

# MGPS | MÜGGENBURG, GORCHES Y PEÑALOSA

## Circuit Courts rule on National Phase Term for Patents

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On May 12, 2023, the thesis with digital registration number 2026435 and title "PATENT APPLICATION IN ITS NATIONAL PHASE. IT MUST BE FILED WITHIN THE 30-MONTH TERM PROVIDED BY ARTICLE 22 OF THE PATENT COOPERATION TREATY (PCT), SINCE THE MEXICAN LEGISLATION DOES NOT PROVIDE FOR ITS EXTENSION" was published in the Judicial Weekly of the Federation.

In said precedent, the Tenth Collegiate Court ruled that for the filing of the national phase for PCT patent applications, the provisions of Article 22 of the Patent Cooperation Treaty must be complied with, which establishes a term of 30 months counted from the filing date of the priority claimed, without the possibility of extension.

The above, under the justification that the Mexican legislation did not adopt the extension of such period and furthermore, a reservation was made to rule 49.6 of the Regulations of the Patent Cooperation Treaty, which provides for the "Reestablishment of rights in case of non-compliance with the acts mentioned in Article 22".

## Registration of the Recognition in Mexico of Appellations of Origin and Geographical Indications

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Having satisfied the requirements set forth in Article 324 of the Federal Law for the Protection of Industrial Property, and having proceeded the registration of the recognition in Mexico in the registry established for such purpose, on May 17, 2022, the information regarding the following Appellations of Origin and Geographical Indication protected abroad, was published in the Official Gazette of the Federation:

Designation of Origin LAMBRUSCO DI SORBARA (wine) requested by Consorzio Tutela Lambrusco di Modena of Italian nationality, whose geographical area covers the entire administrative territory of the municipalities of Bastiglia, Bomporto, Nonantola, Ravarino, San Prospero, in the province of Modena, as well as part of the administrative territory of the municipalities of Campogalliano, Camposanto, Carpi, Castelfranco Emilia, Modena, Solicra, Sa Cesario sul Panaro, in the province of Modena.

Denomination of Origin HAND-WOVEN CARPETS KELARDASHT requested by cooperative companies of hand-woven carpets and various unions of hand-woven carpet weavers of the geographical area of Kelardasht of Iranian nationality.

Geographical Indication EMILIA (wine) applied for by Consorzio Tutela Vini Emilia of Italian nationality, whose geographical area covers the entire administrative territory of the provinces of Ferrara, Modena, Parma, Plasencia, Reggio Emilia, as well as part of the province of Bologna, on the left bank of the Sillaro torrent.

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