

# REQUIREMENTS FOR FILING COPYRIGHT APPLICATIONS IN MEXICO

## IDENTIFICATION OF WORKS

- Please indicate the full title of the work.
- Please let us know if it is an original work, or if it is a derivate version.
- If the work is a version, indicate the title of the preexisting work, the author, language, registration number, date of publication and name of publisher.
- If you wish to register a design that has been registered as a trademark , furnish us with registration number, title and name of registrant. If a trademark application has been filed but registration has not yet been granted, we would require the date and number of application.
- Indicate whether the work to be registered is unpublished or published, and in this latter case, full date of the first edition.
- If any, certified and apostilled copy of the publishing, license or assignment agreement entered into by the author and the publisher, licensee or assignee.

## APPLICANT'S INFORMATION

1. Name of the author or pseudonym, full address, telephone number, nationality, date and place of birth of applicant. If applicant is a corporation, instead of date and place of birth, indicate date and place of incorporation.
2. If more than one author or co-owners, complete information related to each one of them.
3. If the work has been done with the contribution of an employee, we will need the name, address, phone number, date and place of birth of employee, as well as certified and apostilled copy of a labor contract between employer and employee. Please take note that 1996 Copyright Laws vests ownership of the patrimonial rights in the employer in the case of a labor agreement entered into by employer and employee, including a provision stating expressly that the rights pertain to the former.
4. If registration is to be made for someone other than the author or titleholder, complete information on both is required.

NOTE: Complete addresses must be furnished including street, number, county, state, zip code, city and country.

## DOCUMENTS NEEDED FOR APPLICATION

1. **Power of Attorney.** Will be provided depending on each particular case.
2. **Work for Hire.** If work was made by a person contributing as a “work for hire”, outside a labor relationship, a letter by which contributor recognizes having contributed to the work on a work for hire relationship must be executed.

If the work was produced within a labor relationship we would require a certified and apostilled copy of a labor agreement in the terms explained above.

**3. Two samples of the work**

**4. As to software protection on the substantive side, the highlights of the new law are as follows:**

- Software will now be protected as literary work in the terms of NAFTA;
- Protection will be extended to the sequence, structure and organization of the program;
- Producer shall be considered as the owner of the rights ab-initio.
- The 1996 Law now expressly reputes software as being produced in a work for hire relationship. No labor agreements would be required for registration purpose as the Law now does for all other works of authorship;
- The bundle of rights consists of: right to use, reproduce, publish, distribute, control publication of derivate works and distribution, transmission of the work, rental rights except where the copy of the computer software is not itself an essential object of the rental; and right to prevent decompilation, reverse engineering and disassembly of the program.
- The back-up copy provision was improved.

Prints of the first and last ten pages of the source code or object code versions of the program, and three copies on diskette, tape or similar format (diskettes are best) would be required.

**IMPORTANT NOTE:**

Under 1996 Federal Copyright Law, a corporation cannot be an author. If copyright is registered in the name of a corporation, one of the following is necessary:

- Work of hire letter, if work made by someone hired by the corporation as explained above.
- Assignment or license agreement between author and registrant if the author is not related to the corporation and is the original owner of the rights. Transmissions, including licenses and assignments shall be recognized on a temporary basis only. The minimum period of transmission would be five years and the maximum period fifteen years. Transmissions for periods longer than fifteen years would required proof to the Copyright Office that the nature of the work as itself justifies longer periods of transmission as well as the investment made by assignee or licensee. Assignment and licenses of copyrights on software productions are excluded from the foregoing. Licenses and Assignments require recordal with Copyright Office.

## **SPECIAL FORMS OF PROTECTION**

The Federal Copyright Law contemplates “reserva” of rights for exclusive use of the following items:

- Title of periodicals, such as journals, magazines, etc. Also, title of TV and radio programs and any other type of broadcasts.
- Fictional characters from literary works, comics, or any other publication.
- Human characters from an artistic act.
- Artistic names of groups, actors or artists in general.
- Graphic characteristics of a periodical.
- Original characteristics of a commercial promotion.

**If you wish to protect one of the items listed before, we would need the following:**

1. Name, full address and nationality of the registrant(s).
2. If you wish to reserve rights for a periodical, title of the publication and how often it will be published (monthly, weekly, etc.).
3. If you wish to register the name of an artistic group, complete names of members.
4. For fictional and human characters, the Copyrights Office requests a complete description of physical and psychological characteristics, and sample or picture of the character.
5. We need a power of attorney, in the terms mentioned before.