

Leaflet Patents in Mexico

Duration

The patent has a duration of 20 years from the date of filing, provided that annual fees are paid.

Compulsory use

A patent must be sufficiently worked within 3 years from grant of the patent or within 4 years from the date of filing the application, whichever period ends last. Working by a recorded licensee will be deemed working by the owner of the patent (but not the working by an unrecorded licensee or by the grantee of a compulsory license). Importation of the patented product or the product obtained by the patented process is considered as working of the patent. Failing to work a patent without justified technical or economical reasons will make it subject to the grant of compulsory licenses upon request of a third party having the technical and economic capacity to work the patented invention efficiently.

Marking

For awarding compensation in case of past infringement, marking of patented products is required. Civil and criminal actions may not be brought if the products are not marked with the legend 'Patentado', preferably followed by the patent number. If it is not practicable to use the marking on the articles, the required indications should appear on the containers or packaging of the articles.

License

A license agreement must be recorded with the competent authority (MIIP) in order to be effective against third parties. We recommend you to contact us if you intend to grant a license under your patent in Mexico.