The First Non-traditional Trademarks are Granted in Mexico

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The Industrial Property Mexican Institute (IMPI), through its General Director Juan Lozano, has delivered the first non-conventional trademarks registration certificates within the scope of olfactory marks, sound and commercial image since the amended Mexican Industrial Property Statute entered into force.

Non-traditional trademarks are one of the most innovative elements for which creators and entrepreneurs can give an added value to their products and services by applying for signs which are not just “visible”. In Spain, since January 14th, 2019 the list of non-conventional trademarks that can be applied for before the Spanish Patent and Trademark Office (SPTO) has been extended. This is one of the most significant changes in the Trademark Law amendment which has come into force and which, with the deletion of the requirement of graphic representation; the door is opened to new types of distinctive signs. We will be ready to inform our clients about the practical incorporation of these important changes in our legal system.

During an event, the Head of the Mexican Institute pointed out: Today Mexico is a nation that opens up to non-traditional trademarks by offering security to the owners of these rights, which provides greater attraction for investment and competitiveness, contributing to creativity and generating well-being through these new forms of protection. Therefore, currently products and services can be differentiated by their characteristics of smell, sound or commercial image, as has happened in other countries as Europe for some years and the United States for some decades.

The registration certificates were given to four pioneers which applied to trademarks that resorts to the senses of smell, hearing and touch:

- Olfactory mark to Sureste Sustentable S.A. de C.V. for a bamboo-smelling paint.
- Trademark of commercial image to Germán Flores, designer, for a decorative pot of three pieces in the form of figurine.
- Smell mark to Hasbro, Inc. for a toy modelling dough that smells of a combination of sweet with a vanilla-dyed fragrance, cherry and the natural scent of dough based on wheat flour.
- Sound mark, to Grupo Gran Café de la Parroquia de Veracruz S.A.P.I. de C.V., of the sound that immediately evokes us images and memories: a spoon that strikes three times the glass of the coffee.

Since its entry into force in Mexico, INPI has received nearly 400 applications, fact that represent the increasingly companies interest in this new reality. We will be analysing the different jurisdictions in which these types of trademarks can be applied in order to provide to our clients the best services in this matter.
