

MGPS | MÜGGENBURG, GORCHES Y PEÑALOSA

Initiative with draft decree adding a section XX Bis to article 5 of the Federal Law for the Protection of Industrial Property

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Seeking to favor more individuals, peoples and native communities in all the languages recognized in the country, and given that the denominations of origin and geographical indications strengthen local development, increase economic production, create sources of employment and production opportunities, and also, facilitate the national and international recognition of Mexico's wealth, on February 14, 2023 the initiative with draft decree adding a section XX Bis to Article 5 of the Federal Law for the Protection of Industrial Property was published in the Gazette of the Senate, to read as follows:

"Article 5.- The Mexican Institute of Industrial Property, administrative authority on industrial property matters, is a decentralized body with legal personality and its own assets, which shall have the following powers:

I.- to XX.-

XX Bis.- To promote the declaration of protection of an appellation of origin or geographical indication in the languages recognized in the country through any means of communication, to support its development and to advise on the processing of the declaration of protection.

XXI.- to XXXIV.-...."

Initiative that amends the Organic Law of the Federal Public Administration, to promote the delivery of tax incentives and commercial and tourism promotion to all Mexican products that have an appellation of origin or geographical indication

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This initiative seeks to articulate the powers of different entities of the Federal Public Administration to jointly or separately promote Mexican products recognized under appellations of origin or geographical indications as national goods that generate significant economic gains and are tools for sustainable agricultural development.

The right to be forgotten, as established by the Civil Code for Mexico City, is incompatible with the Federal Constitution

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On February 24, 2023, a thesis with digital registration number 2025995 was published in the *Semanario Judicial de la Federación* under the title "THE RIGHT TO BE FORGOTTEN. THE LAST PARAGRAPH OF ARTICLE 1392 BIS OF THE CIVIL CODE FOR MEXICO CITY THAT ESTABLISHES THIS RIGHT IS INCOMPATIBLE WITH THE CONSTITUTIONAL NORMS ON FREEDOM OF EXPRESSION AND FREE ACCESS TO INFORMATION".

In said precedent, the First Chamber resolved that the last paragraph of article 1392 Bis of the Civil Code for Mexico City, which obliges the elimination of the personal information of the author of the succession in public and private records -in order to protect his right to be forgotten- is incompatible with the rights of freedom of expression and free access to information enshrined in the Constitution. The above, under the consideration that said article would oblige public and private institutions to eliminate information to their credit, without it having been considered illicit, including that which could be considered of public interest. This is in clear contravention of the provisions of the American Convention on Human Rights, which prohibits any act of prior censorship.

Furthermore, assigning to private entities the obligation to monitor and determine what information should be eliminated from search results could constitute a means of indirect censorship without the existence of a trial and without following the formalities of due process.

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