

Submission of Information by Third Parties

Mexico

Article 109 of the Federal Law on the Protection of Industrial Property (LFPI) stipulates that within a period of two (2) months, from the working day following the effective date of publication of the patent application in the Industrial Property Gazette, the Mexican Institute of Industrial Property (IMPI) may receive information from any person with regard to a patent application and its compliance with Article 47 (subject matter not considered as an invention) and Article 49 (non-patentable subject matter) of the LFPI.

The information submitted during this period may be considered as technical support documents by the IMPI during the substantive examination of the patent application. The IMPI is not required to issue a resolution with respect to the information sent.

Subsequently, the Institute shall inform the applicant of this information, so that the applicant may present the arguments in writing deemed appropriate.

Lastly, the submission of this information:

- (i) is not legally bound to the process of granting patents;
- (ii) shall not suspend the procedure;
- (iii) shall not give the person who submitted this information the status of an interested party, third party or party; and
- (iv) shall not prejudice the use of other procedures for challenging patents established in the LFPI (Article 154).