

# MEXICAN INSTITUTE OF INDUSTRIAL PROPERTY

(*INSTITUTO MEXICANO DE LA PROPIEDAD INDUSTRIAL*)

AS

DESIGNATED (OR ELECTED) OFFICE

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**List of abbreviations:**

- Office: Mexican Institute of Industrial Property
- MFL: Mexican Federal Law on Administrative Procedures
- MPL: Mexican Patent Provisions under the [Federal Law on the Protection of Industrial Property](#)
- MPR: Mexican Patent Rules under the Industrial Property Regulations

**SUMMARY****Designated  
(or elected) Office****SUMMARY****MX****MEXICAN INSTITUTE OF INDUSTRIAL  
PROPERTY****MX****Summary of requirements for entry into the national phase**

|  |  |
|--|--|
| Time limits applicable for entry into the national phase:                            | Under PCT Article 22(1): 30 months from the priority date<br>Under PCT Article 39(1)(a): 30 months from the priority date  |
| Translation of international application required into: <sup>1</sup>                 | Spanish  |
| Required contents of the translation for entry into the national phase: <sup>1</sup> | Under PCT Article 22: Description, claims (if amended, as amended only, together with any statement under Article 19), any text matter of drawings, abstract<br>Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, only as amended by the annexes to the international preliminary examination report) |
| Is a copy of the international application required?                                 | No   |
| National fee: <sup>2, 3</sup>  | Currency: Mexican peso (MXN)<br>For patent:<br>Filing fee: MXN 3,147 <sup>4</sup><br>MXN 1,500 <sup>5</sup><br>fee per sheet in excess of 30: MXN 61<br>For utility model:<br>Filing fee: MXN 2,000 <sup>4</sup><br>MXN 1,350 <sup>5</sup><br>fee per sheet in excess of 30: MXN 61  |
| Exemptions, reductions or refunds of the national fee:                               | Applicants which are inventors, small- or medium-sized enterprises, public or private institutions of higher education or public sector scientific or technological institutions may pay 50% of the applicable fees in accordance with Title II of the Industrial Property Law as well as 50% of those related to technical information.   |

*[Continued on next page]*

<sup>1</sup> Where the filing fee has been paid and a copy of the international application has been provided to the Office within the time limit applicable under PCT Article 22 or 39(1), the translation may be filed within two months from the expiration of that time limit.

<sup>2</sup> Must be paid within the time limit applicable under PCT Article 22 or 39(1).

<sup>3</sup> This fee is subject to a national tax of 16%.

<sup>4</sup> Payable where the national phase is entered under PCT Article 22.

<sup>5</sup> Payable where the national phase is entered under PCT Article 39(1).

**SUMMARY****Designated  
(or elected) Office****SUMMARY****MX****MEXICAN INSTITUTE OF INDUSTRIAL  
PROPERTY****MX***[Continued]*Special requirements of the Office  
(PCT Rule 51*bis*):<sup>6</sup>Document evidencing the entitlement to apply for a patent<sup>7</sup>Instrument of assignment where the applicants in the national phase  
and international phase are not identical

Appointment of an agent if the applicant is not resident in Mexico

Who can act as agent?

Any resident of Mexico

Does the Office accept requests for  
restoration of the right of priority  
(PCT Rule 49*ter.2*)?

No

<sup>6</sup> If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation.

<sup>7</sup> This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

## THE PROCEDURE IN THE NATIONAL PHASE

**MX.01 TRANSLATION (CORRECTION).** Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).

MPL Art. 13  
MPR Art. 5(VII)¶3

**MX.02 TRANSLATION (LATE FURNISHING OF).** If the translation of the international application has not been furnished by the applicant within the time limit applicable under PCT Article 22 or 39(1) but the national fee indicated in the Summary has been paid and a copy of the international application has been furnished within that time limit, the translation can still be furnished within a further period of two months.

**MX.03 FEES (MANNER OF PAYMENT).** The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex MX.I.

MPL Art. 27 (I or II)

**MX.04 POWER OF ATTORNEY.** If the applicant is not resident in Mexico, an agent must be appointed by filing a simple power of attorney signed in the presence of two witnesses, each of whom must sign that power and indicate his address. In addition, but only in the case of an applicant which is a legal entity, the power must state that the person signing on behalf of that legal entity has authority to do so and must cite the relevant document supporting such statement. A model power of attorney is given in Annex MX.II.

MPL Art. 137  
MPR Art. 9(II)

**MX.05 INSTRUMENT OF ASSIGNMENT.** Where the applicant in the national phase is not identical to the applicant in the international phase, he will be invited to furnish a certified copy or an originally signed version of the document(s) containing the assignment of the rights to the application.

MPL Art. 50  
MPR Art. 110-111  
42-45

**MX.06 EXAMINATION.** The Office examines patent applications as to substance. No request is necessary and no special fee is required.

PCT Art. 28  
41  
MPL Art. 116

**MX.07 AMENDMENT OF THE APPLICATION; TIME LIMITS.** The applicant may amend or correct the description, claims or drawings at any time during the patent procedure before the notice of allowance, provided that the scope of the subject matter of the application is not broadened thereby.

MPL Art. 117

**MX.08 EXCUSE OF DELAYS IN MEETING TIME LIMITS.** The Office does not excuse the failure to comply with a time limit, either during the international phase or during the national phase, unless otherwise specified in this Chapter.

PCT Art. 25  
PCT Rule 51

**MX.09 REVIEW UNDER ARTICLE 25 OF THE PCT.** The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. If, upon review under PCT Article 25, the Office denies an error or omission on the part of the receiving Office or the International Bureau, an appeal against this decision may be lodged with the Office.

PCT Art. 4(3)  
43  
PCT Rule 49bis.1  
(a), (b)  
76.5  
MPL Art. 58-64

**MX.10 UTILITY MODELS.** If the applicant wishes to obtain a utility model instead of a patent in Mexico on the basis of an international application, the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office.

MPL Art. [103](#)  
MPR Art. 41

**MX.11 CONVERSION.** An international application for a patent may be converted into a utility model application, and vice versa, within three months after the applicant has performed the acts for entering the national phase indicated in the Summary, or within three months from the date on which the Office has required him to make the conversion, as long as the application has not become abandoned. The applicant should submit proof of payment of the applicable fee together with the request for conversion or upon compliance with the requirements for conversion.

MFL Art. 83

**MX.12 APPEALS.** The applicant may request reconsideration of a decision to refuse to grant a patent or utility model by submitting to the Office, in writing, within 15 days from the date of the notification of refusal, a request for reconsideration accompanied by any relevant documentation. A decision by the Office denying reconsideration will be communicated to the applicant in writing and published in the Gazette of the Office.

**FEES<sup>1</sup>****(Currency: Mexican peso)****Patents**

|   |                       |
|---|-----------------------|
| Filing fee <sup>2</sup> .....   | 3,147.00 <sup>3</sup> |
| fee per sheet in excess of 30 .....                                     | 1,500.00 <sup>4</sup> |
| fee per sheet in excess of 30 .....                                     | 61.00                 |
| Priority claim fee, per priority .....                                  | 1,066.17              |
| Annual fees:  |                       |
| — for the 1 <sup>st</sup> to the 5 <sup>th</sup> years, per year .....  | 1,161.90              |
| — for the 6 <sup>th</sup> to the 10 <sup>th</sup> years, per year ..... | 1,360.69              |
| — for the 11 <sup>th</sup> and each subsequent year, per year .....     | 1,536.99              |

**Utility models**

|  |                       |
|--|-----------------------|
| Filing fee <sup>2</sup> .....  | 2,000.00 <sup>3</sup> |
| fee per sheet in excess of 30 .....                                    | 1,350.00 <sup>4</sup> |
| fee per sheet in excess of 30 .....                                    | 61.00                 |
| Priority claim fee, per priority .....                                 | 1,066.17              |
| Annual fees:   |                       |
| — for the 1 <sup>st</sup> to the 3 <sup>rd</sup> years, per year ..... | 1,099.39              |
| — for the 4 <sup>th</sup> to the 6 <sup>th</sup> years, per year ..... | 1,122.83              |
| — for the 7 <sup>th</sup> and each subsequent year, per year .....     | 1,290.36              |

**How can payment of fees be effected?**

The payment of fees must be effected in Mexican pesos. All payments must indicate the application number (national, if already known; international, if the national application number is not yet known), the name of the applicant and the category of fee being paid. All fees must be paid to the Office through a person who has an address in the national territory. The applicant must attach the payment receipt to his application.

<sup>1</sup> The Office or the agent should be consulted for the applicable schedule of fees.

<sup>2</sup> This fee is subject to a national tax of 16%.

<sup>3</sup> Payable where the national phase is entered under PCT Article 22.

<sup>4</sup> Payable where the national phase is entered under PCT Article 39(1).

## PODER

Por medio de la presente se confiere al (los) Sr. (Sres.)<sup>1</sup>

poder cumplido y bastante para que en mi (el) nombre y representación realice el trámite de presentación de una solicitud internacional relativa a la invención denominada<sup>2</sup>

ante el Instituto Mexicano de la Propiedad Industrial, de conformidad con la Ley de la Propiedad Industrial.

(En el caso de personas morales) El poderdante que suscribe la presente cuenta con las facultades legales para otorgar dicho poder, de acuerdo con (instrumento en el conste dichas facultades)

Lugar

Fecha

Poderdante<sup>3</sup>  
(firma)

Apoderado  
(firma)

Testigo

Testigo

Nombre y firma

Nombre y firma

<sup>1</sup> Nombre del mandatario o apoderado.

<sup>2</sup> Título de la invención.

<sup>3</sup> Nombre y dirección completo de la persona que ha nombrado al mandatario. En el caso de poderdante, en nombre de persona moral deberá indicar la denominación de la empresa y la dirección de la misma.