

## **REQUIREMENTS FOR FILING TRADEMARK APPLICATIONS IN MEXICO**

### **1. NAME, FULL DOMICILE AND NATIONALITY OF APPLICANT OR APPLICANTS.**

- If applicant is a corporate entity, please indicate place of incorporation (Country or State).
- If the application is to be filed in the name of two or more parties the application must be accompanied with the rules governing the use of the mark, its licensing and its assignment, agreed by the parties.

### **2. IDENTIFICATION OF TRADEMARK OR SERVICE MARK SOUGHT TO BE REGISTERED.**

- If it is a design or composite mark, please provide us with a clear print thereof. If specific colors are to be claimed, please furnish us with a label showing the colors.
- Under Mexican Law only visible signs qualify as marks, including three-dimensional forms. However, animated or in movement denominations, designs or three-dimensional forms expressed dynamically, even though visible, are not registrable. Likewise, sensory marks (sounds, fragrances and the like) cannot be registered as marks.

### **3. GOODS OR SERVICES TO BE COVERED.**

- It is not possible to claim the entire heading of the class. Accordingly please provide the specific goods or services that you want to cover. Please note, however, that you may specify not only the goods or services in connection with which that marks is or will be used in Mexico, but also others of similar nature as long as they fall into the same class.

### **4. FULL DATE OF FIRST USE OF THE MARK IN MEXICO, IF ANY.**

- This information is to be provided in those cases where the mark sought to be registered has been used in Mexico. Should that be the case, the full date is required, that is, year, month and day.
- Under Mexican Law, use of the mark in Mexico is not required to obtain registration, thus an application can be filed mentioning that the mark has not been used.

- However, if there is a date of first use of the mark in Mexico, then this fact is very important since first use of a trademark accrues rights and it may constitute legal grounds for applicant first user to contest a registration granted for an identical or confusingly similar mark applied to the same or similar goods or services, provided that said use predated the filing date or the date of first use declared in the application papers of the conflicting registration.

## **5. FULL FACTORY ADDRESSES IN YOUR COUNTRY OR IN ANY OTHER COUNTRY, INCLUDING MEXICO, WHERE THE GOODS ARE OR WILL BE MANUFACTURED**

- If the applicant is not be manufacturer, then provide us with the full addresses of the commercial establishment where business concerning the goods is carried out.
- In the case of service marks please provide us with the full address in your country or in any other country, including Mexico, where the services are or will be rendered.
- Full address means (Street No., City, Country and Zip code).
- P.O. Box in not accepted in Mexico as an address for the purpose of Trademark Law.

**NOTE: NO POWER OF ATTORNEY WILL BE REQUIRED FOR FILING TRADEMARK APPLICATIONS IN MEXICO.**

## **SPECIAL SITUATIONS**

### **1. PRIORITY**

If the application is to be filed claiming priority under Paris Convention, please provide us with information on the country of origin, serial number and filing date of the priority application.

A certified copy of the priority application is to be filed within a term of three months after filing the Mexican application.

### **2. COLLECTIVE MARKS**

These marks are reorganized by Mexican Law and are those adopted by associations of manufacturers, merchants or service suppliers, legally incorporated. The rules for the use of the trademark must accompany the application.

### **3. MULTICLASS APPLICATION**

No Multiclass applications are allowed by the Mexican Law for Trademarks and Trade Names.

## **FINAL REMARKS**

### **1. ALL THE INFORMATION PROVIDED MUST BE TRUE**

The Mexican Law establishes the nullity of a mark registration when it was obtained based on false information.

### **2. AVAILABILITY SEARCHES**

Searches on wordmarks and design marks are available through Trademark Office database and the results are provided within the following business day.