



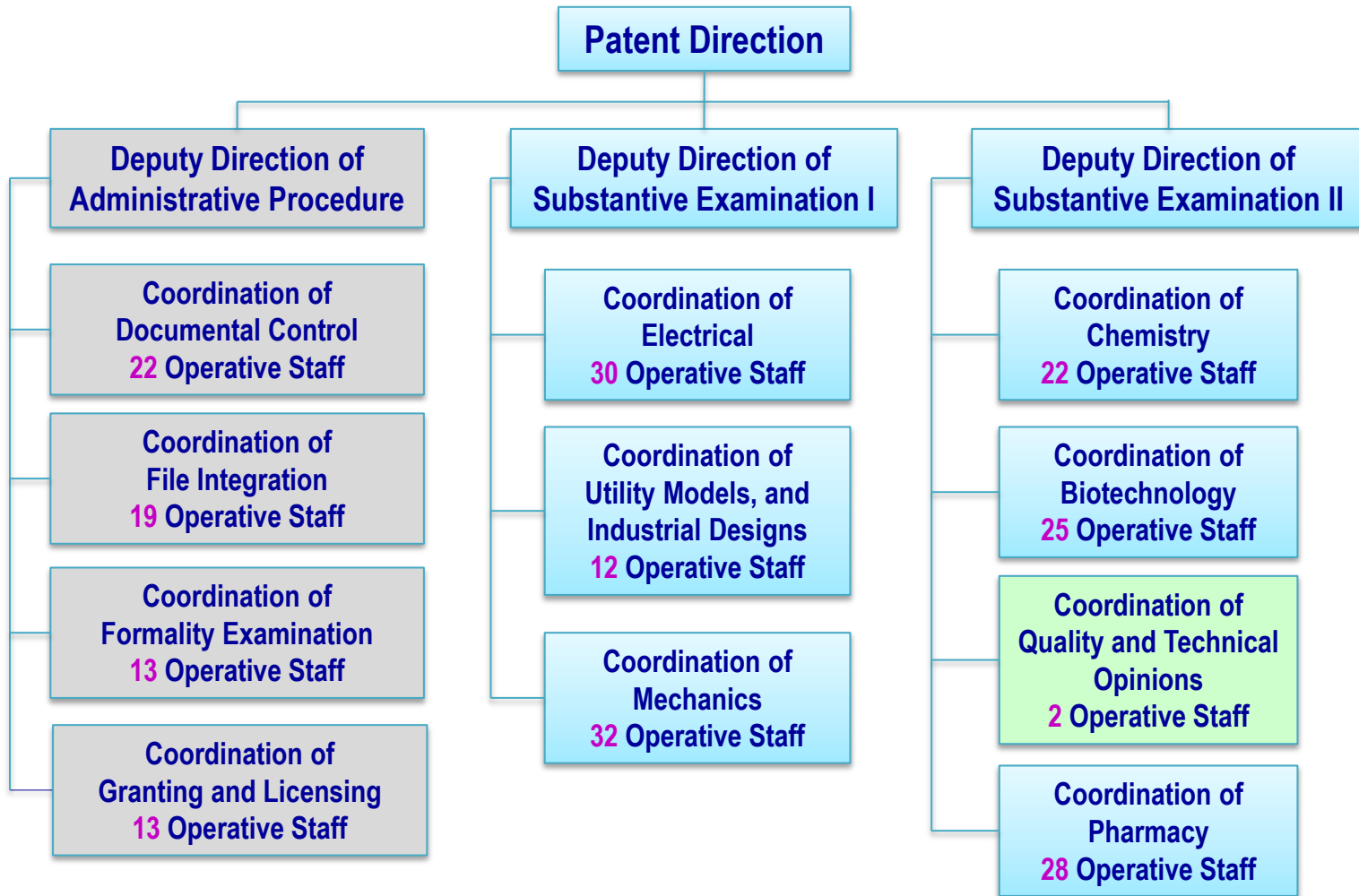
# Experience of Mexico

Rosa María Domínguez Martínez  
Edgar Flores Larracilla

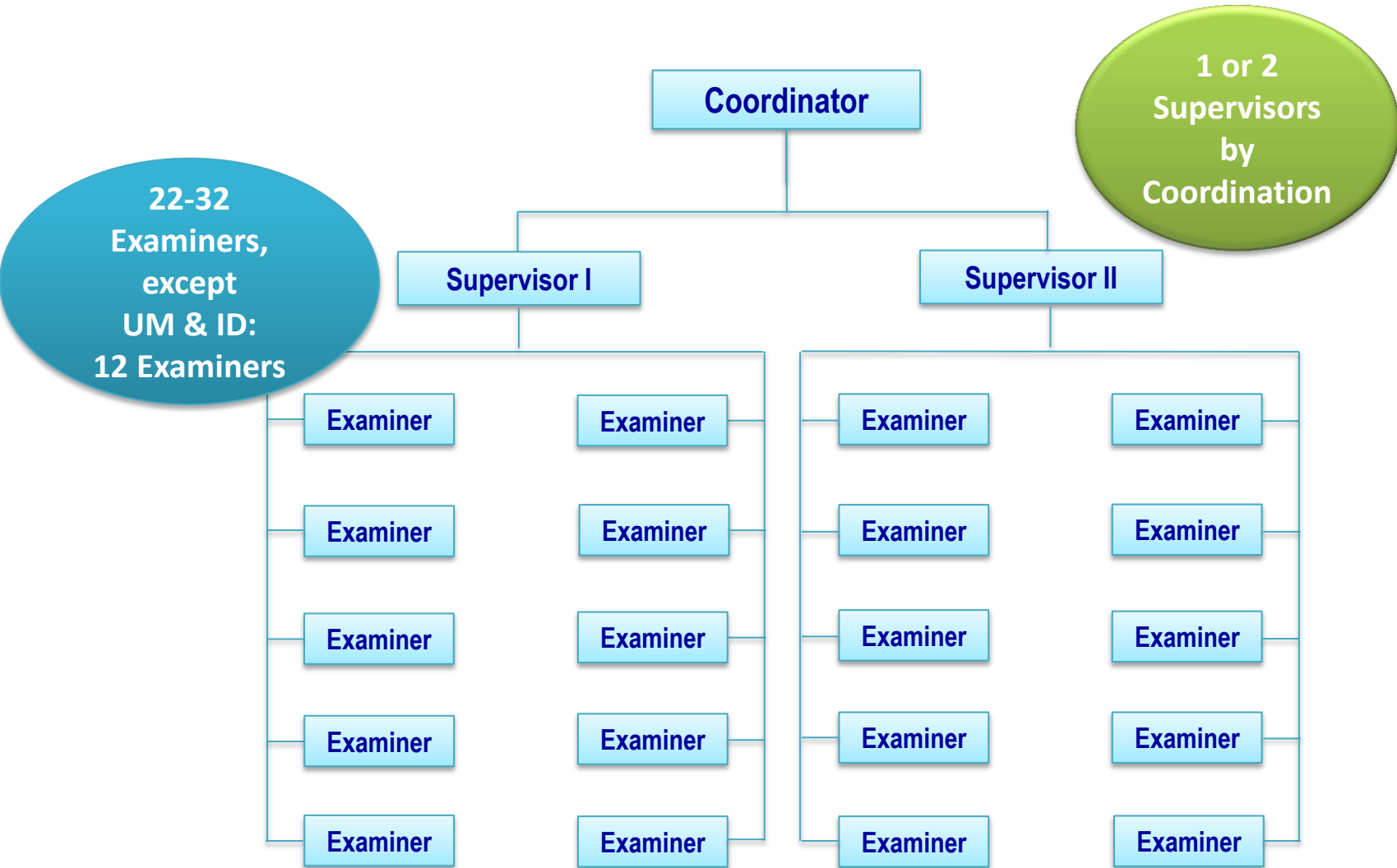
June 2018



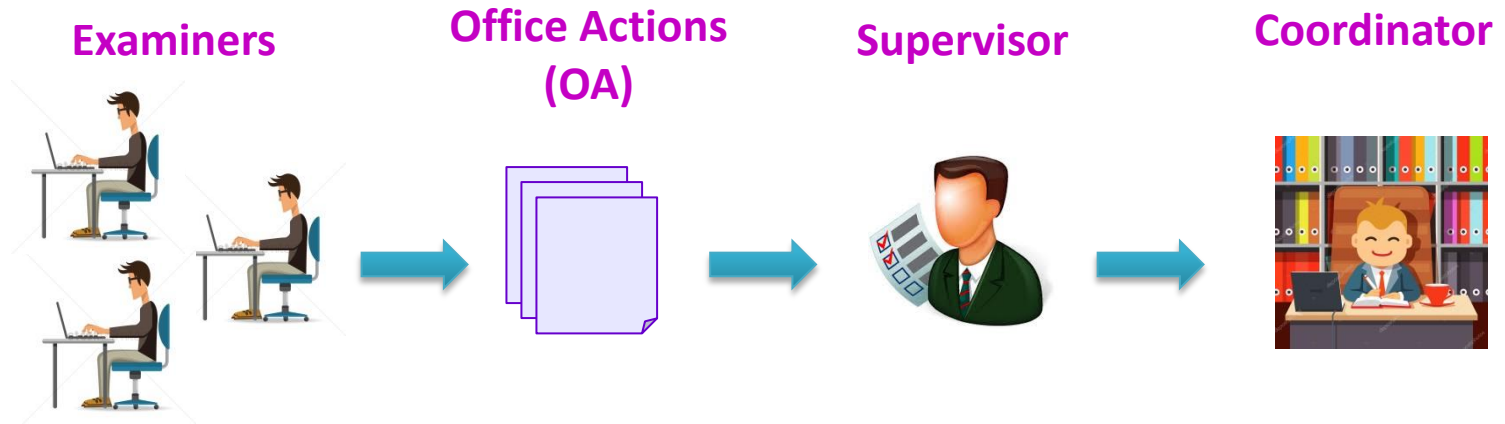
## PD Organizational Chart



## Substantive Examination Coordinations

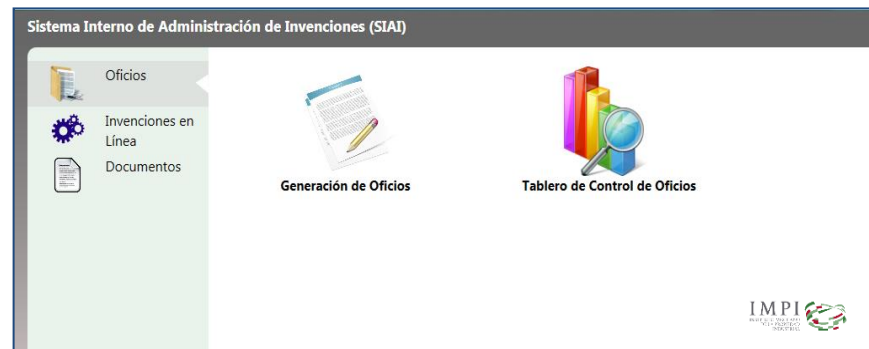


# Workflow of examinations



**SAGPAT**

**Automated patent management system**



**SIAI**

**Internal patent administration system**

## SAGPAT

### Automated patent management system

**It contains all the information about each application filed at IMPI.  
In this system, any action in the file is recorded.**

#### **Coordinators:**

- **Assign patent applications to examiners**
- **Check all the history for any file, any examiner**
- **Check each OA of the history of the file**
- **See the complete electronic files (PDF)**

#### **Examiners:**

- **Perform searches by technical field or general data**
- **Generate official actions**



## Internal patent administration system

It allows the management of all OA, all observations that are made on it are recorded and auditable.

### Examiners:

- Elaborate the office actions
- Correct office actions

### Supervisors:

- Check all office actions: OK or ask the examiner to correct the office action

### Coordinators:

- Check all office actions: OK or ask the examiner to correct the office action
- Sign the office actions



# SAI

## Internal patent administration system

### Application

Examiner

Observations

OA

number

Supervisor

The screenshot displays the SAI web application interface. At the top, the title bar reads 'Sistema Interno de Administración de Inventiones'. The main content area shows a patent application form with the following details:

- Version:** 1.0.0.0
- Supervisor:** EFLORESL-EDGAR FLORES LARRACILLA
- TIPO OFICIO:** "4to" Requisito de fondo LPI PCT
- Number:** MX/a/2014/011941 - MX/2018/046230

The application form includes sections for 'Destinatario', 'Reporte de Búsqueda', 'Anexos', and 'Movimientos'. A 'Enviar' dialog box is open, showing the following information:

- Destinatarios:** CESAR PALMA GONZAGA
- Comentario:**
  1. Es necesario contestar todos y cada uno de los argumentos presentados por el solicitante.
  2. Es necesario verificar la fecha de publicación del documento D1.

Buttons for 'Aceptar' and 'Cancelar' are visible at the bottom of the dialog box. The background document shows the header of the patent application, including the IMPI logo and the text: 'DIRECCION DIVISIONAL DE PATENTES', 'SUBDIRECCION DIVISIONAL DE EXAMEN DE FONDOS DE PATENTES AREAS MECANICA, ELECTRICA Y DE REGISTROS DE DISEÑOS INDUSTRIALES Y MODELOS DE UTILIDAD', 'COORDINACION DEPARTAMENTAL DE EXAMEN DE FONDO AREA ELECTRICA', 'Expediente de Patente PCT fase nacional Capitulo I MX/a/2014/011941', 'Asunto: 4to Requisito de fondo LPI PCT.', 'Ciudad de México, a 6 de junio de 2018.', 'No. Folio: 46230', 'SYSTEME GMBH', 'DALGO, Distrito Federal, México', and 'Expediente No. MX/a/2014/011941 de Patente PCT presentada el 28 de marzo de 2013.' The text continues with details about the examination process and the applicant's response.

## Persons Responsible for Managing Examination Quality

### Persons responsible for checking:

#### ❑ Supervisors (Total 9)

Years of experience as examiners: 10 to 23 years

Supervisors also conduct examinations

#### ❑ Coordinators (Total 6)

Years of experience in IP: more than 15 years

Most of them were examiners

### Points to be checked:

- **Validity of searches conducted by examiners (some)**
- **Validity of decisions made by examiners**
- **Whether OA prepared by examiners are clearly stated for applicants to easily understand the drafting notices**





## Persons Responsible for Managing Examination Quality

### Ways for checking:

Supervisors:

Most of the office actions

Coordinators:

Notices and decisions are selected by Coordinator

In each of the Examination Coordinations higher priority can be given by Coordinators:

- Examinations being conducted by recently recruited examiners
- Applications whose claims are related to specific technical fields
- Decisions to grant patent rights immediately without notifying reasons for refusal (without an intermediate office action in substantive examination).

Deputy Directors: (Total 2)

Specific cases, when the applicant asks a review of final action. (Patent application is denied or abandoned)



## **Actions tending to ensure the quality of our products**

- Recruitment of professionals with bachelor's, master's or doctoral degrees in different technical areas.**
  
- Training Program:**
  - **Initial training course (5 weeks of duration)**
  
  - **The new examiner works with supervision by a personal tutor ( a highly experienced examiner)**
  
  - **Finally, the trained examiner conducts the examination alone**



## Actions tending to ensure the quality of our products

### □ Continuous training with face-to-face and online courses:

- WIPO Academy
- European Patent Academy, EPO
- CEDDET, Spain
- JIPII and HIDA, Japan
- Global Intellectual Property Academy, USPTO

### □ Stays:

- CEIPI of the University of Strasbourg, France
- OEPM as part of CIBIT Program
- Osaka University as part of activities of JICA



## Actions tending to ensure the quality of our products

- ❑ More than 90 percent of our applications constitute the national phase of PCT applications, so we make extensive use of PCT searches and IPER, IPRP
- ❑ For national applications, the search of prior art is done using EPOQUE and DERWENT INNOVATION (Clarivate Analytics), in addition to the public databases of patent offices
- ❑ For all applications the search is also done in the national database SIGA
- ❑ Extensive use of databases: PAIR (USPTO), EPO Register (EPO), AIPN (JPO), PATENTSCOPE (WIPO), etc.



## Actions tending to ensure the quality of our products

- ❑ **Substantive examination is mandatory for all applications: patents, utility models and industrial designs**
- ❑ **Procedure for filing observations to the patentability for third parties pre-granting as to whether the application complies with articles 16 and 19 of the Mexican Industrial Property Law**
- ❑ **The office actions are checked by Supervisors and Coordinators**
- ❑ **If the applicant does not agree with a final official action, he may request a review with the superior authority, in this case one of the Deputy Directors**
- ❑ **User satisfaction surveys**



## Patentability requirements



- ✓ **Novelty**
- ✓ **Inventive Step**
- ✓ **Industrial Application**
- ✓ **Clarity**
- ✓ **Complete disclosure of the invention**
- ✓ **Unity of Invention**



## Legal framework

### International legislation

**Mexico is part of the different treaties and agreements on Industrial Property at the international level, for example:**

- **Paris Convention**
- **Patent Cooperation Treaty (PCT)**
- **Strasbourg Agreement Concerning the International Patent Classification**
- **Budapest Treaty**
- **Etc.**



## Legal framework

### National legislation

**Ley de la Propiedad Industrial, LPI  
(Industrial Property Law)**

**Mexican law of IP**

**Reglamento de la Ley de la Propiedad Industrial  
(Regulation of LPI)**

**It contains the corresponding rules of the Industrial Property Law.**

**Manual de Procedimientos  
(Manual of Procedures)**

**Describes step by step each one of different procedures during the prosecution of the applications in the PD.**

**Acuerdo que establece las reglas para la presentación de solicitudes ante el Instituto Mexicano de la Propiedad Industrial  
(Agreement that establishes the rules for filing applications before IMPI)**

**A guide for the applicants about how they should draft the applications.**

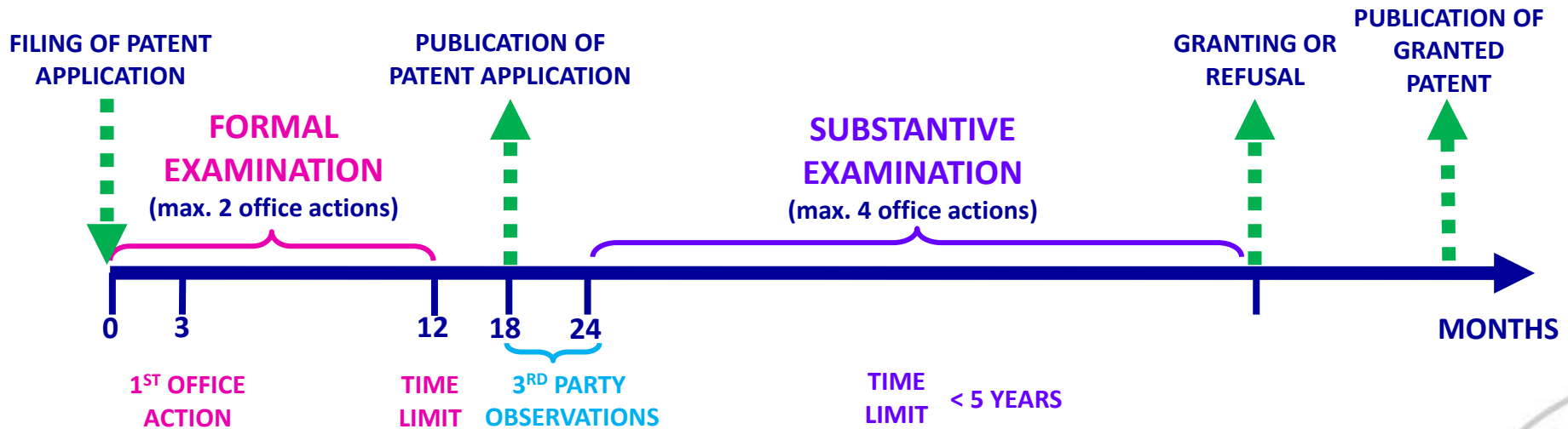
**Acuerdo por el que se establecen reglas y criterios para la resolución de diversos trámites ante el IMPI.  
(Agreement that establishes the rules and criteria for resolving several procedures before IMPI)**

**It establishes time limits for the different stages of the processing of applications.**





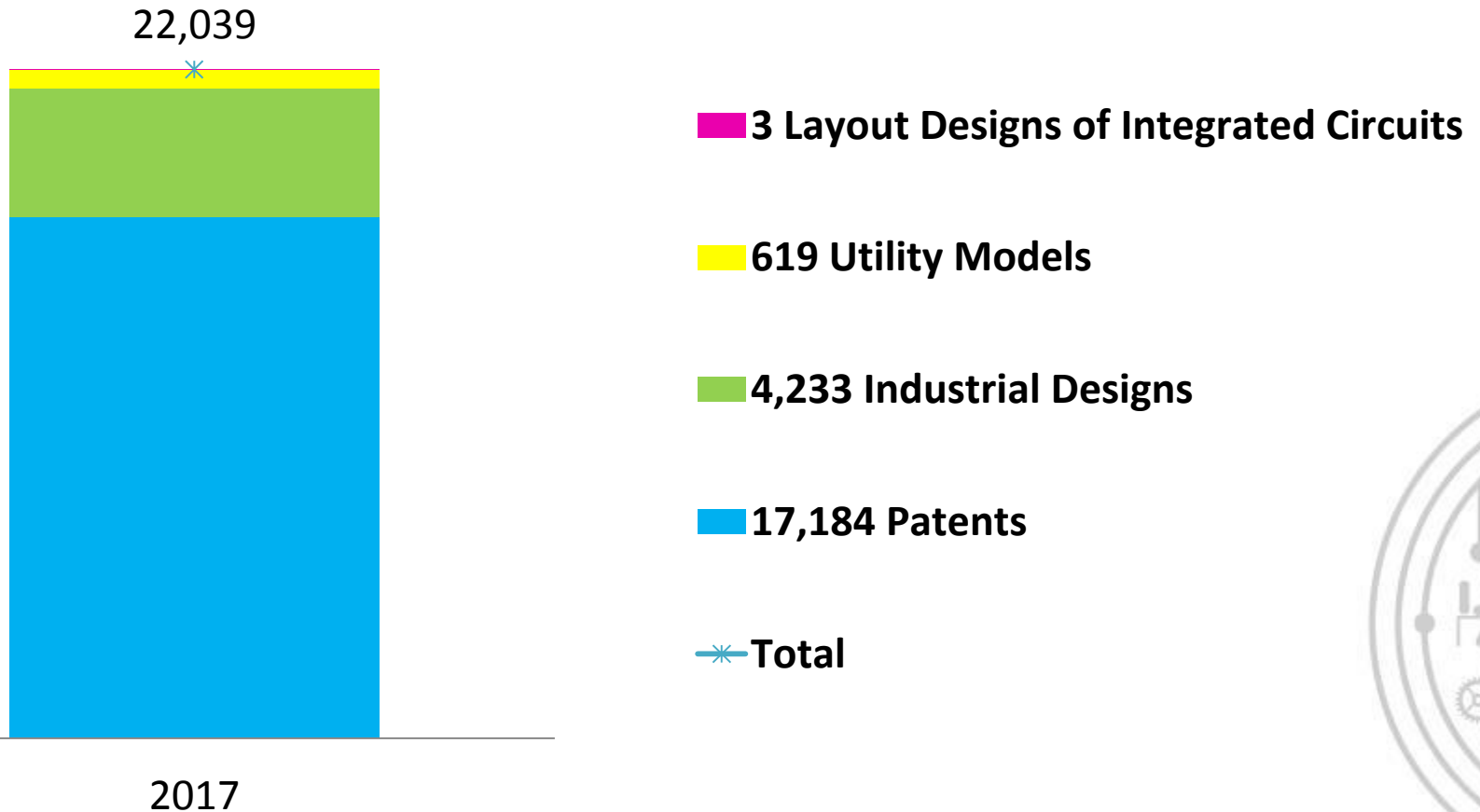
## Timeline of procedure for patent applications



*Acuerdo por el que se establecen reglas y criterios para la resolución de diversos trámites ante el IMPI (August 9, 2004).*

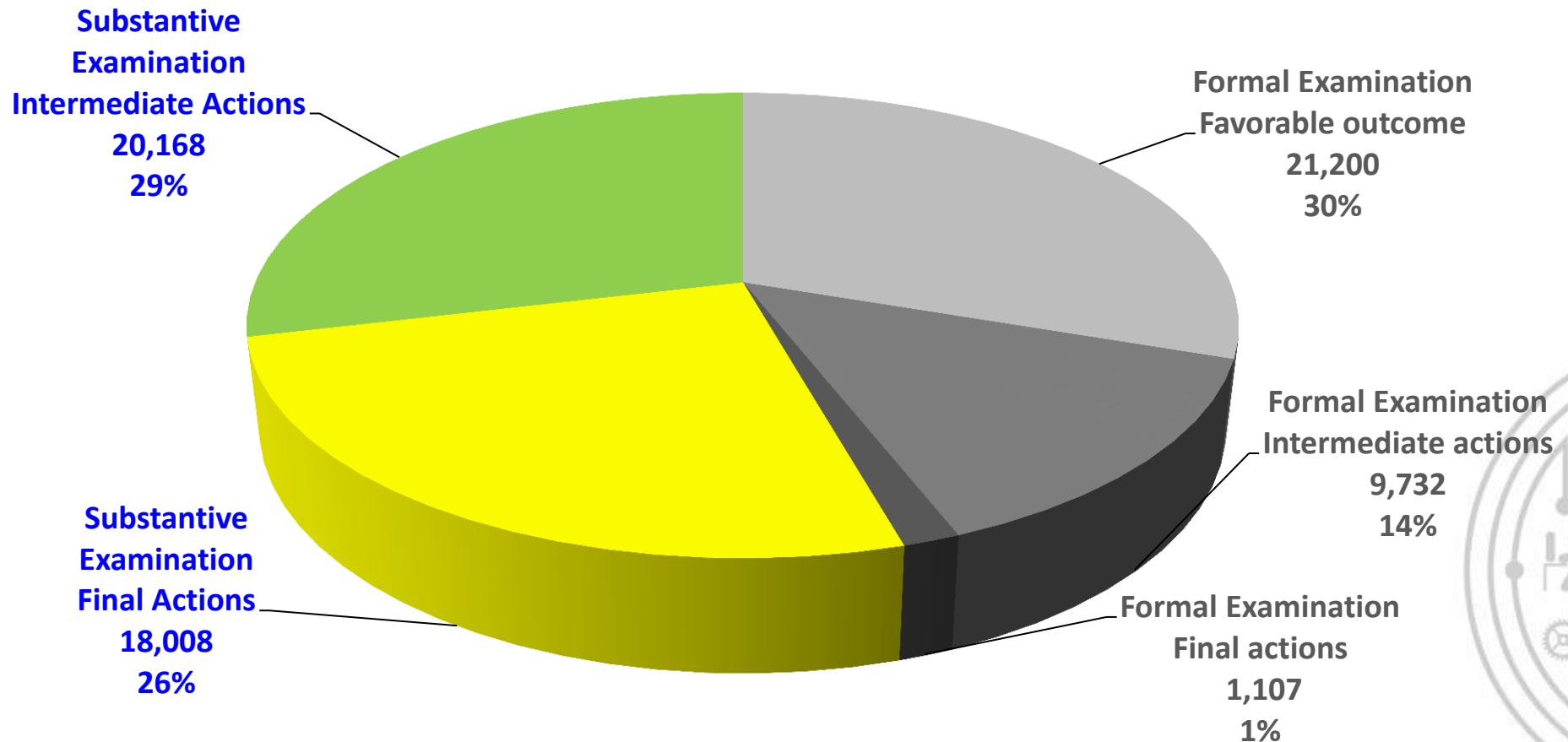
## Applications 2017

**22,039 applications for protecting inventions were received:**



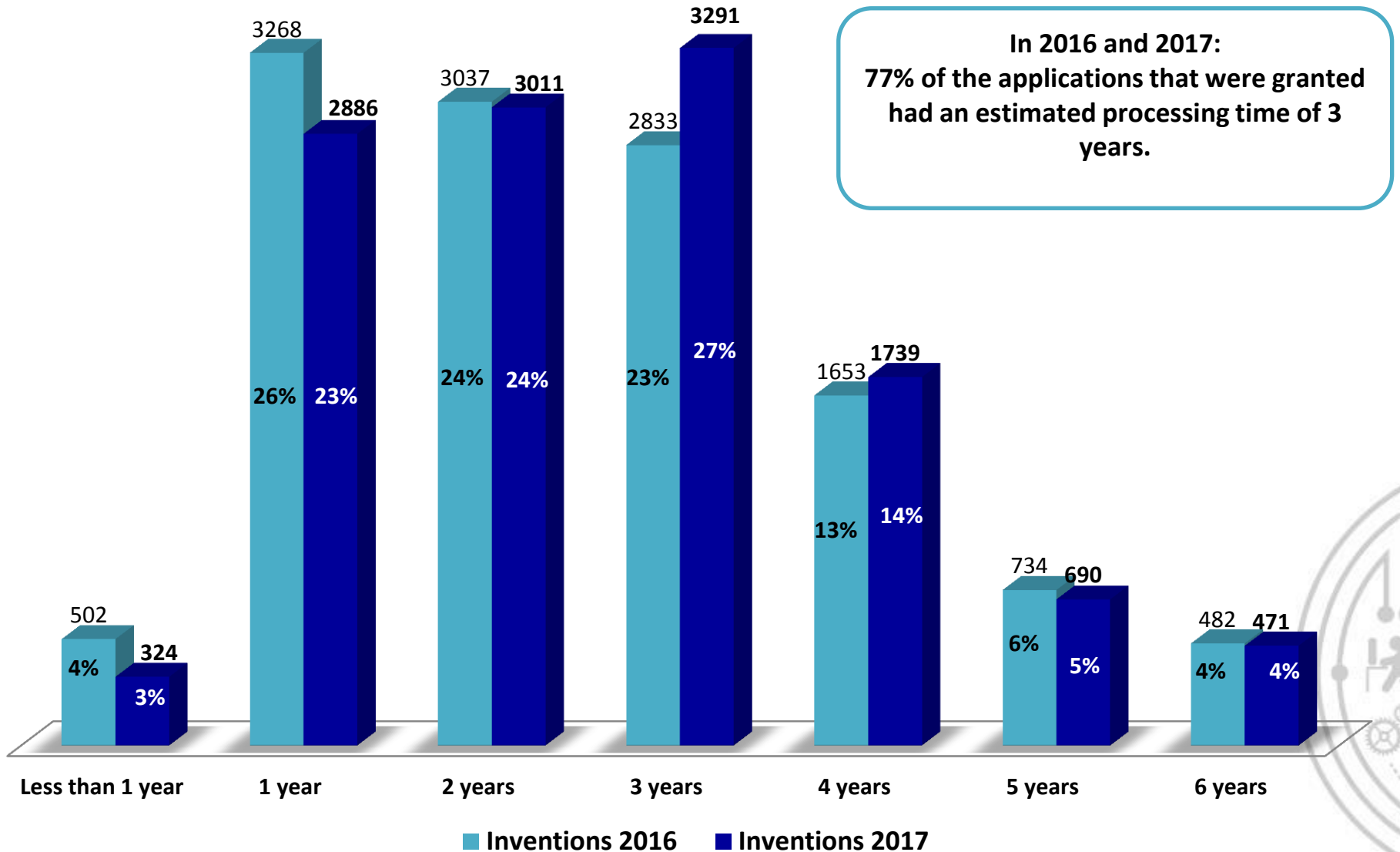
## Office actions issued in 2017

A total of 38,176 office actions were issued from substantive examination coordinations:



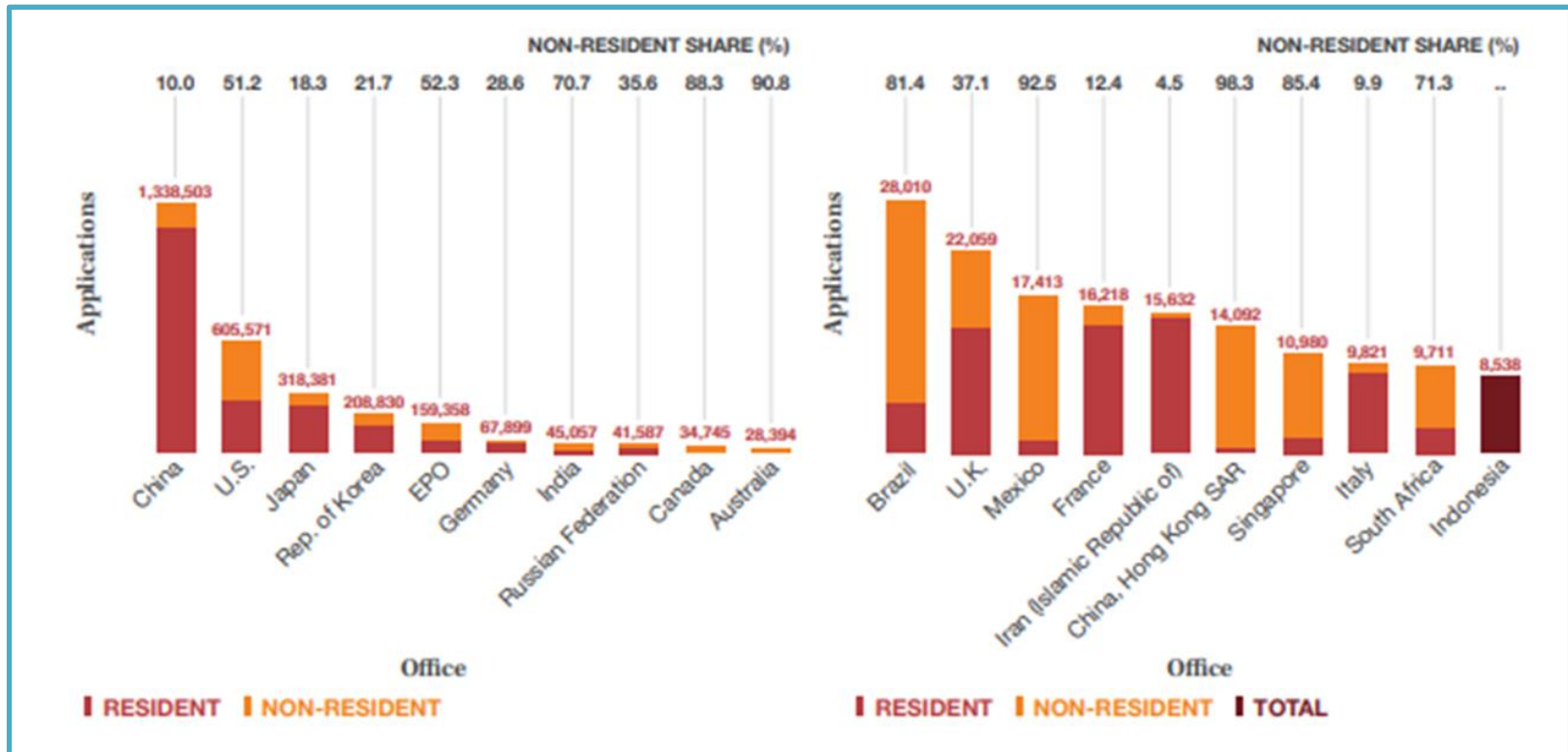
## Approximate time of granting

### Applications granted in 2016 and 2017



# Patent applications for the top 20 offices, 2016

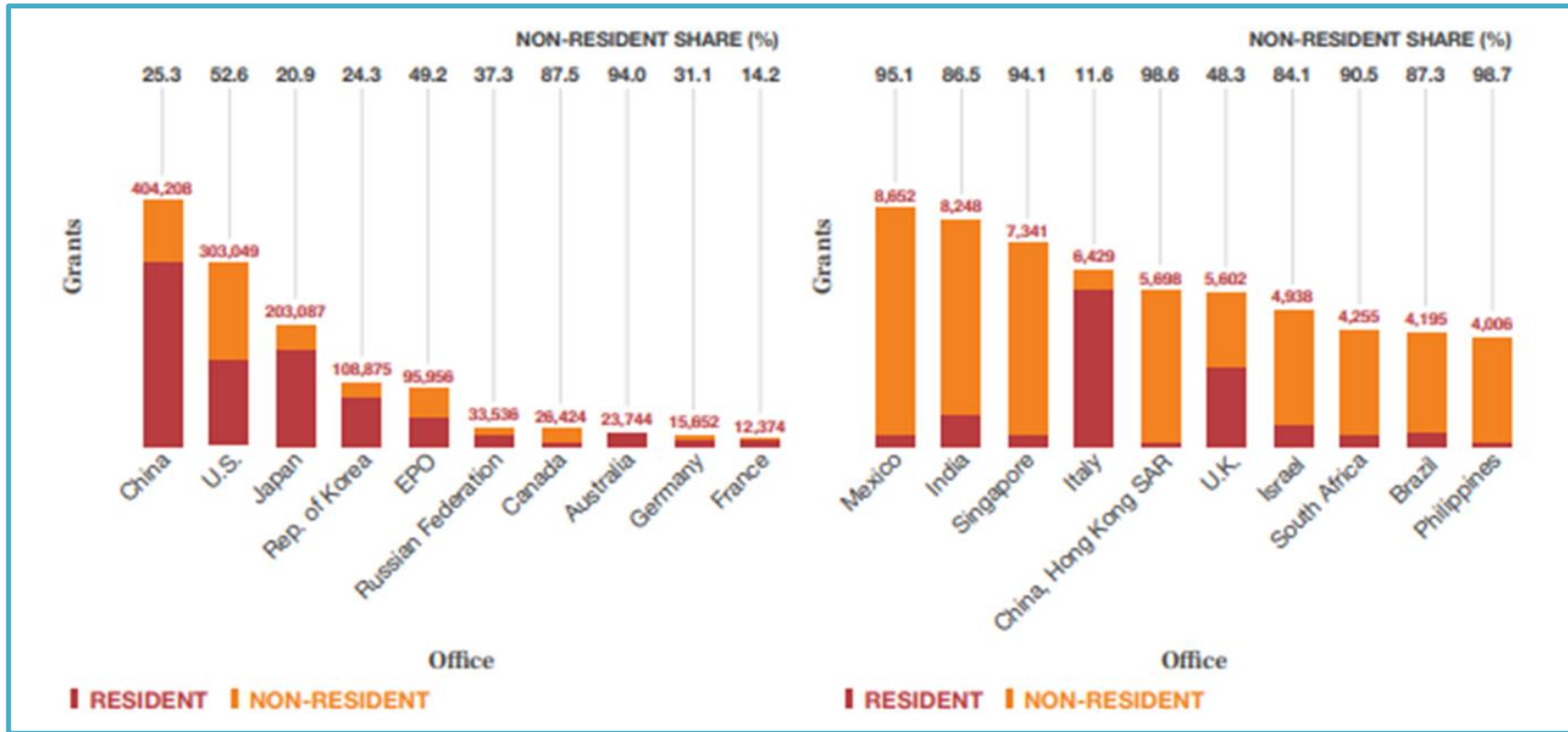
World Intellectual Property Indicators 2017



Mexico  
13th place

# Patent grants for the top 20 offices, 2016

World Intellectual Property Indicators 2017



Mexico  
11th place



# Thank you!

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Xochimilco, México D.F. 16020

<http://www.gob.mx/impi>

