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MEXICAN LEGAL NEWS

# Reform to the Federal Criminal Code and the Federal Law for the Protection of Industrial Property regarding Crimes against Intellectual Property

On September 30, 2026, the Mexican Senate approved a reform to the Federal Criminal Code (CPF) and the Federal Law for the Protection of Industrial Property (LFPPI). The bill was sent to the Chamber of Deputies and is therefore not yet in force.

Its purpose is to toughen criminal penalties for piracy, trademark counterfeiting, and other infringements of copyright and industrial property rights, and to align Mexican legislation with the USMCA and TRIPS.

The main changes include the following:

***1. Commercial scale instead of profit motive***: The requirement to prove a "*profit motive*" or "*commercial speculation*" is replaced by the "*commercial scale*" standard for establishing intellectual property crimes. This new concept covers both acts seeking an economic benefit or competitive advantage and acts that, without pursuing a direct gain, cause significant harm to the rights holder in the market.

***2. Minimum economic threshold***: For commercial scale to exist, the value of the conduct must be at least 170 Units of Measurement and Update (UMA), based on the retail price of the original product. Small shipments may be aggregated when made within a period of up to 90 days and related to each other (for example, by the same sender, recipient, or delivery address).

***3. Increased penalties***: Prison sentences and fines increase significantly for most copyright crimes (such as piracy, circumvention of technological protection measures, or signal theft), as well as for the sale of products bearing counterfeit trademarks in stores or online.

***4. Pre-release leaks***: A new crime is created to punish anyone who disseminates or distributes works, music, films, or books without authorization before their official release.

***5. Investigation without a complaint from the rights holder***: Trademark counterfeiting and the recording of films in movie theaters may be investigated ex officio, that is, without the rights holder having to file a criminal complaint. In addition, the Public Prosecutor's Office will not need a prior technical opinion from the Mexican Institute of Industrial Property (IMPI) to proceed in trademark counterfeiting cases.

***6. Compensation for damages***: Compensation for damages may not be less than 40% of the retail price of the original product or service. Alternatively, the victim may opt for a fixed amount between 340 and 50,000 UMA, without having to prove how many products were involved.

***7. Goods in customs***: Penalties will also apply to goods under customs control, even if they are in transit or in bonded warehouses. Items forming part of travelers' personal luggage are exempt, in accordance with tax rules.

***8. Corporate liability***: Companies may be held criminally liable for a greater number of crimes related to copyright and industrial property.

***9. Misuse of the image of public institutions***: A new crime is created to punish anyone who uses or imitates, on a commercial scale, logos, domain names, or official documents of public institutions to make it appear that something comes from the government, with the intent to commit an unlawful act.

This provision has sparked public debate and has been called the "Anti-Meme Law," due to concerns that it could affect satire or political criticism. For its part, the Federal Government has stated that its aim is to combat fraud and the impersonation of institutions.

The Chamber of Deputies must discuss and vote on the reform. If approved without changes, it will be sent to the Federal Executive for publication in the Official Gazette of the Federation and will enter into force the following day; if amended, it must return to the Senate. Ongoing criminal proceedings will continue to be governed by the prior rules, unless the new rules are more favorable to the accused.

At Von Wobeser y Sierra, S.C., we remain at your disposal to address any questions or inquiries regarding this reform and any intellectual property matters in general.

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