

## declaration of use.

The recently enacted new Federal Law for the Protection of Industrial Property provides that a declaration of use will need to be filed to keep trademark registrations valid and in force.

The statute dictates that a declaration of use is to be filed within the three months following the third year after grant. Even when this obligation is not new, considering that the declaration of use was already introduced on the last amendments to the Industrial Property Law, the new Federal Law clarifies any possible misguided interpretation regarding upon which registrations falls this obligation.

Considering the above, it is no longer room for doubt or interpretation, that the obligation falls upon registrations granted as of August 10, 2018.

The declaration of "real and effective" use of the mark must be filed by the holder's legal representative domiciled in Mexico.

The declaration of use should confirm that "real and effective" use of the mark has taken place during the preceding three years in Mexico. Please note as well that these declarations will be submitted under oath and on behalf of the Registrant.

Registrations lacking the referenced declarations shall be declared *ex officio* canceled.

October 2020



—  
Rio Lerma 232, 23<sup>rd</sup> Floor, "Torre Diana",  
Cuauhtemoc, 06500, Mexico City.

—  
(55) 8852-7821  
[contactus@ibarralaw.com.mx](mailto:contactus@ibarralaw.com.mx)  
[www.ibarralaw.com.mx](http://www.ibarralaw.com.mx)