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THE SIXTEENTH COLLEGIATE COURT IN ADMINISTRATIVE MATTERS OF THE FIRST CIRCUIT RULES ON THE INAPPLICABILITY OF ARTICLE 373 SECTION IV OF THE FEDERAL CODE OF CIVIL PROCEDURES TO THE RELATIVE PROCEDURE PROVIDED IN THE ABROGATED INDUSTRIAL PROPERTY LAW [Read more...](#)

On August 2, 2024, the Sixteenth Collegiate Court in Administrative Matters of the First Circuit issued thesis number 2029188, in which it addressed a controversy related to the administrative cancellation of a trademark registration. In this context, the Court determined that article 373, section IV of the Federal Code of Civil Procedures is not applicable to the trademark cancellation proceeding under the abrogated Industrial Property Law.

This is because the aforementioned article refers to procedural forfeiture in judicial contexts and is not aligned with the administrative nature and the principle of officiousness that governs the administrative forfeiture procedure. Likewise, the jurisprudence of the Second Chamber of the Supreme Court establishes that the gaps in the specific law must be filled with the Federal Administrative Procedure Law; only if this law does not address the matter, the Federal Code of Civil Procedures may be resorted to.

DATA OF THE APPLICATIONS FOR THE DECLARATION OF PROTECTION OF THE GEOGRAPHICAL INDICATIONS "ESFERA DE CHIGNAHUAPAN" AND "BUTIFARRA DE JALPA DE MÉNDEZ" ARE PUBLISHED [Read more...](#)

On July 16, 2024, the data related to the Application for the Declaration of Protection of the Geographical Indication "[Butifarra de Jalpa de Méndez](#)" were published in the Official Gazette of the Federation. Likewise, on July 29, 2024, the data related to the Application for the Declaration of Protection of the Geographical Indication "[Esfera de Chignahuapan](#)" were published in the Official Gazette of the Federation.

These data include the name of the applicant, the name of the geographical indication, the description of the product to be covered, the place or places of extraction, production or processing of the product to be protected, the delimitation of the geographical area and the address where the file of the application for the declaration will be open for public consultation and where the related documents will be received.

Butifarra de Jalpa de Méndez.

https://www.dof.gob.mx/nota_detalle.php?codigo=5733624&fecha=16/07/2024#gsc.tab=0

Esfera de Chignahuapan.

https://www.dof.gob.mx/nota_detalle.php?codigo=5734685&fecha=29/07/2024#gsc.tab=0

THE FIRST CHAMBER OF THE SUPREME COURT OF JUSTICE OF THE NATION CONFIRMS THE REQUIREMENT TO DEMONSTRATE LEGAL INTEREST IN ORDER TO REQUEST THE NULLITY OF A PATENT [Read more...](#)

The First Chamber of the Supreme Court of Justice of Mexico has confirmed that, to request the nullity of a patent, it is necessary to demonstrate legal interest. This conclusion derives from the review of an amparo lawsuit filed by a pharmaceutical company, which challenged the rejection of its nullity request with respect to a patent of another company. The IMPI had rejected the request arguing that the company did not have sufficient legal interest, in accordance with article 188 of the Industrial Property Law, which requires demonstrating such interest to file a nullity request. In view of this refusal, the company filed a nullity proceeding before the Federal Court of Administrative Justice, which ratified IMPI's decision.

Subsequently, the company filed an Amparo alleging the unconstitutionality of the article 188 for limiting access to justice by requiring a specific legal interest. The Collegiate Court denied the Amparo, and the company filed an appeal for review. On August 14, 2024, the First Chamber of the Supreme Court decided that Article 188 is constitutional, arguing that requiring a legal interest is compatible with the principle of progressivity and necessary to maintain legal certainty in the patent system. The Chamber specified that the applicant must demonstrate a concrete and verifiable affectation in its right to exploit the patented invention to have a legal interest, and being a commercial competitor does not constitute a sufficient legal interest. Therefore, the First Chamber confirmed the challenged judgment and denied the protection requested.

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