



## Intellectual property: key to business success.

*In today's world, where innovation and creativity drive business growth, intellectual property (IP) is a fundamental asset. Without proper protection, the efforts and resources invested in developing a brand or software can be at risk.*

*In this edition, we explore why protecting a brand is essential, the importance of software registration, and the measures to prevent legal disputes.*

### **I. Brand protection: more than just a name, a valuable asset.**

In Mexico, trademark registration is regulated by the Mexican Institute of Industrial Property (IMPI) under the Federal Law for the Protection of Industrial Property.

#### **Why register your trademark?**

- **Avoid legal disputes:** Registration grants exclusive usage rights and protects your business from infringements.
- **Build trust and value:** A registered trademark enhances credibility and can be a key asset for future investments or expansions.
- **Prevent unauthorized use:** Without registration, a third party could claim ownership of your brand and force you to stop using it.
- **Enable licensing and franchising:** A registered trademark can be commercially exploited through licenses or franchises, generating additional revenue.

#### **Consequences of not registering a trademark**

- Someone else may register the trademark you are using and force you to stop using it.
- You could face lawsuits or legal proceedings for unauthorized use of an already registered trademark.
- You lose the ability to claim compensation in case of infringement, as legal action cannot be taken without registration.





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## Trademark record maintenance

Once registered, a trademark must be monitored and comply with certain obligations to avoid losing exclusive rights:

- **Use in accordance with the registration:** If the trademark is modified in its design, color, typography, or additional elements, the altered version may not be protected. This could lead to challenges and a cancellation procedure for non-use.
- **Declaration of use before the IMPI:** Within three months after the third anniversary of registration, a declaration of use must be submitted to confirm that the trademark is being used for the registered products or services. Failure to do so results in automatic expiration, leading to the loss of exclusivity.
- **Renewal every 10 years:** To maintain trademark rights, the registration must be renewed every 10 years. The renewal request must be submitted within the six months prior to expiration or, with surcharges, up to six months afterward. Renewal is only possible if the trademark is still in use and the required declaration of use has been filed.
- **Taking legal action:** Initiating legal actions against infringers and opposing the registration of identical or similar trademarks that could cause confusion with the registered mark.

To mitigate risks, we recommend to implement continuous monitoring and comply with all legal requirements.

## II. Copyright in software: legal protection for tech companies.

In Mexico, copyright law protects computer programs (software, mobile applications, etc.), and registering them with the National Institute of Copyright (INDAUTOR) is crucial to prevent future issues.

In the technology and software development sector, companies often hire developers or engineers to create computer programs and mobile applications. According to the Federal Copyright Law, developers are considered authors, as only individuals can hold this status. However, the economic rights to the software can belong to the company, provided there is a contract explicitly stating so. If a contract does not expressly establish that the rights belong to the company, the developer could claim them, putting the investment at risk and potentially leading to costly legal disputes.





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## **Legal protection for the company**

The Federal Copyright Law establishes that the economic rights of software created under commission or within an employment relationship belong to the entity that commissioned it, provided there is a written contract clearly defining the ownership of the rights.

To prevent legal disputes, it is recommended to have:

- Employment contracts with specific clauses on copyright.
- Work-for-hire agreements, specifying the software scope, compensation, and ownership of rights.
- Non-Disclosure Agreements (NDAs) to protect sensitive information and prevent unauthorized use.

Additionally, registering the software with INDAUTOR is highly recommended, as it provides a legal presumption of ownership, facilitates commercialization by ensuring legal security for licensing or sales, and enables legal action against unauthorized use.





## COMPLEMENT: IMPI recognizes Mexico's most famous brands in 2025

*The Mexican Institute of Industrial Property (IMPI) has granted the "Famous Brand" and "Well-Known Brand" distinctions to 27 brands in Mexico, recognizing their trajectory, impact, and consumer recognition. This strengthens the identity and legal protection of these brands, allowing them to consolidate their presence in both the national and international markets.*

### **I. What does it mean to be a famous or well-known brand?**

- The "Famous Brand" title is granted to brands that are widely recognized throughout the country, regardless of the commercial sector they belong to.
- The "Well-Known Brand" recognition is given to brands that are primarily recognized within their specific industry but do not reach the same level of general recognition.

These distinctions provide special legal protection, preventing third parties from registering similar names or exploiting their prestige without authorization.

### **The Most Famous brands in Mexico in 2025**

The brands recognized as Famous Brands by IMPI in 2025 are: Andrea, Barmicil, Best Day, Chantilly, Farmacias del Ahorro, FUD, Danonino, JUMEX, La Moderna, La Villita, Mamá Lucha, Mercado Libre, Natura, Noche Buena, OCESA, Picot, Salud Digna, San Rafael Delicatessen, Spotify, and Tajín. These brands have demonstrated a high level of consumer recognition and a significant impact on the Mexican market.

### **The Well-Known brands of 2025**

Additionally, IMPI granted the Well-Known Brand category to Churrería El Moro, Colegio Madrid, Crown Baccara, Eficaz, Ema, Gloria, and Mayakoba. While these brands may not have the same level of mass recognition, they are highly respected within their sector and have established a strong presence in the market.





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## II. Why is this recognition important?

Santiago Nieto Castillo, Director General of IMPI, emphasized that this type of recognition strengthens the value of Mexican brands in the global market and protects their identity against potential imitations.

Having a registered and protected brand is key to the growth of any business. In addition to ensuring exclusive rights over its use, it provides benefits such as greater consumer trust, access to international markets, and the possibility of expansion through franchises or licenses.

## III. How to obtain the "Famous Brand" or "Well-Known Brand" recognition?

If you have an established brand and wish to obtain this recognition, IMPI considers the following criteria to evaluate its notoriety or fame:

- Level of consumer recognition.
- Time the brand has been in the market.
- Geographic reach of the brand in Mexico.
- Investment in advertising and marketing.
- Market share and sales volume.
- Legal defense cases against third parties.

This type of recognition provides enhanced legal protection, preventing other companies from attempting to register similar names or profit from the reputation of an established brand..

***If you consider that your trademark may qualify for this recognition, you can consult with our intellectual property specialist, Lic. Ariel Anaya, to start the process. Ariel specializes in Intellectual Property Law at UNAM.***





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Ariel is a specialist in Intellectual Property in Mexico, with experience in the registration, protection, and defense of trademarks, patents, copyrights, and trade secrets. He advises companies and entrepreneurs on safeguarding their intangible assets and maximizing their market value.

InPulse Lab offers legal and business management consulting services. Visit the website [inpulselab.in](http://inpulselab.in) for more information.

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