
— INDUSTRIAL PROPERTY

AMENDMENT TO THE FEDERAL LAW ON THE PROTECTION OF INDUSTRIAL PROPERTY

IN BRIEF

On April 3, 2026, the decree amending the Federal Law on the Protection of Industrial Property was published in the Official Gazette of the Federation. This amendment is part of the modernization strategy that the Mexican Institute of Industrial Property intends to implement.

The reform, which took effect on April 4, introduces changes to the system currently in place at the IMPI regarding patents and innovation, trademarks, administrative infringements, and inclusive language. Among the main changes are:

PATENTS AND INNOVATION

The reform introduces changes both to the processing procedure and to the IMPI's institutional approach regarding technology transfer.

- A provisional patent application is implemented, with the aim of enabling applicants to seek protection for an invention while allowing time to continue working on the final claims.
- The maximum time limits for IMPI to issue a decision are modified to:
 - **1 year** for patents, utility models, and industrial designs
 - **5 months** for oppositions regarding appellations of origin and geographical indications.
- Mechanisms are incorporated to simplify procedures and allow for the early publication of patent applications, thereby providing greater legal certainty for applicants.
- Restoration of the priority date for patents and industrial designs.

- Recognition of claims of ownership of patents, utility models, and industrial designs.
- IMPI intends to take on a more active role in coordinating with inventors and/or applicants to facilitate the productive use of knowledge.

From the above, it is evident that not only are procedural changes being introduced, but the focus on innovation and technology transfer is being strengthened, recognizing a more active role for the IMPI in the promotion and productive use of knowledge, as well as in facilitating collaboration among inventors, companies, universities, and research centers.

TRADEMARKS

Significant changes are being introduced in the area of trademarks by establishing maximum deadlines for decisions on applications, renewals, and licenses; furthermore, it expressly recognizes new types of trademarks, such as position, motion, and multimedia trademarks.

On the other hand, the prohibitions on registration set forth in Article 173 of the LFPPI are expanded, particularly regarding signs linked to cultural heritage, traditional knowledge, and traditional cultural expressions, as well as reserved rights, such as the titles of publications and periodicals.

The substantive examination by the IMPI is strengthened, and with more active use of opposition mechanisms and reservation marks, these marks become more vulnerable to cancellation actions, as their actual use in the market is reinforced.

ADMINISTRATIVE VIOLATIONS AND EMERGING TECHNOLOGIES

The list of infringing conduct is expanded to include, among other things, the existence of an unauthorized official sponsorship relationship between a mass event and a distinctive sign (ambush marketing), which is particularly relevant in the current context of the 2026 FIFA World Cup.

Likewise, the infringing conduct provided for in the law will be punishable when carried out through the use of artificial intelligence, which paves the way for future regulatory developments regarding new forms of creation and exploitation of intangible assets through the use of these technologies.

SPECIALIZED TECHNICAL COMMITTEE

A new internal body is created within the IMPI with specific functions related to time limits, whose main role is to coordinate the procedure for determining whether there is a delay in the granting of industrial property rights, within the time limits established by law.

The concept of mandatory resolution is introduced, which essentially means that if the IMPI fails to issue a decision within the legal timeframe, the mandatory resolution procedure is triggered.

INCLUSIVE LANGUAGE

The reform incorporates a cross-cutting adjustment in legislative technique throughout the entire text of the law, replacing expressions centered on the masculine gender with neutral terms such as “person,” “owner,” or “applicant.”

Based on the foregoing, we can conclude that the reform reinforces the logic that the trademark system should not be solely based on registration, but rather functional and linked to actual use in the market.

At ECIJA's Intellectual Property team, we are prepared to address this reform, as we have analyzed in detail each of the changes introduced by the decree in question and are in a position to advise our clients promptly and appropriately, offering practical solutions tailored to their asset portfolio, so that the reform becomes an opportunity rather than an obstacle.

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