
The opposition system in trademark law is implemented in Mexico.

Since December 2015, the National Congress has discussed the implementation of the Opposition System in Mexican Trademark Law. On April 28th, 2016 the Chamber of Deputies unanimously approved the Decree amending the Industrial Property Law as a strategy for updating Mexican trademark law.

To date, Latin American countries such as Brazil, Colombia, Costa Rica, Panama and Peru have implemented the opposition system in their trademark law.

Through this system, the holders of trademark registrations in force can oppose the registration of distinctive signs that they consider may violate their industrial property rights. Holders of trademark registrations can make available to the Mexican Industrial Property Institute (IMPI) the information they consider relevant so that the IMPI Examiners may determine whether the new distinctive signs can be registered or not.

Nevertheless, the opposition system will not be binding on the IMPI Examiners, nor will the petitioner be obligated to respond to the arguments of the opponent. However, this system broadens the possibilities for protecting a valid registered distinctive sign.

In addition, with the implementation of this new system, the IMPI will seek to diminish the filing of requests for administrative declaration of nullity, particularly those based on registrations granted in error or inadvertently by such authority. At the same time, it is sought to promote competition and a culture of protection of intellectual property rights in Mexico.

The amendment decree is with the Federal Executive Branch for its immediate publication in the Official Federal Gazette (DOF) and its entrance into force under Mexican law.

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Sincerely,

Von Wobeser & Sierra, S.C.

Mexico City, April 29th, 2016.