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## PROCEDURES BEFORE A PUBLIC NOTARY

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According to the General Law of Commercial Companies, almost all types of Mexican companies must be incorporated before a public notary. Exceptions to this are:

- a) The simplified joint stock companies, which might be fully incorporated through electronic means (see chapter 5); and,
- b) Cooperative companies, which might also be incorporated before federal judges, municipal presidents, delegates or heads of the political or administrative authorities of Mexico City.

### **What is the role of the public notary in the creation of a company in Mexico?**

The public notary will attest the creation of the company by drafting the deed of incorporation comprising the corporate by-laws, which define the type of company to be created, as well as the rights and obligations acquired by the shareholders. The deed of incorporation shall contain the appointment of legal representatives, which will have the ability to represent the company before third parties.

The public notary has the obligation to ensure compliance of all the requirements established in the law in relation to the process of creation of a company. To this end, public notaries are able to apply for the authorization to use a given corporate name, notify its use, inscribe the company at the Public Registry of Commerce and carry out several formalities before the federal tax authority relating to the Federal Taxpayer Registry and those made before the National Registry of Foreign Investments.

### **What is the procedure?**

The interested party must attend personally to the offices of a public notary to formalize the deed of incorporation of the company. A directory of public notaries can be consulted on the website of the Secretariat of Economy ([Directorio de Notarios y Corredores Públicos](#), in Spanish).

### **Does it cost?**

The payment of fees depends on the amount of the share capital and if it is included or not the registration in the corresponding Public Registry of Property and Trade.