

How to register a trademark in Mexico

Registering a trademark in Mexico is one of the most important decisions when it comes to protecting a business in this country.

It is not only a legal procedure that grants exclusive rights and protection against unauthorized use: it is an **investment in reputation, commercial exclusivity, and long-term growth**.

In Mexico, more and more companies, startups, and professionals understand that their trade **name, logo, or brand image** are **valuable strategic assets**.

However, many entrepreneurs do not register their trademark (or do not do so in time). Said omission may sometimes lead to legal problems, loss of reputation, or even the misuse of the trademark by third parties.

In Intellectual Property, there is a clear rule: **the trademark is not yours until you register it**.

Registering a trademark in Mexico requires a proper management throughout the legal process as well as making the right decisions from the start. Otherwise, you may lose time, investment, and even the right to use your own commercial identity.

I WANT TO REGISTER A TRADEMARK IN MEXICO

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Where can I register a trademark in Mexico?

Trademarks in Mexico are registered before **IMPI (Mexican Institute of Intellectual Property)**, which is the Official Authority responsible for receiving, examining, and granting trademarks, patents, designs, and other Intellectual Property rights in the country.

Requirements for registering a trademark in Mexico

Before **registering a trademark before IMPI**, we recommend that you clearly define the sign that will constitute the trademark.

This may be, among others:

- A name, letter, number, figurative element, or combination of colors.
- A three-dimensional shape.
- A proper name of a natural person.
- A sound or smell.
- Etc.

In order to obtain a trademark registration in Mexico, an application must be filed before IMPI together with certain **information**. The most important pieces of information are:

- The applicant's name, address, and email.
- A representation of the sign that constitutes the trademark.
- The date of first use of the trademark or, if applicable, a statement that it has not been used.
- The specific products or services to which the trademark will apply.
- The elements for which protection is not sought and which are reproduced in the trademark.
- The description of the trademark, where applicable.
- The location of one or more establishments or businesses related to the trademark, provided that the date of first use has been indicated.
- A statement that standard characters have been used, where applicable.
- A statement of geographical indication, where applicable.

In addition, the trademark application must include the proof of payment of the corresponding **fee**. Many rejections or delays in trademark registration are caused by **non-compliance with the necessary requirements** and/or the failure to address various factors, such as:

- Incorrect choice of class of goods and/or services.
- Lack of distinctiveness.
- Select an already registered trademark.
- Failure to meet deadlines.
- Failure to comply with the formal requirements in the application.
- Failure to respond in time to an opposition or an office action.

Therefore, it is always advisable to have [expert local trademark attorneys](#) reviewing the legal feasibility and managing the case correctly from the outset.

Who can register a trademark before IMPI?

Any **individual or legal entity** (company) that wishes to legally protect its trade name, logo, or any mark that identifies its products or services with a legitimate interest.

How to register a trademark before IMPI?

Registering a trademark before **IMPI** is the legal process that grants the **exclusive right to use the name, logo, or identity of a product or service** in the Mexican territory.

1- Analysis of registration viability.

Before filing the application, it is essential to verify that the trademark **is not already registered or similar to another existing one**.

At **UNGRIA**, we have [expert trademark attorneys in our office in Mexico](#) who can advise you and conduct a trademark registration background check and a registration viability report to assess whether your trademark is registrable and thus avoid conflicts from the outset.

2 – Define what you are going to register and in which class

You must be clear about the **type of trademark** (name, logo, both, etc.), the **products or services** you are going to protect, and the **class** to which they belong, according to the Nice Classification.

Example: if you sell clothes, you need to register the trademark in class 25.

3 – File the application before IMPI

You can do this either online or in person, and you must file the trademark application along with the information mentioned above.

4 – Publication of the application

Once the application has been received, IMPI will publish it in the Official Gazette within 10 days of receipt and will grant a non-extendable period of one month from the date on which the publication takes effect for any interested third party to oppose the application for registration or publication.

Once the one-month period has expired, the application will be examined.

5 – Substantive and formal examination

In case there is no opposition, or said opposition is resolved in your favor, then IMPI will conduct a substantive and formal examination to verify that your trademark:

- Is legal;
- Is distinctive;
- Is not generic nor misleading.

Should everything be correct, **then IMPI will issue a favorable decision.**

If the application or the documentation submitted does not comply with legal or regulatory requirements, or if there is any impediment to the registration of the trademark, the Institute will notify the applicant in writing. If an opposition to the application is filed, IMPI will notify the applicant so that it may respond and submit any evidence deemed appropriate.

In this case, the applicant has two months to respond to the corresponding communication, with the possibility of extending the deadline for another two months, without having to reapply, but paying the corresponding fees.

In this regard, it is important to note that in case the applicant increases the number of products or services for which registration is sought, or replaces or changes the product or service indicated in the initial application, the application will be subject to a new procedure.

6 – Obtaining the certificate of registration

Once the application process has been completed and the legal and regulatory requirements have been met, **the trademark becomes valid for 10 years and can be renewed indefinitely.**

From that moment on, **the trademark is legally protected throughout Mexico.**

Finally, it should be noted that the trademark owner must **declare its actual and effective use**, indicating the specific products or services to which it applies.

This declaration must be filed before IMPI within three months of the third anniversary of the registration being granted.

Unfortunately, many trademark owners tend to neglect their trademarks, and without a local attorney, it is common that the compulsory declaration of use is filed late, resulting in the loss of the trademark and the need to file a new application.

How long does it take to register a trademark?

If there are no oppositions nor official requirements, the entire process usually takes **between 4 to 6 months** from the date the application is correctly filed. There are several factors that can speed up the process:

- Submitting a well-structured application from the outset, complying with all requirements.
- Choosing the correct class(es) from the outset.
- Working with a local trademark attorney.
- Conducting a preliminary search to avoid future oppositions;

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Is a trademark registration in Mexico valid internationally?

No. Trademark law is subject to the principle of territoriality, meaning that it is protected in the country where it was applied for and registered. If you are interested in [registering a trademark internationally](#), a good recommendation would be to refer to the "Madrid System."

Finally, you should bear in mind that **if you do not have a registered address in Mexico**, you must appoint a **legal representative** to receive notifications and respond to IMPI, who will act with a power of attorney signed by the foreign applicant.

Do you want to register a trademark in Mexico?

At **UNGRIA**, we have a local team of trademark attorneys that can advise and assist you if you want to register a trademark:

- Filing and prosecution of the application;
- Research of prior registrations;
- Registration viability report;
- Trademark surveillance;
- Renewals and maintenance;
- Opposition proceedings against third parties;
- Registration of changes of ownership and assignments;
- Review and drafting of trademark-related contracts;
- Protection strategies for the defense of the registered trademark.

Please, do not hesitate to contact us for more information.

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