

Submission of Information by Third Parties

Mexico

Article 52 BIS of the Industrial Property Law (LPI) states that within a period of two (2) months, beginning from the date of publication of the patent application in the Official Gazette, the Mexican Institute of Industrial Property (IMPI) may receive information from any person in respect of a patent application and its compliance with Articles 16 (novelty, inventive step and industrial applicability) and 19 (matter not considered as an invention) of LPI.

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

Subsequently, the Institute shall inform the applicant about this information, with the purpose that the applicant states the arguments in writing that considers appropriate.

Finally, the submission of this information:

- (i) Is not legally linked to the patent granting process;
- (ii) Does not suspend the procedure;
- (iii) Does not give the person who presented this information the character of interested party, third party or party; and,
- (iv) Does not prejudice the use of other procedures for challenging patents established in the LPI (Article 78).