

The importance of border measures to fight counterfeiting in Mexico.

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Intellectual property rights holders face a race against time to prevent the arrival and circulation of counterfeit goods in Mexico, Jose Carlos Ramirez of OLIVARES explains the protection available through border measures.

Border measures are a fundamental legal instrument to fight piracy and/or counterfeiting since they allow counterfeit products to be seized before they enter the country and into circulation within the Mexican market.

Such border measures can be implemented through criminal proceedings with the filing of a criminal complaint before the Attorney General's Office or through administrative proceedings with the application of measures before the Mexican Institute of Industrial Property, which, in coordination with the National Customs Agency of Mexico and conditional upon compliance with every requirement established by the applicable laws of Mexico, suspend the free circulation of the imported goods.

One of the great challenges faced in these actions is the short period of three days in which the holders of intellectual property (IP) rights have to detect and begin actions against piracy before the concerned products continue with the importation process.

For this reason, and to continue strengthening this system to fight counterfeiting in Mexican customs, there must be effective communication between the authorities and IP rights holders, allowing early identification of this type of merchandise to facilitate its seizure.

This will be achieved by the rights holders and the authorities increasing and implementing regular training and working groups so that they can correctly and quickly identify goods in relation to IP rights, activities that Olivares carries out constantly.



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