Accession of Mexico to the Hague Agreement

19 July, 2018
Justification

- National innovation and economic policy
- Improve IMPIs services to attend the innovation protection dynamics

Current Actions

- Formal submission of the accession proposal
- Hague System implementation activities

Expected Benefits

- Expansion of commercial activities
- Enlarge the market and encourage national exports
- Foster fair competition
Legal amendments

- Term of protection period of 5 years, renewable for one or more additional periods of five years up to a maximum of 25 years.

- The Publication of the application is made as soon as possible after the approbation of the formal examination.

- Introduce the concept of “designer” as the creator of the industrial design.

- The introduction of “independent creation” and “significant degree” concepts.
Intended declarations to be made by Mexico

- Rule 18(1)(c)(i)
- Rule 18(1)(b)
- Article 7(2)
- Article 11(1)(b)
- Article 13(1)
- Article 16(2)
- Article 13(7) and Rule 36(2)
- Rule 8(1)(a)(i)
- Rule 12(3)
- Rule 18(1)(b)
Examination

Prior art

Difference 1: Edge of the capsule

Difference 2: Depth of circular shape

• Are the designs identical? NO
• The design is an independent creation? YES
• The design comply with the novelty requirement? YES
Examination

Both are packages with two containers, with a similar sequence (small and big)

But they have different edges (asymmetrical vs symmetrical)

Does the design gives a different overall impression? **YES**

Does the designs differ in a significant degree? **YES**

The design comply with the novelty requirement? **YES**
Accession steps and timeline

1. Mexico become bound by the Act (date indicated in the deposit instrument)
2. Mexico’s instrument of accession deposit
3. Senate approval
4. Mexican government formally submit the accession proposal before the Senate