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Mexico City, February 2019.

**THE MEXICAN PATENT AND TRADEMARK OFFICE ISSUED THE FIRST
CERTIFICATES OF REGISTRATION REGARDING NON-TRADITIONAL
TRADEMARKS.**

Dear Clients and Friends,

As you may know, on May 18, 2018, there were published in the Official Gazette of the Mexican Federation, various amendments to the Industrial Property Law, same that are in full force and effects since last August and through which, among others, it was amended the definition of Trademark that previously established that only a visible sign that distinguished products or services from others of the same kind or class in the market could constitute a Trademark and it was amended to remain as follows:

“ARTICLE 88. - A mark is understood as being any sign perceptible by the senses and susceptible of being represented in a manner that allows to determine the clear and precise object of the protection, that distinguishes products or services from others of the same type or category on the market.”

With the above, the opportunity of registering non- visible signs as Trademarks is now open such as holograms, sounds, smells and trade dresses which was reflected in the also amended Article 89 of the IP Law which nowadays reads as follows:

“ARTICLE 89. - The following signs may constitute marks:

I. - Denominations, letters, numbers, figurative elements and combinations of colors, as well as holographic signs;

II. - Three - dimensional Shapes;

III. - Trade names and company or business names, provided that they are not covered by the following Article

IV. The proper name of a natural person, provided that it is not the same as a registered mark or published trade name;

V. - The sounds;





VI. - The smells;

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VII.- The plurality of operative elements; image elements, including, among others, the size, design, color, layout of the form, label, packaging, decoration or any other that when combined, distinguish products or services in the market, and

VIII. - The combination of the signs stated in the paragraphs I to VI of the present Article."

As a consequence of the above, during the period from August 2018 to nowadays, the MPTO has received around four hundred application for registering a Non-Traditional Trademarks and last February 07, 2019, the head of the Mexican Patent and Trademark Office, Mr. Juan Lozano delivered to the holders the first four Certificates of Registration for Non – Traditional Trademarks to whom it referred as *precursors of the importance of protecting a brand that resorts to the senses of smell, hearing and touch*, these owners obtained the registration of the following brands:

TRADEMARK OWNER	TYPE OF TRADEMARK	OBJECT OF PROTECTION	IMAGE
SURESTE SUSTENTABLE S.A. DE C.V.,	SMELL	PAINT WITH BAMBOO SMELL	
DISEÑADOR GERMÁN FLORES	TRADE DRESS	THREE-PIECE FLOWERPOT WITH A FIGURINE SHAPE.	
HASBRO, INC.	SMELL	MODELING TOY MASS A COMBINATION OF SWEET, VANILLA FRAGRANCE, CHERRY AND THE NATURAL SMELL OF A DOUGH BASED ON WHEAT FLOUR.	
GRUPO CAFÉ DE LA PARROQUIA DE VERACRUZ S.A.P.I. DE C.V.,	SOUND	SOUND THAT IMMEDIATELY EVOKES IMAGES AND MEMORIES: A SPOON THAT HITS THE COFFEE GLASS THREE TIMES.	

The Non – Traditional Trademarks place Mexico within a select group of countries that grant this type of protection, which generates legal certainty among Mexican and foreign entrepreneurs to invest in our country and encourages the entrepreneurship of Mexican creators.

In Legarreta y Asociados, we will be glad to help you protect your ideas.

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Should you have any questions or comments, please do not hesitate to contact us.

Sincerely,

Legarreta y Asociados, S.C.