

Upon receipt of a counter-notice, the OTT must immediately inform the original notifying party and provide a copy of the counter-notice. Once all requirements have been satisfied, the OTT must reinstate the content subject to the counter-notice within 10 to 15 business days. However, the OTT must refrain from reinstating the content, or must remove it again, if the original notifying party submits documentation evidencing the initiation of judicial, administrative, criminal, or alternative dispute resolution proceedings within a period not exceeding 15 business days from the date on which the OTT notifies the complainant of the counter-notice.

Finally, the Regulations provide that protection for effective TPMs and rights management information is independent of the protection afforded to copyright and related rights.

### **Recommended Actions for Platforms and Companies**

- Review and update notice-and-takedown management procedures and templates to comply with the new requirements before the Decree enters into effect.
- Assess the operational impact of the prohibition on requiring documentation from rights holders, including exposure to liability for improper removals.

- Analyze how the inclusion of personality rights under article 87 could affect content review workflows and liability frameworks.
- From an IP perspective: (i) review IP ownership and authorization records to ensure that rights holders can substantiate their rights and authority to submit notices, and that companies using third-party IP can substantiate the rights or authorizations supporting such use; and (ii) establish a counter-notice response process to assess whether further legal action should be pursued.

For further information regarding this amendment, please do not hesitate to contact Ricardo García (Partner – [rgarcia@galicia.com.mx](mailto:rgarcia@galicia.com.mx)), Xavier Careaga (TMT AI Counsel – [xcareaga@galicia.com.mx](mailto:xcareaga@galicia.com.mx)) and Irma Ross (IP & Privacy Senior Associate – [iross@galicia.com.mx](mailto:iross@galicia.com.mx)).

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