

MGPS | MÜGGENBURG, GORCHES Y PEÑALOSA

First Chamber issues relevant criteria on damages and Copyrights [Read more...](#)

Last Friday, October 27, 2023, two relevant criteria issued by the First Chamber of the Supreme Court of Justice of Mexico regarding damages in the area of Copyrights were published in the Judicial Weekly of the Federation (Semanario Judicial de la Federación).

In the first criterion, with digital registry number 2027527, it was considered that the compensation for moral or material damages in Copyright matters should not be equated with the damages derived from civil legislation. This, because the primary goal of the precepts of the Federal Copyright Law (FCL) is to ensure a fair compensation for any damage suffered by the owners of the rights.

In the second criterion, with digital registration number 2027529, it was considered that in order to have access to the compensation for infringement of the moral rights of the author, as contemplated in article 216 bis of the FCL, it is imperative to prove the authorship of the work and the fulfillment of the conducts established in article 21, section III, of the same law.

Collegiate Circuit Court rules on the time limit to initiate a Trademark Expiration Request [Read more...](#)

Derived from a controversy, the Twentieth Collegiate Court in Administrative Matters of the First Circuit issued the isolated thesis with digital record 2027522, by which it considered that the administrative cancellation of a trademark registration may be initiated at any time, in the absence of express provision in the Law.

This absence of time limit confers the possibility to any individual who demonstrates legal interest, to initiate the process at any time and the cancellation of the registration will be declared as long as the causes stipulated in the law are met.

IMPI's resolution on opposition can be challenged by means of a Federal Administrative Litigation: Collegiate Circuit Court [Read more...](#)

On August 17, 2023, the Fourth Collegiate Court in Administrative Matters of the First Circuit, issued the criterion with digital registry 2027653, by which it considered that the act of the Mexican Institute of Industrial Property (IMPI) by which it resolves an opposition proceeding, is definitive for purposes of its challenge in the federal contentious-administrative trial.

This consideration elevates it to the category of definitive act subject to challenge in this type of trial, thus, establishing a legal defense in cases of unfavorable resolutions of opposition to the granting of trademark registrations.

CONTACT

esteban.gorches@mgps.com.mx

ana.urquizo@mgps.com.mx

ricardo.gomez@mgps.com.mx

+52 (55) 52 46 34 00

Info@mgps.com.mx

www.mgps.com.mx

Paseo de los Tamarindos 90 Torre I
Piso 8, Bosques de las Lomas
C.P. 05120
Ciudad de México, México