

Madrid Protocol Concerning the International Registration of Marks

International Registrations Designating Mexico: Requirement to Submit a Declaration of Actual and Effective Use of the Mark

1. The Mexican Institute of Industrial Property (IMPI) has communicated to the International Bureau of the World Intellectual Property Organization (WIPO), information concerning the requirement to submit a declaration of actual and effective use of a mark that is the subject of an international registration for which Mexico has been designated, in accordance with the Federal Law for the Protection of Industrial Property in force in Mexico. IMPI has requested that this information be made available to users of the Madrid System.

2. The communication sent by IMPI reads as follows:

“Holders of international registrations for which protection has been extended to Mexico must submit a declaration of actual and effective use of the mark. This declaration must be submitted directly to IMPI in the official form specified in the regulations in force, upon payment of a fee for each class for which protection has been granted in Mexico:

(a) within three months, following three calendar years from the date on which protection to the mark was granted in Mexico, provided that the national registration certificate is issued by IMPI after August 10, 2018; such date, identified as the DATE OF GRANT, can be consulted in the following IMPI electronic platform, based on the national file number or national registration number: acervomarcas.impi.gob.mx;

(b) within three months from the publication in the WIPO Gazette of the renewal of the international registration effected by the International Bureau of WIPO, provided that the grant of protection in Mexico has been in effect for at least three years.

For more information on the filing of a declaration of use, please consult the information available on IMPI’s website: <https://www.gob.mx/impiprensa/el-impifacilita-lapresentacion-de-la-declaracion-de-uso-de-marcas-avisos-y-nombres-comerciales-por-medio-de-sus-servicios-electronicos-279218?idiom=es>.

Under case (a), above, if the holder fails to declare actual and effective use of the mark, the registration will lapse by operation of law, without requiring a declaration by IMPI.

Under case (b), above, if the holder fails to declare actual and effective use of the mark, IMPI will require the holder to correct this omission within two months. In case the holder fails to meet this requirement within the given time limit, the registration will lapse by operation of law, without requiring a declaration by IMPI. The requirement will be published electronically in the IMPI Industrial Property Gazette, which can be consulted at siga.impi.gob.mx based on the national file number or national registration number.”

3. Where the declarations of use specified in paragraph 2 have not been submitted, resulting in the lapse of the international registrations, IMPI will notify the International Bureau of WIPO of the invalidation of the effects of the corresponding international registrations, pursuant to Rule 19 of the Regulations under the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks.
4. More information on the obligation to submit a declaration of actual and effective use of a mark in Mexico is available in Information Notices Nos. [13/2018](#) and [14/2018](#).
5. Users of the Madrid System may also contact IMPI for further information on this requirement.

December 20, 2024