

Bill to Amend the Federal Law for the Protection of Industrial Property

Mexico City, September 22, 2025

On September 15, 2025, President Claudia Sheinbaum Pardo submitted to the Senate a bill to amend and repeal various provisions of the Federal Law for the Protection of Industrial Property ("LFPPI" or the "Law") (the "Bill"). The Bill proposes the following key amendments:

1. Administrative silence (***afirmativa ficta***) with new **maximum response deadlines** for the following proceedings: (i) 4 years for patents and utility models; (ii) 2 years for industrial designs; (iii) 2 months for layout-designs of integrated circuits; (iv) 5 months for trademark applications, commercial notices and trade names; (v) 2 months for procedures associated with the preservation of rights in distinctive signs; and, (vi) 2 months for renewals of authorizations to use appellations of origin or geographical indications, among others.

The Bill introduces "**provisional patent applications**" to provide preliminary protection to inventors while perfecting their inventions, with a 12-month grace period to file the definitive application. Once formal examination is approved, applicants may request early publication to expedite **substantive examination**. In addition, it provides for **re-establishing application** proceedings within 15 days after expiry of an unfulfilled deadline to avoid abandonment of applications.

2. For **medicine patents**, the Bill allows patent term adjustment in cases of unreasonable delay in granting marketing authorizations by the Federal Commission for the Protection against Sanitary Risks (COFEPRIS). Such adjustment may not exceed 5 years from the day following patent term expiry.
3. For **trademarks**, the Bill recognizes position, movement and multimedia trademarks as registrable objects, significantly modernizing available protection options. The Bill also incorporates suspension of examination for identical or confusingly similar trademark applications filed later when there are registrations or publications subject to invalidity proceedings, cancellation, or their respective oppositions.

4. For **appellations of origin and geographical indications**, the Bill reduces the opposition period for declaration of protection applications to one month (for submission of oppositions and statements).
5. The Bill incorporates the possibility of **claiming ownership of improperly granted patents, utility models or industrial designs** while the right remains in force (including the claimant's right to pay corresponding annuities). It also allows restoration of priority rights when the receipt date is after the corresponding legal deadline (12 months for patents and 6 months for industrial designs).
6. The Bill **restricts registration of transfers of patents or registrations of industrial designs or utility models** when requested in proceedings with registered encumbrances that have not been cancelled. For trademarks, **changes of company name** or legal status must be registered to become effective vis-à-vis third parties.
7. The Bill includes as infringement industrial or commercial activities that cause confusion, error, or deception to the public, making them believe there is an official sponsorship relationship between a trademark and a public or private mass event (***ambush marketing***).
8. The Bill establishes that using **AI** to commit administrative infringements will also be sanctioned.
9. Regarding **cultural heritage and traditional expressions of indigenous and Afro-Mexican** populations, the Bill expands trademark registration prohibitions to explicitly exclude signs identical or confusingly similar to elements belonging to or linked with the cultural heritage, knowledge, and traditional expressions of indigenous and Afro-Mexican populations and communities, unless the application is submitted by members of said communities or with prior authorization from the respective community's general assembly.
10. The Bill prohibits registration as trademarks of titles of publications or periodicals, fictitious or symbolic characters, human characters, and names and denominations of artistic groups, except when requested by the person holding the corresponding **reservation of rights** or with their authorization.
11. The Bill extends IMPI's powers to promote innovation and **technology transfer** through technical support activities, legal advice on licenses and assignments, and design of

collaboration schemes. It also provides for coordination with the Ministry of Science, Humanities, Technology and Innovation to promote intellectual property protection and scientific progress. IMPI's powers are extended to establish rules for filing, substantiating and resolving infringement declaration applications through electronic means.

12. The Bill introduces a definition of "intangible assets" as "immaterial goods resulting from ideas, knowledge, creativity, and innovation subject to industrial protection".

13. The LFPPI is comprehensively modified to use inclusive language.

The transitory provisions establish that the decree would enter into force the day following its publication in the Federal Official Gazette.

* * *

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.