

企画セッション

◆ STATUS AND ISSUE ON IP BUSINESS PRACTICE IN MEXICO ◆

PANELIST I

NORA DE LA PEÑA ESNARRIAGA (ATTORNEY AT LAW)

MEXICAN INSTITUTE OF INDUSTRIAL PROPERTY: PATENTS DIVISION

“PATENTS PROSECUTION. DIFFERENCES BETWEEN MEXICO AND JAPAN.”

Nowadays, even though there is an international tendency to standardize Patent Procedures around the world, there are still several differences regarding Patent Prosecution, which depend on the National IP Systems of each country. For Academic purposes only I will make a description of the similarities and differences between the Japanese Prosecution at JPO and the Mexican Patent Procedure at the Mexican Institute of Industrial Property. Differences such as Patent Opposition Procedure, Remedies regarding applications deemed withdrawn, Request for examination, etc.

PANELIST II

KARLA IVETTE GONZALEZ GARCIA (ATTORNEY AT LAW)

MEXICAN INSTITUTE OF INDUSTRIAL PROPERTY: TRADEMARKS DIVISION

“TRADEMARKS SYSTEM IN MEXICO AND DIFFERENCES WITH JAPANESE TRADEMARKS SYSTEM.”

In Mexico Trademarks are considered nowadays as a fundamental instrument that help to increase the economic development in general, the authority in charge of the procedures regarding trademarks and some other IP rights is the Mexican Institute of Industrial Property (acronym in Spanish IMPI), we have a “first to file system”, and applications submitted to IMPI have two examinations one to accomplish formalities and other regarding substantive examination in order to determine if the mark will be granted as a trademark or it will be rejected; so it is important to mention which is some of IMPI’s criteria regarding the registration of trademarks as well as the requirements that applicants need to fulfill to obtain a trademark registration in our country, by this the audience will be able to notice the differences between Mexican’s and Japanese systems and the viability of our Trademark System.

PANELIST III

ALEJANDRO DIAZ MORALES (ATTORNEY AT LAW)

AROCHI, MARROQUIN & LINDNER S.C. (MÉXICO CITY).

“IP LITIGATION PRACTICE IN MEXICO.”

The presentation will begin with a short introduction of the Mexican legal system to define where exactly is situated the IP law, IP authorities and Courts within the Mexican legal framework. I will give an overview of the main procedures foreseen within the Mexican IP law to enforce Intellectual Property rights. Basically these procedures consist in the trademark invalidation claim; cancellation action based on non-use of trademarks, infringement claim of patents and trademarks; preliminary injunctions order within the infringement procedures; patent invalidation claim; Criminal action for falsification of trademarks and non authorized reproduction of copyrights (anti-counterfeit raids with Federal Police forces and Army); Appeal process against the resolutions issued on those procedures. I will analyze the most practical and interesting topics of each one of those.

企画セッション

◆ STATUS AND ISSUE ON IP BUSINESS PRACTICE IN MEXICO ◆

Nora De la Peña Esnarriaga (Attorney at Law)

Graduated Law School in 2007 defending the senior thesis "Proposal for Introducing the Patent Opposition Procedure in the Mexican Legal System". Since 2006 I have successfully concluded several WIPO Academy distance learning courses. In 2011, I successfully concluded a Post Graduate Degree in Industrial Property Law. Language Skills. International Legal English Certificate, Certificate of Proficiency in English, both from Cambridge University and TOEFL. I have worked at several Law firms in different areas of law from Family Law to Corporate Law. However, since 2006 I have been working as an IP Specialist in the Patent Department of the Mexican Institute of Industrial Property providing legal advice for one of the Patent Substantive Examination Deputy Directors and many examiners. I am also in charge of studying and giving resolution to administrative appeals within the Patent Division.

Karla Ivette González García (Attorney at Law)

I studied Law at St. John's University obtaining the grade of Attorney at Law. After that I studied a Post-Degree in Intellectual Property Rights at the National Autonomous University of Mexico obtaining the grade of Specialist in Intellectual Property Rights.

Since 2009 I've been working in the Mexican Institute of Industrial Property as an Industrial Property Specialist in the Trademarks Division, here I am entrusted to realize the substantive examination of the of the applications proposed to grant registrations, however, I had also worked as an IP Lawyer in Fernandez Braniff Abogados, S.C. (Law Firm), as well as in Notary 103 in Mexico City.

I had also studied several of WIPO'S Courses on Line related to IP matters; as well as different English courses granting certificates such as TOEFL, FCE (Cambridge Certificate), ILEC (Cambridge Certificate), and the Teacher's Course Diploma.

Alejandro Díaz Morales (Attorney at Law)

Practice Areas: Alejandro has concentrated in intellectual property litigation and criminal cases involving falsification issues. This litigation has included trademark and patent infringements, unfair competition, trademark invalidation claims, border measures procedures, administrative appeals and extraordinary constitutional appeals. As well he focuses on providing legal assessment in IP enforcement strategies to many Mexican, and mostly foreign companies.

Carreer: Alejandro began working in the IP field in 2003 in Basham, Ringe & Correa S.C. (Law Firm) In 2006 he joined Arochi Marroquin & Lindner as a law clerk and in 2008 he became an attorney of the law firm. He has given anti-counterfeit training courses related to the identification of counterfeit goods to the customs authorities and to staff of the Attorney General's Office (PGR).

Academic: LL.M. in Information Technology by the University of Stockholm (2011), after that he coursed the LL.M. in European Intellectual Property Law by the University of Stockholm. Back in Mexico he studied the Postgraduate Program in Extraordinary Constitutional Appeals (2010) graduated with honors from the Universidad Panamericana (Mexico). Law Degree from the Universidad Panamericana (2006).