

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE AUSTRIAN PATENT OFFICE (APO) OF THE REPUBLIC OF AUSTRIA

AND

**THE MEXICAN INSTITUTE OF INDUSTRIAL PROPERTY (IMPI)
OF THE UNITED MEXICAN STATES**

ON MATTER OF

**RECOGNITION OF APO BY IMPI AS AN INTERNATIONAL SEARCHING AUTHORITY (ISA) AND
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY (IPEA)**

The Mexican Institute of Industrial Property ("IMPI") of the United Mexican States and the Austrian Patent Office ("APO") of the Republic of Austria (each individually referred to as "Office" and collectively referred to as "the Offices"):

CONSIDERING the steady growth in the area of Intellectual Property (IP) and cooperation between the United Mexican States and the Republic of Austria;

CONSCIOUS of APO's appointment as an International Searching Authority (ISA) and International Preliminary Examination Authority (IPEA) under the Patent Cooperation Treaty (PCT) by the First Session of the Assembly of the PCT Union in 1978 (re-appointments so far in 1987, 1997 and 2007);

AWARE that APO began operating as an ISA and an IPEA under the PCT from July 1st, 1978.

Have reached the following understandings:

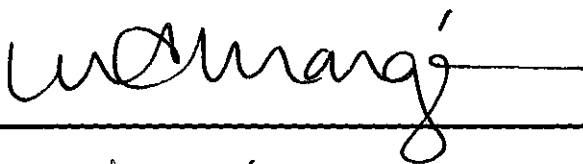
1. For APO to act as an ISA and an IPEA under the PCT for international applications filed with IMPI as receiving Office insofar as the following conditions are met:
 - i) That international applications filed are submitted in the Spanish language with a translation of the international application into English, German or French for the purposes of international search (PCT Rules 12.3(a) and 23.1(b)); and
 - ii) The applicant chooses APO as the competent ISA and/or IPEA.
2. IMPI informs the International Bureau, pursuant to Rule 35 and Rule 59 of the PCT Regulations, that APO is competent for the searching and international preliminary examination of international applications specified under this Memorandum of Understanding ("MOU") in paragraph 1.
3. That the conduct of technical and procedural matters, including transfer of fees and exchange of documents be in accordance as specified in the Annex of this MOU.
4. The language of correspondence between the Offices is English.

5. This MOU is subject to the respective laws and regulations that are applicable to the Offices. The provisions of the PCT, as well as the Regulations and the Administrative Instructions under the PCT, apply to any matters that are not covered in this MOU.
6. Any amendments to this MOU shall be mutually agreed between the Offices and in writing.
7. Any issues that arise from the implementation of this MOU will be resolved through mutual consultations between the Offices.
8. This MOU will enter into force upon its signing.
9. This MOU will remain in force for a period of five (5) years, renewable for equal periods. Any Office may terminate this MOU at any time, through written notice to the other Office at least ninety (90) calendar days in advance of the date of termination.
10. This MOU is issued in two originals, in the Spanish, German and English languages, all texts being equally valid. In case of any divergence in interpretation, the English text will prevail.

Done in Mexico City, on October 25th 2016.

**For the Mexican Institute of Industrial
Property of the United Mexican States**

**For the Austrian Patent Office
of the Republic of Austria**



 **Miguel Ángel Margáin**
Director General



Mariana Karepova
President

ANNEX

1. Language of communication

All correspondence between IMPI and APO shall be in English.

2. Contact details for APO

Mailing address:

Austrian Patent Office

Department for PCT

Dresdner Strasse 87

A-1200 Vienna

Telephone: +43 1 534 24 extensions 450 and 467

Facsimile machine: +43 1 534 24 200

E-mail: pct@patentamt.at

Internet: www.patentamt.at

Contact details for IMPI

Mailing address: Arenal # 550, Pueblo Santa Maria Tepepan,
Del. Xochimilco, Mexico City, 16020

Telephone: 52 (55) 5624-0400 extensions 10606 and 10024

Fax: +52 (55) 55554431

E-mail: nahanny.canal@impi.gob.mx, claudia.solis@impi.gob.mx and
roman.soto@impi.gob.mx.

Internet: www.impi.gob.mx

3. Fees and Currency Type

United States Dollar (USD) for fee payment by IMPI to APO.

Euro (EUR) for fee payment by Mexican applicant to APO.

For the most up-to-date information on the ISA and IPEA fees, please refer to Annex D and E of the PCT Applicants Guide at: <http://www.wipo.int/pct/en/appguide/index.jsp>.

4. Modes of Payment

The international search fees are to be transmitted in USD by IMPI to APO via electronic transfer. The transfer of the total amount of the relevant fees received by IMPI in the period of a particular month shall be made, in a lump sum, at the end of the month immediately following that particular month. Upon transfer of the relevant fees, IMPI shall send a remittance report via email providing the details of the relevant fees transmitted, including the respective international application numbers, the international filing dates and the dates on which the relevant fees are received.

For the international preliminary examination fees and other relevant fees paid by the Mexican applicant to APO, the possible modes of payment are electronic transfer bank draft and international postal order.

The Bank Account details of APO are as follows:

Beneficiary Name: Oesterreichisches Patentamt

Beneficiary Address: Dresdner Strasse 87
A-1200 Vienna

Beneficiary Bank: REPUBLIK OESTERREICH BUND

Beneficiary Bank Address: Georg-Coch-Platz 2
A-1018 Vienna

Beneficiary Bank Account Number 5.160.000

IBAN: AT75 0100 0000 0516 0000

Swift Code: BUNDATWW

Instructions to payer: please provide PCT application number and reason for payment.
Bank charges have to be covered by the payer.

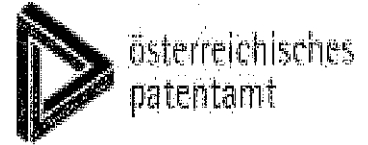
5. Refunds

Where IMPI has overpaid the required amount of the relevant fees, APO will refund the excess amount in Euros or USD to IMPI's bank account via electronic transfer.

Where the payment has been made by the applicant directly to APO, all or part of the relevant fees can be refunded to the relevant applicant. The amount would be refunded in Euros and via electronic transfer.

Electronic transfers to IMPI are to be made to the following bank account:

Bank	SCOTIABANK INVERLAT SA
Beneficiary Bank Account	0010000696-3
Beneficiary Name	INSTITUTO MEXICANO DE LA



ABA CODE
SWIFT CODE

PROPIEDAD INDUSTRIAL
21000021
MBCOMXMM

6. Transmission of Documents

Upon completion of formality checks on a PCT application for which the applicant had chosen APO as the ISA and paid the relevant fees, IMPI will, as soon as possible, send to APO the Search Copy and any documents/materials required for the search of this PCT application. These will be transmitted electronically via ePCT or courier services.

In case IMPI received a demand where the applicant had chosen APO as the IPEA, IMPI will, as soon as possible, send to APO the demand and any related documents/materials without checking the formalities or fees. The demand and all documents will be transmitted electronically via ePCT or courier services.

Expenses associated with the transmission of documents shall be borne by the sender.