

Reinstatement of priority rights in Mexico. Reform to the LFPPI



On April 3rd, 2026, the reform to the Federal Law for the Protection of Intellectual Property (LFPPI) was published, modifying more than 200 provisions with the purpose of modernizing the system in force, streamlining procedures, and aligning it with international standards, especially under the United States-Mexico-Canada Agreement (USMCA). Within this institutional redesign, the introduction of the **restoration of the right of priority** stands out, a figure that transforms the traditional logic of procedural rigidity in Mexico.

What does the reinstatement of priority rights involve in Mexico

The reform allows applicants in Mexico **to recover priority rights** even if their application is filed outside the international deadlines (12 or 6 months, as applicable), provided that:

- The application is submitted within **two months of the expiration of the original deadline**;
- The formal requirements are met and the corresponding fee is paid.

Before this reform, failure to meet this deadline resulted in the permanent loss of the priority right, affecting the novelty and viability of the protection.

This adjustment introduces a paradigm shift in the Mexican system:

Before	Now	This mechanism acts as a safeguard, allowing for the correction of errors without completely losing protection of the invention
Strict regime	Flexible regime	
↓ Irreversible loss of the right	↓ Possibility of correcting errors within a limited timeframe	

Impact of the restoration of the right of priority in Mexico

1.) For companies and inventors: critical risk reduction

The main impact is the decreased risk of losing rights due to administrative errors:

- Failures in international coordination;
- Delays in translations or documentation;
- Errors in global portfolio management.

Now, these contingencies no longer result necessarily in the total loss of protection.

Key consideration: greater strength in Intellectual Property strategies

2.) For Mexico's international competitiveness

The incorporation of this figure brings Mexico closer to practices recognized in other jurisdictions:

- Greater harmonization with international standards;
- Increased confidence among foreign investors;
- Improved perception of the Mexican IP system.

Key consideration: Mexico is becoming a more attractive environment for innovation and international applications

3.) For legal management: new strategies and responsibilities

While this mechanism offers greater flexibility, it also entails new requirements:

- The two-month deadline is short and non-extendable;
- Justification and rigorous formal compliance are required;
- It may involve additional costs.

Key consideration: restoration does not replace due diligence, but rather complements the strategy

4.) Legal implications and potential litigation

The reinstatement of priority rights could generate:

- New controversies regarding the appropriateness of the reinstatement;
- Discussions about the impact on third parties;
- Interpretations of formal and substantive requirements.

Key consideration: possible increase in strategic litigation

Conclusion

The reinstatement of the right of priority represents much more than a technical adjustment:

It introduces flexibility into a historically rigid system

It reduces operational risks in international strategies

It strengthens the competitiveness of the innovation ecosystem in Mexico

However, its correct implementation will depend on:

The interpretation of the Mexican Institute of Intellectual Property (IMPI)

Discipline in managing deadlines

The development of administrative and jurisprudential criteria

The new regulations on the restoration of priority rights introduce greater flexibility, but also present new challenges in terms of management and compliance.

If you have any questions, please do not hesitate to contact us.

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