



INTERNATIONAL ASSOCIATION OF SCIENTIFIC, TECHNICAL & MEDICAL PUBLISHERS

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European Commission
DG Trade

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**STM submission
EU IPR survey 2010 on IPR protection and
enforcement in third countries**

MEXICO

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How do you globally assess the IPR situation in this country?

**Effectiveness of current IPR (protection and enforcement)
situation in this country (from 0 = very poor to 10 = excellent)**

3

**Extent to which IPR protection and enforcement has improved in
this country in the last two years (5 = no change; less than 5 =
worsening; more than 5 = improving)**

5

**In a few words, what do you consider as the main WEAKNESSES of the
country concerned regarding IPR PROTECTION? (legislation and
procedures for the registration of IP rights, including oppositions, etc.)**

- Lack of a high-level national anti-piracy plan that both fosters and coordinates federal and state enforcement activities
- No legislation that addresses the widespread and rapidly growing online piracy, including provisions that address ISP responsibility in working with rights holders to address online piracy.
- Lack of co-operation between the involved authorities within the federal structure of Mexico (municipality, state, country)
- No legislation as regards criminal sanctions for importing and distributing devices used for the unauthorised circumvention of technological protection measures

In a few words, what do you consider as the main WEAKNESSES of the country concerned regarding IPR ENFORCEMENT? (legislation, deterrence of the sanctions, customs measures, speed, lack of trained officials, fear of retaliation, corruption, lack of awareness or of political will, etc.)

- Widespread street piracy that is well organised and structured throughout the country without effective enforcement actions being taken against it
- No ex parte injunctions available under Mexican law (contrary to Mexico's obligation under the TRIPS agreement)
- Civil court cases take up to ten years due to the three-tiered civil procedure system
- With regard to the STM industry: Illegal photocopying of academic materials at copy shops in and around university campuses, often directly or indirectly supported by lecturers putting scientific material on intranets for downloading without having the appropriate license
- Even though an reprographic rights organisation is in place (CEMPRO), only a few universities and copy shops are licensed and the royalties collected are of symbolic value

In a few words, what do you consider as the main STRENGTHS (and/or recent positive improvements) of the country concerned regarding IPR PROTECTION?

- Mexican law provides for a Database Protection Right

In a few words, what do you consider as the main STRENGTHS (and/or recent positive improvements) of the country concerned regarding IPR ENFORCEMENT?

- Tax Court appointed magistrates to specialise on IP cases; nevertheless the set up of specialised IP Courts is desirable

Which degree of PRIORITY do you think should be given by the EU to the country concerned? (0 = lowest priority; 3 = highest priority)

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