

## USPTO-MEXICO:

New Accelerated Patent Grant (APG) program enhances opportunities for U.S. entities

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### USPTO-MEXICO



On November 13th, 2023, the Mexican PTO (IMPI) released guidelines for the Accelerated Patent Grant Agreement (APG), a joint effort by the USPTO and IMPI designed to speed up the patent granting process. Under this program, qualifying patent applicants who have already received a U.S. patent from the USPTO may choose to expedite the process of obtaining a corresponding patent in Mexico.

**IMPI is responsible for implementing these guidelines, effective on the date they are signed and issued.**

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#### CRITERIA FOR ELIGIBILITY

In order to be eligible for participation in the APG program, the following requirements must be fulfilled:

- The Mexican patent application must validly claim priority under the Paris Convention from a USPTO application.
- The Mexican patent application must share a common priority with the corresponding USPTO application.
- The corresponding USPTO patent application must be deemed patentable and published in the USPTO Patent Gazette.
- All claims in the Mexican patent application must be, or amended to be, sufficiently corresponding to those in the U.S. patent.
- The Mexican patent application must have completed all necessary formalities, been published in the Intellectual Property Gazette, and gone through the period for receiving third-party observations.

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#### APPLICATION PROCESS

In order to obtain an APG, the applicant needs to complete a form with necessary information such as the invention title, filing date, patent application number, applicant's name and corresponding USPTO patent application details. The form must also include relevant documentation,

such as the number of the patent granted by the USPTO, a translation of the claims into Spanish and a correspondence table indicating how all the claims of the Mexican application are sufficiently corresponding to the claims of the patent granted by the USPTO.

#### FEE STRUCTURE

The request for an APG will be free of charge. However, if amendments to the claims are necessary for sufficient correspondence, a fee for voluntary amendments to the claims will apply.

#### OTHER IMPORTANT CONSIDERATIONS

Please note that the Joint Statement of Intent for the Accelerated Patent Grant does not excuse applicants from their duties under Mexican patent legislation and other relevant Laws.

For further information and access to the APG guidelines and user guide, please visit the following links:

[https://www.gob.mx/cms/uploads/attachment/file/870254/091023\\_Guidelines\\_Accelerated\\_Patent\\_Grant\\_18\\_.pdf](https://www.gob.mx/cms/uploads/attachment/file/870254/091023_Guidelines_Accelerated_Patent_Grant_18_.pdf)

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