



## Federal Law on the Protection of Industrial Property comes into force

On November 5, 2020 came into force the new law of industrial property published on the Official Gazette of the Federation on July 1, 2020.

The new “Federal Law for the Protection of Industrial Property” abrogates the “Industrial Property Law” published in the Official Gazette on June 27, 1991.

The intention of making a new law, according to the explanatory memorandum, is the implementation of innovative mechanisms and delegation of powers that benefit rights holders, as well as compliance by the Mexican State with new international treaties, for example, the T-MEC.

The new “Federal Law for the Protection of Industrial Property” takes up again the amendments and additions to the Industrial Property Law of 2016 and 2018.

It is important to remember that the 2016 reform implemented the opposition system in our country.

In the 2018 reforms, the definition of a trademark was broadened to allow the registration of “non-traditional” trademarks such as smell, sound, etc.

Similarly, “Geographical Indications” were included as an alternative for the protection

of national products, among other important changes and additions to the industrial property legislation.

The new law expands the powers of the Mexican Institute of Industrial Property. For example, it will be able to determine in liquid amount the quantity of the fines it imposes and, if applicable, the respective accessories; require their payment and collect the resulting tax credit.

Likewise, the Institute may order the payment of damages caused to the affected owner in the procedures of administrative declaration of infringement provided in the

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laws whose application corresponds to it, and quantify the amount of the respective compensation.

However, the new powers of the Tax Authority and the one contemplated in section VIII of Article 5 (condemn the payment of damages), will come into force no later than November 5, 2021, in accordance with the provisions of the Seventeenth Transitory Article of the same Law.

In conclusion, the implementation of the new Law is a challenge for the Institute and the holders of industrial property rights, since the Authority will have to implement the necessary infrastructure to comply with its new powers and the holders of industrial property rights will have to prepare themselves for the changes that will be made.

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