

BY [ALEJANDRO LUNA](#), PARTNER

AND [JUAN LUIS SERRANO-LEETS](#).

*MANAGING INTELLECTUAL PROPERTY, INTERNATIONAL BRIEFINGS, FEBRUARY 2009.*

The creation of the specialised intellectual property section of the Federal Court for Tax and Administrative Affairs (FCTAA), which began functioning on January 5, marks an important development in the Mexican intellectual property landscape.

The specialised IP section of the FCTAA has jurisdiction to review decisions issued by the Mexican Institute of Industrial Property (IMPI), based upon the Industrial Property Law, as well as by the Mexican Copyright Institute, based upon the Federal Copyright Law. It also has jurisdiction to review decisions issued under the Federal Law of Plant Varieties and other bodies of law referring to IP matters.

The court's jurisdiction will be subject to debate and interpretation, as cases may arise in other areas of administrative law – such as health, regulatory, telecommunications and antitrust – involving IP issues. The possible remand of these types of hybrid cases will be determined by the FCTAA on a case by case basis.

Any new appeal regarding IP matters will be filed directly with this new specialised section. As for pending appeals, those set to be decided prior to November 30, 2008 will be handled by the FCTAA section to which they were originally assigned, while cases still waiting to be heard will be remanded to the specialised IP section.

It is hoped that the number of specialised IP sections will continue to increase in the near future, since all IP cases in Mexico at the second appeal stage will now be decided by only three magistrates. However, their decision is not final, as it can be appealed before one of the seventeen Administrative Circuit Courts in Mexico City.