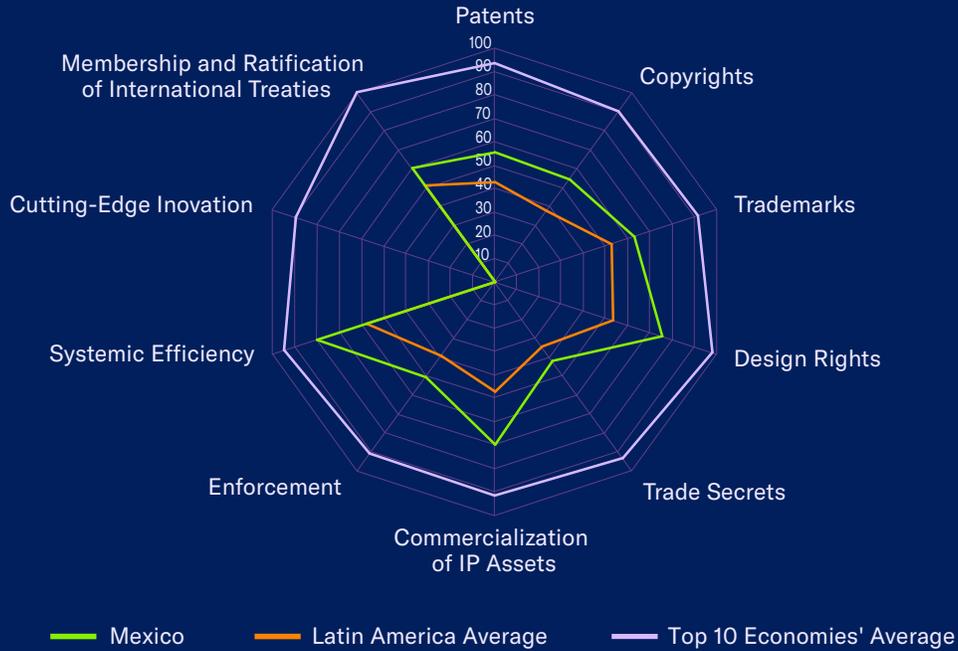
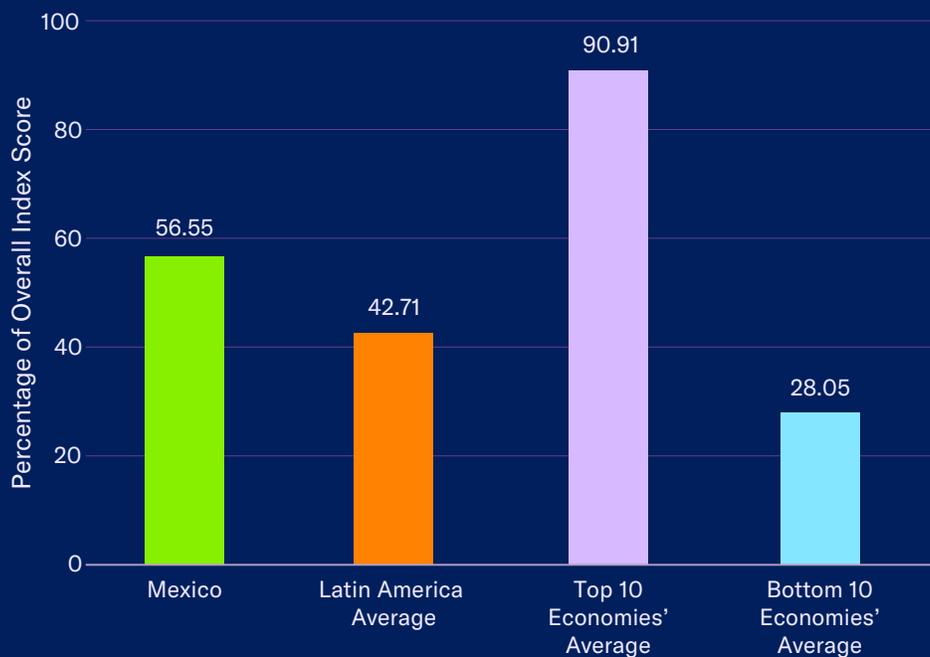




Category Scores



Overall Score in Comparison





Key Areas of Strength

- 2021 publication of IMPI study on economic impact of IP-intensive industries in Mexico: analysis carried out with EUIPO and modelled on EPO and USPTO studies
- 2020 amendments to Industrial Property Law implements some provisions of USMCA
- 2020 amendments to Federal Law on Copyright implements many provisions of USMCA
- Term of protection for industrial design rights extended to 25 years
- Efforts to ease ability to commercialize IP assets and develop public-private partnerships, particularly for public research organizations and universities
- Dedicated endeavor to streamline IP review process and criminal justice system and harmonize to international standards
- Efforts to increase awareness of importance of IP rights

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Partial and ambiguous protection for life sciences IP — including 2025 COFEPRIS-IMPI linkage mechanism
- Gaps in enforcement against online piracy
- Significant gaps in application of remedies, such as severe delays and difficulty securing adequate damages
- Inadequate border measures for trade-related infringement of IP rights
- USMCA patent obligations not fully met, most notably with respect to IP rights relating to the life sciences (RDP, patent term extension and patent linkage) and copyright

Indicator	Score	Indicator	Score
Category 1: Patents Rights and Limitations		4.99	
1. Term of protection	1.00	29. Direct Government intervention in setting licensing terms	1.00
2. Patentability requirements	0.50	30. IP as an economic asset	0.50
3. Patentability of CII	0.00	31. Tax incentives for the creation of IP assets	0.67
4. Plant variety protection	0.74	Category 7: Enforcement	
5. Pharmaceutical-related enforcement	0.25	3.52	
6. Legislative criteria and active use of compulsory licensing	1.00	32. Physical counterfeiting rates	0.51
7. Pharmaceutical patent term restoration	0.00	33. Software piracy rates	0.51
8. Membership of a Patent Prosecution Highway	1.00	34. Civil and procedural remedies	0.50
9. Patent Opposition	0.50	35. Pre-established damages	1.00
Category 2: Copyrights and Limitations		3.79	
10. Term of protection	0.79	36. Criminal standards	0.75
11. Exclusive rights	0.50	37. Effective border measures	0.00
12. Expeditious legal remedies disabling access to infringing content online	0.25	38. Transparency and public reporting by Customs	0.25
13. Cooperative action against online piracy	0.50	Category 8: Systemic Efficiency	
14. Limitations and exceptions	0.50	4.00	
15. TPM and DRM	0.50	39. Coordination of IP rights enforcement	0.50
16. Government use of licensed software	0.75	40. Consultation with stakeholders during IP policy formation	0.75
Category 3: Trademarks Rights and Limitations		2.50	
17. Term of protection	1.00	41. Educational campaigns and awareness raising	1.00
18. Protection of well-known marks	0.50	42. Targeted incentives for the creation and use of IP assets for SMEs	0.75
19. Exclusive rights, trademarks	0.50	43. IP-intensive industries, national economic impact analysis	1.00
20. Frameworks against online sale of counterfeit goods	0.50	Category 9: Cutting-Edge Innovation	
Category 4: Design Rights and Limitations		0.00	
1.50		44. IP incentives for orphan medicinal product development	0.00
21. Industrial Design Term of Protection	1.00	45. IP incentives for orphan medicinal product development, term of protection	0.00
22. Exclusive rights, industrial design rights	0.50	46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
Category 5: Trade Secrets and the Protection of Confidential Information		Category 10: Membership and Ratification of International Treaties	
1.25		4.25	
23. Protection of trade secrets (Civil Remedies)	0.50	47. WIPO Internet Treaties	1.00
24. Protection of trade secrets (Criminal Sanctions)	0.50	48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.75
25. Regulatory data protection term	0.25	49. Patent Law Treaty and Patent Cooperation Treaty	0.50
Category 6: Commercialization of IP Assets		4.17	
26. Barriers to market access	0.50	50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	0.00
27. Barriers to technology transfer	0.50	51. Membership of the Convention on Cybercrime, 2001	0.00
28. Registration and disclosure requirements of licensing deals	1.00	52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
		53. Post-TRIPS FTA	1.00

Total Score: 29.97

Spotlight on the National IP Environment

Past Editions versus Current Score

Mexico's overall score has decreased from 29.99 out of 53 indicators in the 13th edition to 29.97. This reflects a score decrease on indicator 32.

Area of Note

To address ongoing shortages of medicines, the Mexican Government has significantly reformed the public sector's procurement process for medications in recent years. These reform efforts have focused on centralizing public procurement into a state-owned subsidiary that supplies the national Mexican Social Security Institute (IMSS) and other public health institutions. To expedite this process, in late 2024, President Sheinbaum issued an executive decree authorizing the health regulator, COFEPRIS, to allow the importation of medicines that have not yet received market authorization in Mexico but are approved for use in stringent jurisdictions, such as the United States. The decree also enables a fast-tracking of Mexican sanitary registration for these medicines. Given that Mexico has not yet introduced a functioning patent linkage mechanism in line with its USMCA commitments — as outlined under indicator 5 below — it remains unclear how the Mexican authorities ensure that imported products do not infringe existing, duly granted IP rights in Mexico. The Index will continue to monitor these developments in 2026.

Patent Rights, Related Rights, and Limitations

5. Pharmaceutical-related patent enforcement and resolution mechanism:
In 2025, the national IP office IMPI and COFEPRIS announced that they had formalized and agreed on a technical working arrangement to introduce an updated system of patent linkage in line with Mexico's commitments under the USMCA, and the 2020 revised Industrial Property Law. The agreement, published in the Federal Gazette in March 2025 and now in effect, requires IMPI and COFEPRIS to regularly publish lists of in-force biopharmaceutical patents and market authorization applications by manufacturers of generic and biosimilar biopharmaceuticals. Patent holders may object in writing within 10 days if any in-force IP rights are violated by the follow-on applications published by COFEPRIS, as stated in Articles 9 and 10 of the agreement.

While it is a positive step that IMPI and COFEPRIS have sought to comply with Mexico's outstanding treaty commitments, this mechanism does not constitute an early notification or adjudication system, nor does it comply with the requirements of USMCA Article 20.50. This Article clearly requires that the contracting parties provide “a system to provide notice to a patent holder or to allow for a patent holder to be notified before the marketing of such a pharmaceutical product, that such other person is seeking to market that product during the term of an applicable patent claiming the approved product or its approved method of use...[and] adequate time and sufficient opportunity for such a patent holder to seek, before the marketing of an allegedly infringing product, available remedies.”

As noted in the Index back in 2023, when both IMPI and COFEPRIS began publishing these dedicated lists, these efforts — together with the publication of the 2025 agreement and process — do not constitute a ‘linkage mechanism’ whereby a drug regulatory authority conditions the approval of a follow-on biopharmaceutical product on there being no relevant period of market exclusivity in place for the underlying reference product.

In terms of specific shortcomings with the 2025 agreement, the following are some of the most notable: as currently designed, it is not clear that the mechanism applies to all types of patents; there is no direct notification to rights holders; and the time limit of 10 days for rights holders to take action is exceedingly short. Linking the approval of follow-on biopharmaceutical products to the exclusivity status of a reference product is an effective way to balance the protection of pharmaceutical exclusivity (usually, but not always, through patent protection) with the early market entry of follow-on generic products. The USMCA’s language on the requirements for an effective pharmaceutical-related patent enforcement and resolution mechanism is quite clear. Full implementation and application of these requirements in Mexican law and practice will result in an increase in this indicator’s score. The Index will continue to monitor these developments in 2026.

Copyrights and Limitations

11. Legal measures which provide necessary exclusive rights that prevent infringement of copyrights and related rights (including Web hosting, streaming, and linking); 13. Availability of frameworks that promote cooperative action against online piracy; and 15. Technological protection measures (TPM) and digital rights management (DRM) legislation:

In 2025, there were no significant developments concerning Mexico’s copyright commitments under the USMCA. No implementing regulations or guidelines have been released to clarify how the changes made to the Federal Law on Copyright in 2020 will be adopted and enforced. This lack of action persists despite the Supreme Court’s 2024 decision that upheld the validity of these amendments.

As noted throughout the Index, Mexico has historically had one of the weaker copyright environments in the OECD, lacking both substantive IP rights and effective enforcement against online and hard-goods piracy. The USMCA contains several provisions that would strengthen copyright standards in Mexico, including digital rights management (DRM) and technological protection measures (TPM), measures against cable and satellite piracy, and the introduction of a notice-and-stay-down regime.

In 2020, lawmakers published amendments to the Federal Law on Copyright, incorporating many of the most important copyright provisions from the USMCA. Overall, the amendments strengthen the protection of copyrighted works in Mexico, extending it to the Internet and the digital environment.

Specific changes include: i) a new notification system whereby digital platforms and service providers are obliged to act expeditiously and remove suspected content upon receiving a notification (Articles 114 and 232); ii) robust DRM and TPM provisions outlawing the use, manufacture, sale, importation distribution or otherwise offering to the public circumvention devices and technologies (Article 232); and iii) making illegal the use, manufacture, import or other form of distribution of satellite signal decoders (Article 145).

These are positive developments and have resulted in score increases on indicators 11, 13, and 15 in the ninth edition of the Index. It has now been over half a decade since the conclusion of the USMCA, and Mexico has still not implemented the relevant legal framework as agreed. Should Mexico continue to fail to act, the score increases on indicators 11, 13, and 15, awarded in the ninth edition of the Index, will be reversed. The Index will continue to monitor these developments in 2026.

Enforcement

As noted in the Index, although relevant IP laws (including the Industrial Property Law and Copyright Law) provide for civil and criminal IP enforcement measures, rights holders in Mexico have historically faced great difficulties in protecting their IP and enforcing their rights, whether administratively through IMPI or through the court system. Altogether, the enforcement process is complex, costly, and lengthy, and often does not result in effective enforcement, with long delays being commonplace.

In 2024, Mexico amended its constitution, altering the process for judicial appointments. Beginning in 2025, all judges in Mexico were to be elected by popular vote. In that year, the first of two elections took place, resulting in the election of over 2,500 judges by the public. It is unclear how these reforms will affect the judiciary's overall quality, speed, and performance, or with respect to IP enforcement. For years, Mexico has been plagued by long judicial backlogs, with both civil and criminal cases taking years to reach a verdict. News reports suggest that the estimated 2025 backlog for the federal judiciary was over 550,000 cases; 25% higher than the year before. Similarly, IP rights remain an area where existing levels of judicial expertise and experience are sorely lacking. Replacing the entire judiciary is unlikely to increase the number of judges with IP expertise. Any law — IP-related or otherwise — is only as effective as the enforcement mechanism that underpins it. The lack of effective judicial enforcement in Mexico continues to represent a serious barrier to the protection of IP rights. The Index will continue to monitor these developments in 2026.