

Provisional patent application in Mexico

Article 105 Bis, introduced in the reform of the Federal Law for the Protection of Industrial Property (FLPII), which entered into force on April 6th, 2026, establishes the figure of the **provisional patent application in Mexico**. Its purpose is to provide applicants with a mechanism to secure an **early filing date**, even when the technical description is not yet fully developed.

This figure is inspired by international models (such as the U.S. system under 35 U.S.C. §112(a)), allowing the applicant additional time to refine the specification and claims before filing the definitive application.

Article 105 Bis of the reform to the FLPIP sets forth the following **key points**:

- Name of the inventor or assignee and a description that allows identification of the invention are required.
- Payment of an official fee, which remains pending specification.
- Possibility of converting the provisional application into a definitive patent application within a 12-month period, while retaining the priority date of the provisional one.
- The provisional application shall not be published or examined.
- Failure to file the definitive application will result in the provisional one being deemed abandoned.
- The provisional application does not, by itself, confer exclusive rights, but it does secure priority against third parties.

Implementation of this article remains subject to the **publication of the corresponding regulation**, which has not taken place. Thus, for now, there is still no certainty regarding the exact requirements that the provisional application must meet.

Nevertheless, this reform marks the introduction of a **new legal figure** that secures an early priority date with less stringent requirements, enabling applicants to gain time to perfect the technical specification and claims without losing protection against third parties.

Filing and prosecution of provisional patent application in Mexico

Are you considering protecting your invention in Mexico?

Should you require further clarification or assistance, please do not hesitate to contact us. Our team can advise you on the strategic preparation of your provisional application to maximize its scope and avoid future risks.

[CONTACT US](#)

Europe | U.S.A | Argentina | Brazil | Mexico

Disclaimer: Please note that the present communication is of a general nature. It is not intended as legal advice and does not create an attorney-client relationship. No warranty of any kind is given with respect to the subject matter included herein or the completeness or accuracy of this note and no responsibility is assumed for any actions (or lack thereof) taken as a result of relying on or in any way using information contained in this note. In no event shall we be liable for any damages resulting from reliance on or use of this information. Any analysis regarding or related to the developments indicated above needs to be applied to a case in particular and consulted or verified with local counsel in each jurisdiction.