

Amendments to the Federal Law for the Protection of Industrial Property

On April 3, 2026, several amendments to the Federal Law for the Protection of Industrial Property (LFPI) were published in the Official Gazette of the Federation, entering into force on April 4, 2026.

These amendments introduce structural changes to Mexico's industrial property system, with the aim of improving procedural efficiency, strengthening legal certainty, and reinforcing enforcement mechanisms, particularly in the context of the USMCA review.

Below is a summary of some of the key changes:

- 1. Provisional patent application.** A provisional patent application mechanism is introduced, allowing applicants to secure an early filing date and benefit from a period of up to 12 months to file the complete application.
- 2. Reduction of prosecution timeframes.** Various timeframes applicable to proceedings before the Mexican Institute of Industrial Property (IMPI) have been reduced, including decision periods, opposition windows, and procedural deadlines for parties.
- 3. Decision-making and administrative silence.** Mechanisms are established to ensure the timely issuance of decisions by IMPI. In case of non-compliance with statutory deadlines, the authority will have an additional non-extendable period of 15 days. If no decision is issued, the application may be deemed granted, subject to the applicable legal framework. Tools are also provided to compel the authority to issue a decision.
- 4. Ownership claims.** A specific administrative procedure is introduced allowing parties to claim ownership of patents, utility models, or industrial designs when such rights have been applied for or obtained by a third party without entitlement or in bad faith.
- 5. Restoration of rights and priority.** Mechanisms are introduced to restore rights and reinstate priority claims where deadlines were missed due to causes not attributable to the applicant or were unintentional.
- 6. Patent term adjustment for pharmaceuticals.** A mechanism is established to compensate the term of pharmaceutical patents when regulatory approval processes unreasonably reduce the effective period of protection.
- 7. Online infringement proceedings.** IMPI is authorized to conduct infringement proceedings through electronic means, including the filing of submissions, file consultation, and other procedural actions.
- 8. Ambush marketing.** A new administrative infringement is introduced to sanction ambush marketing practices, defined as those creating a false or misleading impression of sponsorship or association with events without an official relationship.
- 9. Artificial intelligence and industrial property.** The law expressly provides that the use of artificial intelligence to commit industrial property infringements will be subject to sanctions, including the generation of misleading content, unauthorized reproduction of distinctive signs, and misuse of protected information.

It is expected that implementing regulations will be issued in the near term to further develop these reforms and establish criteria for their practical application before IMPI.

At Von Wobeser y Sierra, S.C., we remain at your disposal to address any questions or provide advice regarding this reform and, more broadly, industrial property matters.

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S I N C E R E L Y

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Mexico City, April 13, 2026.

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