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## Collegiate Circuit Courts issue criteria with respect to trademark opposition proceedings

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Last Friday, November 11, 2022 the isolated thesis with digital registry [2025461](#) and [2025445](#) were published in the Judicial Weekly of the Federation, by means of which the Sixth Collegiate Circuit Court issued its criteria regarding the official notice issued by the Mexican Institute of Industrial Property ("IMPI") at the time of ruling on the registration of a trademark that was opposed by a third party.

Said criteria derive from the resolution of a Constitutional Claim (*Amparo Directo*) filed by an individual, who had opposed the registration of a trademark of a third party. Prior to the legal formalities, the IMPI informed him of its decision to grant the trademark registration. Against relevant IMPI's resolution the individual filed a nullity action. In this regard, the Specialized Chamber in Intellectual Property Matters of the Federal Court of Administrative Justice dismissed the lawsuit for considering that the challenged resolution is not definitive.

Thus, the Sixth Collegiate Circuit Court considered that "the resolution of the trademark application procedure, in which a response is given to an opposition, has the character of final for purposes of its challenge in the federal administrative litigation", since the processing of the opposition procedure and of the registration itself are closely linked and cannot be dissociated nor considered as two autonomous procedures.

## Decree promulgating the Beijing Treaty on Audiovisual Performances and the Declaration of the United Mexican States

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On November 7, 2022, the Decree promulgating the Beijing Treaty on Audiovisual Performances and the Declaration of the United Mexican States entered into force. The same was approved by the Chamber of Senators on March 16, 2022 pursuant to the Decree published on April 5, 2022 in the Official Gazette of the Federation with the following Declaration of the United Mexican States:

*"The United Mexican States declares that, in accordance with paragraph 2 of Article 11 of the Treaty, it opts for the right to equitable remuneration for the broadcasting and communication to the public of performances secured in audiovisual fixations, without prejudice to the provisions of its national legislation on telecommunications, in relation to the obligation of restricted television concessionaires to retransmit the broadcast television signal."*

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