COUNTRIES HAVING PPH AGREEMENTS WITH MEXICO

PATENT PROSECUTION

HIGHWAY IN MEXICO

REMARKS ON HOW TO ENTER PPH IN MEXICO

PPH BENEFITS ELIGIBLE PATENT APPLICATIONS

REQUIREMENTS TO REQUEST PPH

PATENT PROSECUTION HIGHWAY IN MEXICO
Patent Prosecution Highway in Mexico

Patent Prosecution Highway (PPH) enables patent applicants to request a fast-track examination procedure where patent examiners can make use of the result of the Technical Examination from the other Patent Offices under PPH programs and thus, patent granting is accelerated. Those Technical Examination products include: positive results as the written opinion of the International Searching Authority, the written opinion of the International Preliminary Examining Authority or the International Preliminary Examination Report issued within the framework of the PCT.
Countries Having PPH Agreements with Mexico

- UNITED STATES (permanent program since 2011)
- CANADA (updated pilot program)
- SPAIN (permanent program)
- EPO (permanent program)
- CHINA (permanent program)
- SOUTH KOREA (permanent program)
- JAPAN (permanent program)
- PORTUGAL (pilot program)
- SINGAPORE (pilot program until April 14th, 2020)
- COLOMBIA (pilot program until June 30th, 2019)
- PERU (pilot program until June 30th, 2019)
- CHILE (pilot program until June 30th, 2019)
- AUSTRIA (pilot program until November 30th, 2018)
- PPH Mottainai Program
- PCT-PPH
PPH Benefits

- Patent applications are processed faster.
- Electrical and Mechanical Inventions are granted up to 1 week from the filing date of the PPH request.
- Pharmaceutical, Chemistry or Biotechnological Inventions are granted up to 1 month from the filing date of the PPH request.
- Less official actions = Lower costs
- Higher predictability of the outcome

Requirements to Request PPH

1. PPH request.
2. A copy of the office actions.
3. A copy of the accepted patent claims.
4. A claim correspondence table
5. A copy of the documents cited by the foreign Patent Office (if any).
Eligible Patent Applications

- The Mexican Patent applications having a corresponding application in a valid country with at least one claim that has been determined to be patentable/allowable by its national office are eligible and must be any of:

  i) A national application validly claiming priority under the Paris Convention.
  ii) A PCT national phase application claiming no priority.
  iii) A PCT national phase application validly claiming priority under the Paris Convention.

Remarks on How to Enter PPH in Mexico

- It is advisable to submit the PPH request during the last month of the observation period.

- PPH request must be submitted before Technical Examination starts.

- All claims in the Mexican application, as originally filed or as amended, must sufficiently correspond to one or more claims determined to be patentable/allowable by its national office.

- The set of claims can be amended at the time of submitting the PPH request.
PATENT PROSECUTION HIGHWAY TIMELINE (IN MONTHS)

A) FILING
B) SATISFIED REQUIREMENTS
C) THIRD PARTIES OBSERVATION
D) PPH ENTRANCE
E) NOTICE OF ALLOWANCE