

Mexico | Amendments to the Federal Law on the Protection of Intellectual Property: Practical implications



On April 3, 2026, the **most comprehensive amendment to the Federal Law on the Protection of Intellectual Property (LFPPI) since 2020** was published in the Official Gazette of the Federation. Below, we present a technical analysis of the most significant changes and their practical implications for the management of Intellectual Property portfolios.

Beyond editorial adjustments aimed at broadly including individuals as entities involved in innovation, the reforms to the LFPPI formalize actions that the Mexican Institute of Intellectual Property (IMPI) had already been carrying out, primarily regarding online procedures through its Electronic Services Access Portal (PASE) system and the Institute's administrative powers, but they also focus on reducing processing times and incorporating new conditions and provisions that align with international obligations regarding the protection of Intellectual Property.

1 – Patents, utility models, and designs

1.1 Provisional patent application (Art. 105 Bis)

Allows applicants to secure an early filing date with minimal requirements

It is not published, examined, nor does it generate international priority

Must be converted into a complete application within 12 months

Recommendation: consider its use for early-stage developments or R&D processes with imminent disclosure

1.2 Restoration of priority right (Art. 42)

May be requested within 2 months after the expiration of the Paris Convention priority period

Recommendation: review international filing calendars and establish internal alerts

1.3 Reinstatement of procedural rights (Art. 113 Bis)

Allows recovery of applications deemed abandoned due to missed deadlines, within 15 business days

Recommendation: implement internal controls to detect critical deadlines

1.4 Maximum resolution timeframes (Art. 111 Bis)

One-year maximum for patents, utility models, and designs

Recommendation: adjust time expectations and plan product launches with greater certainty

1.5 Patent term extensions for regulatory delays (Art. 136 Bis)

Up to five years of additional protection due to delays attributable to COFEPRIS

Recommendation: pharmaceutical companies should review regulatory files and exclusivity strategies

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1.6 Administrative claim of ownership (Art. 40 Bis)

Allows for the correction of incorrect ownership information without invalidating the patent

Recommendation: review employment, collaboration, and assignment agreements

2 – Trademarks, trade notices, and trade names

2.1 New registrable trademarks (Art. 172)

Position marks, motion marks, and multimedia marks

Recommendation: assess protection strategies for non-traditional brand elements

2.2 New grounds for refusal (Art. 173)

Technical or commonly used terms and elements lacking distinctiveness

Titles of publications, fictional or artistic characters

Elements of Indigenous or Afro-Mexican cultural heritage without authorization

Recommendation: conduct enhanced clearance searches and cultural assessments

2.3 Maximum timeframes (Arts. 229 and 229 Bis)

5 months for trademark registration

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3 months for renewals

2 months for license records

Recommendation: anticipate renewals and brand launches

3 – Enforcement and litigation

3.1 Ambush marketing (Arts. 386 and 388)

A new administrative infringement for creating the false impression of an official sponsorship relationship between a distinctive sign and a public or private mass-attendance event

Penalties may reach up to 250,000 UMA (~MXN 29.3 million | approximately \$1.68 million)

Recommendation: audit advertising campaigns, particularly those linked to major events

3.2 Infringing conduct performed through AI (Art. 386)

All infringements under Article 386 are sanctionable even when carried out using artificial intelligence tools

Recommendation: review automated marketing and content-generation processes

3.3 Electronic proceedings (Art. 328)

Formalizes the digital processing of infringement actions

Recommendation: strengthen internal controls for electronic documentation

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4 – IMPI powers and technology transfer (art. 5)

Legal advisory services in technology transfer
Acting as an arbitrator in disputes
Issuing rules for electronic procedures
Promoting Intellectual Property compliance systems
Recommendation: review license, coexistence, and technology transfer agreements to incorporate arbitration clauses

Should you require further clarification or assistance, please feel free to contact us. We remain committed to supporting you in formulating a robust strategy to ensure the effective protection of your Intellectual Property.

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