

**LAW OF INDUSTRIAL AND
COMMERCIAL MARKS INCLUDING
ALSO THE COMMERCIAL NAMES AND
ADVERTISEMENTS, PUBLISHED IN THE
DIARLO OFICIAL OF THE 2ND OF
SEPTEMBER, 1903, NUMBER 210**

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Law of Industrial and Commercial Marks Including Also the Commercial Names and advertisements, published in the Diarlo Oficial of the 2nd of September, 1903, number 210 by Department of Fomento colonization and industry

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DEPARTMENT OF FOMENTO COLONIZATION AND INDUSTRY

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LAW
OF
INDUSTRIAL AND COMMERCIAL MARKS

243

INCLUDING ALSO
THE COMMERCIAL NAMES
AND ADVERTISEMENTS

Published in the Diario Oficial of the 2nd. of September.

1903

NUMBER 210



MEXICO

F. P. HOECK & CO., PRINTERS AND BOOKBINDERS
FIRST SAN FRANCISCO 29

1904

JUN 24 1931
6/24/31

DEPARTMENT OF FOMENTO, COLONIZATION AND INDUSTRY

OFFICE OF PATENTS AND TRADEMARKS

The president of the Republic has deemed fit to address to me the following decree:

"PORFIRIO DIAZ, constitutional president of the United Mexican States, to the inhabitants thereof, know ye:

That, by virtue of the authorization granted to the Executive of the Union by the act of Congress of May 28th of the present year for the amendment of existing legislation as to patents of invention, trademarks and other forms of industrial property, I have seen fit to issue the following

LAW OF INDUSTRIAL AND COMMERCIAL MARKS

CHAPTER I.

DEFINITION, REGISTRATION AND NULLITY.

Marks

Art. 1. A mark is the sign or characteristic, peculiar denomination, used by manufacturers, agriculturists or merchants, on the goods they manufacture or sell in order to specifically distinguish same and determine the origin of each.

HOW MARKS ARE SPECIALLY CONSTITUTED.

Any name, given under a distinctive form, also the denominations, labels or slips, covers, cases or receptacles, stamps, seals, vignettes, borders, fancy adornments, filigranes, engravings, escutcheons, emblems, reliefs,

iphers, devices etc., may in particular constitute a mark; it being understood that this is a purely enunciative, not a limited enumeration.

Registration of Marks

Art. 2. In order to acquire the exclusive right to use a mark it is necessary to register same in the Office of Patents and Trademarks, complying with the formalities provided by the present law and its Regulations.

Art. 3. Any person who desires to register a mark must present a petition to the Office of Patents and Trademarks, accompanied by the following:

DOCUMENTS.

I. A description of the mark, mentioning the reserves that are to be made in regard to it. In said description will also be mentioned the name of the owner, the name of his factory or business, should these have any, the place where the latter are located, and designating the objects or products to which the mark is to be applied.

A description and a drawing of said objects or products will also be enclosed if it becomes necessary in the judgment of the interested party.

II. Two copies of the foregoing document

III. A stereotype of the mark; and

VI. Twelve copies of the mark in the form it is to be used.

By whom marks may be registered

Art. 4. Any Mexican or foreigner may register a mark. He must to that effect apply in person or by attorney, to the Office of Patents and Trademarks.

The same right appertains to corporations, companies, and to all moral personalities generally.

Attorneys can prove their representative powers by means of a simple letter of authorization, signed before two witnesses; the Office of Patents and Trademarks will demand the ratification of the signatures of said letter when it deems it necessary.

Objects that cannot be registered as marks

Art. 5. The following can not be registered as marks:

I. Generic names or designations when the mark is to be applied to objects which are included in the genus or species to which the name or designation refers, as the indispensable requisite for a designation or name to ser-

ve as a mark is that it be capable of signaling or distinguishing the articles covered by said mark, from others of the same species or class.

II. Anything that is contrary to morality, good habits or prohibitive laws, and everything that tends to ridicule ideas, persons or objects that are worthy of consideration.

III. The coats of arms, shields, and national emblems.

IV. The arms, shields and emblems of the states of the Federation, cities in the Mexican Republic or abroad, and of foreign nations or cities, etc., without the latter's consent.

V. The names, signatures, seals and photographs of private individuals without their consent.

Renewal of the registration

Art. 6. The registration of a mark shall be renewed every twenty years. The delay in effecting said renewal will not cause the forfeiture of the right to exclusively use the mark, but will cause the interested party to pay an extra sum upon the fiscal dues which he has to pay in accordance with the provisions of the Regulations, and until the renewal is effected the said interested party can not take penal action against those parties who illegally make use of the mark or counterfeit it.

Date when the registration begins to take effect

Art. 7. The registration of a mark will begin taking effect from the date when the necessary petition and documents are duly presented to the Office of Patents and Trademarks.

Date when certain marks previously registered abroad begin to take effect

Art. 8. A mark of which the registration is applied for in Mexico within four months of having been solicited in one or more foreign States, will be considered as having been registered on the same date as it was registered in the first foreign state in which its registration took place, provided that said first State grants to citizens of Mexico this same right.

Therefore, all marks registered in Mexico under these conditions will have absolutely the same force and will produce the same effects as it would if it had been registered on the same day and at the same hour as it was in said first foreign state.

Inscriptions that accompany the marks

Art. 9. Marks registered shall bear a visible inscription stating respectively:

I. The marks used by manufacturers, industrialists, agriculturists, etc. «Marca Industrial Registrada,» or «M. Ind. Rgtrda» with the number and date of the registration.

II. The marks used by merchants: «Marca de Comercio Registrada,» or «M. de C. Rgtrda» with the number and date of the registration.

III. When marks consist of names, denominations, inscriptions, etc. of initials or abbreviations, said marks shall necessarily contain in a visible manner the name of the proprietor of the industry, the name of the business or factory if it has a name, and its location.

Registration without previous examination as to the novelty of marks

Art. 10. Registration of marks will be effected without previous examination as to their novelty, under the exclusive responsibility of the applicants and without prejudice to third party.

The Office of Patents and Trademarks will make an examination of a purely administrative character of the documents presented, in order to ascertain whether they are complete and satisfy the requirements which, in regard to their form, are provided by this law and its Regulations.

WHEN THE DOCUMENTS ARE CONSIDERED AS NOT HAVING BEEN PRESENTED.

Should the Office of Patents and Trademarks find that the documents do not satisfy the requirements, in regard to form, as to which it is competent to examine them, or that the mark does not bear the inscriptions referred to in Section III of Art. 9, or that the object for which a registration is sought is of the nature spoken of in Sections II and of Art. 5, it will consider the documents as not having been presented and, by means of a notice, will so inform the interested party.

NONCONFORMITY OF THE INTERESTED PARTY.

Should the party interested not be conformable, he may apply to the tribunals, as provided by Chapter III of this law.

NOTICE OF CONFORMITY.

In case the office of Patents and Trademarks is satisfied with the regularity of the documents presented, it will, by means of a notice, notify the interested party to that effect.

Certificate of registration

Art. 11. The certificate of the registration of a mark will be issued by the Office of Patents and Trademarks. This certificate duly legalized and with the documents attached thereto, constitutes the title accrediting the right for the exclusive use of the mark.

Transfer of marks

Art. 12. Marks registered may be transferred and conveyed like any other right; but it will be an indispensable requisite to set forth in said marks the name of the person who acquires them, when they are included in the case referred to in Section III of Art. 9.

OBLIGATORY REGISTRATION.

The transfer of marks shall be registered in the Office of Patents and Trademarks, and they will not, without this requisite, prejudice a third party.

Transfer of marks involves the right of exploitation

Art. 13. The transfer of a mark involves the right to industrially or commercially exploit the industrial products or articles of commerce protected by said mark.

Registration of new locations

Art. 14. The change of location of the factory where the articles protected by a mark are manufactured or sold, or the circumstance of these same articles being manufactured or sold in a place other than that where they were previously manufactured or sold, shall be registered in the Office of Patents, setting forth this fact also in the respective mark when the latter shall bear the inscription referred to in Section III of Art. 9.