International Comparative Legal Guides

Copyright 2027

A practical cross-border resource to inform legal minds

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1 Copyright Subsistence

1.1 What are the requirements for copyright to subsist in a work?

Under the Mexican Copyright Law (*Ley Federal del Derecho de Autor, the "MCL"*), the sole requirement for a work to be protected by copyright is that it be fixed in a tangible medium of expression.

No registration, formality, or particular level of artistic merit is required for protection to arise.

1.2 Does your jurisdiction operate an open or closed list of works that can qualify for copyright protection?

Mexican legislation follows a closed list of protectable works. Article 13 of the MCL sets out an exhaustive (*numerus clausus*) list of the categories of works that may qualify for copyright protection.

1.3 In what works can copyright subsist?

According to Article 13 of the MCL, works may be:

- literary;
- musical, with or without lyrics;
- dramatic;
- dance;
- pictorial or drawing;
- sculptural and plastic;
- cartoon and comic books;
- architectural;
- film and other audio-visual works;
- radio and television programmes;
- computer programs;
- photographic;
- works of applied art, including graphic or textile design; and
- compilations, consisting of collections of works, such as encyclopedias, anthologies and databases.

1.4 Are there any works which are excluded from copyright protection?

In principle, all works falling within the categories listed in Article 13 MCL are eligible for protection; however, the scope of protection may be more limited for subject matter connected to traditional culture, traditional expressions, or national symbols.

In addition, certain subject matter is expressly excluded from protection because it is not considered a "work" in the legal sense, including:

- ideas, procedures, methods of operation, concepts and, in general, inventions of any kind;
- the industrial or commercial exploitation of the ideas embodied in a work;
- schemes, plans or rules for performing mental acts, playing games or conducting business;
- letters, digits or colours, taken individually;
- names, titles or isolated phrases;
- mere layouts or blank forms designed to be filled in with information, and the related instructions;
- unauthorised reproductions or imitations of coats of arms, flags or emblems of any country, state, municipality or equivalent political subdivision, or the names, abbreviations, symbols or emblems of intergovernmental or non-governmental international organisations;
- legislative, regulatory, administrative or judicial texts and their official translations – although protection is available for parallel texts, interpretations, comparative studies, annotations, commentaries and other similar works that involve the creation of an original work;
- the content of news or journalistic information as such, although the particular form of expression in which it is conveyed is protected; and
- information or expressions in everyday use, such as proverbs, sayings, facts, calendars or scales of measurement.

1.5 Is there a system for registration of copyright and, if so, what is the effect of registration?

Yes. Copyright registration is available before the Mexican Copyright Office (*Instituto Nacional del Derecho de Autor*, "INDAUTOR"). Registration is declarative rather than constitutive – copyright arises automatically upon fixation, and registration does not itself create the right. Its principal legal effect is to establish a rebuttable presumption of ownership and authority in favour of the registrant, which is valuable in enforcement proceedings.

1.6 What is the duration of copyright protection? Does this vary depending on the type of work?

The general term of protection of economic rights is the life of the author plus 100 years post-mortem (in the case of joint

authorship, counted from the death of the last surviving co-author). A term of 100 years from the date of first disclosure applies to certain categories, such as works disclosed anonymously or under a pseudonym.

The general term does not vary by type of work, but related (neighboring) rights carry their own, shorter terms. For example, book publishers enjoy a term of 50 years from the first edition, and performers have 75 years within which to exercise their rights of opposition.

1.7 Is there any overlap between copyright and other intellectual property rights such as design rights and database rights?

Yes. Mexican law recognises a *sui generis* right known as *Reserva de Derechos* (Reserve Rights) – an exclusive patrimonial right to authorise the use of publication or broadcast titles, names of artists or artistic groups, fictional or human characters, and advertising promotions. Reserve Rights can overlap with trademark rights and with rights in other copyrighted works.

Sound is a further point of overlap: under Article 172 of the Industrial Property Law ("IPL"), a sound may be registered as a trademark, while under the MCL the same sound recording may be separately protected as a phonogram.

1.8 Are there any restrictions on the protection for copyright works which are made by an industrial process?

There is no general restriction on protection for works that happen to be produced by an industrial process – for example, works of applied art such as textile or graphic designs that are manufactured at scale remain protectable. The relevant restriction operates at a different level: it is the industrial or commercial exploitation of the ideas or concepts embodied in a work, as opposed to its original expression, that falls outside copyright protection (see question 1.4).

1.9 Would Copyright subsist in a work which is created by a Generative AI tool?

Mexican copyright law follows the author's-right (*droit d'auteur*) tradition, under which the "author" is the natural person who creates a literary or artistic work. A work generated entirely by a generative AI tool, without a material and identifiable creative contribution from a natural person, would therefore not meet the threshold for a protectable "work" under the MCL, since there is no human author to whom authorship – and, in particular, the non-waivable moral rights – could be attributed.

This reflects the holding of the Mexican Supreme Court (Segunda Sala) in *Amparo Directo 6/2025* – the first case in which Mexico's highest court addressed the registrability of AI-generated content under the MCL. The case arose from an application by an individual (Gerald García Báez) to register a digital work titled "Avatar Virtual", generated using the "Leonardo" AI platform on the basis of instructions and personal photographs he supplied; the applicant sought recognition of the AI system itself as author, including moral rights in its favour. INDAUTOR denied registration under MCL Articles 12 and 18 (author must be a natural person; moral rights vest solely, originally and perpetually in the human creator), a denial upheld by the Specialized IP Chamber of the Federal Administrative Justice Tribunal and, on further review via the Supreme Court's discretionary *attracción* power, by the Segunda Sala itself. The Court held: that authorship under Article 12 is confined to natural persons; that this limitation does not violate equality or non-discrimination guarantees, being an objective and reasonable distinction tied to conscious, intentional human creativity; that AI-generated output, however novel, lacks the conscious intellectual contribution originality requires; that moral rights – as personal, inalienable, perpetual prerogatives – cannot vest in a non-human system; and that neither the USMCA nor the Berne Convention supports treating AI as an author.

The reform to the MCL published in the Federal Official Gazette (DOF) on 14 May 2026 – principally focused on amending Articles 87, 118, 120 and 121 MCL regarding the rights of performers/executants – is a distinct development: it addresses AI-driven voice/image cloning and impersonation of performers (a neighbouring/related-rights issue), not general authorship of AI-generated works.

2 Ownership

2.1 Who is the first owner of copyright in each of the works protected (other than where questions 2.2 or 2.3 apply)?

The first owner of copyright is the author – the natural person (or persons) who created the work. Only individuals, not legal entities, can be authors under Mexican law.

2.2 Where a work is commissioned, how is ownership of the copyright determined between the author and the commissioner?

In the case of a commissioned work (*obra por encargo*), the economic rights and the right of disclosure vest, by default, in the person or entity that commissioned the work, while the remaining moral rights in particular, the rights of paternity and integrity remain with the individual author, as moral rights are inalienable under Mexican law.

2.3 Where a work is computer-generated (whether or not using AI), who is the first owner of copyright?

The MCL does not contain an express, specific rule for "computer-generated works" comparable to that found in certain common-law jurisdictions. As explained in response to question 1.9, Mexican copyright law is author-centric and requires a natural person as author.

Accordingly, where a work is generated by a computer program or an AI system without a material human creative contribution, it is unlikely to be recognised as a copyrighted work at all, and no copyright would arise under the MCL, although the output could potentially be protected under other regimes (e.g., trade secrets, unfair competition, or contract), depending on the circumstances.

2.4 Is there a concept of joint ownership and, if so, what rules apply to dealings with a jointly owned work?

Yes. Joint works (*obras en collaboración*) give all co-authors equal rights, unless otherwise agreed or unless each author's individual contribution is separately identifiable.

Exercising the jointly held rights requires the consent of the majority of the co-authors. A dissenting minority is not obliged to contribute to costs associated with exploitation, but its share of proceeds may be reduced accordingly; where the majority exploits the work, they must deduct the expenses incurred before distributing the minority's share.

Where each co-author's contribution is clearly identifiable and separate, that co-author may freely exercise economic rights over his or her own contribution.

3 Exploitation

3.1 Are there any formalities which apply to the transfer/assignment of ownership?

Yes. Agreements and contracts by which economic rights are transferred or assigned must, to be enforceable against third parties, be recorded before the Mexican Copyright Register.

3.2 Are there any formalities required for a copyright licence?

Yes. Under the MCL, a copyright licence must, among other formalities, be granted for consideration (onerous) and for a defined term, and must, in practice, almost always be documented in writing.

3.3 Are there any laws which limit the licence terms parties may agree to (other than as addressed in questions 3.4 to 3.6)?

In the absence of an express term, any transfer of economic rights is deemed granted for a period of five years. Exceptionally, parties may agree to a term of more than 15 years, but only where the nature of the work or the scale of the required investment justifies the longer term.

3.4 Which types of copyright work have collective licensing bodies (please name the relevant bodies)?

Collective licensing bodies (collective management societies) are not restricted to specific categories of work – in principle, any copyright or related-rights work may be represented by one. The most relevant societies currently operating in Mexico are:

- The Mexican Society of Authors and Composers (*Sociedad de Autores y Compositores de México*, SACM);
- The General Society of Mexican Writers (*Sociedad General de Escritores de México*, SOGEM);
- The National Association of Performers (*Asociación Nacional de Intérpretes*, ANDI);
- The Mexican Society of Music Performers (*Sociedad Mexicana de Ejecutantes*, SOMEM); and
- The Mexican Society of Plastic Artists (*Sociedad Mexicana de Artes Plásticas*, SOMAAP).

3.5 Where there are collective licensing bodies, how are they regulated?

Collective management societies are regulated under Articles 192 to 207 of the MCL and Articles 115 to 136 of the Regulations to the MCL.

3.6 On what grounds can licence terms offered by a collective licensing body be challenged?

The most common ground is disputing the collective management society's proper representation of the relevant author or rights holder – it is not unusual for the same work or author to be represented, or claimed to be represented, by more than one collective management society.

In addition, the MCL allows for concurrence of collective management societies by branch or category of work or related right, which can result in royalties for a single work being claimed by, or payable to, two different societies – itself a frequent source of dispute.

4 Owners' Rights

4.1 What acts involving a copyright work are capable of being restricted by the rights holder?

The holders of economic rights may authorise or prohibit:

- the reproduction, publication, editing or material fixation of the work, in any medium, whether currently existing or developed in the future;
- the public communication of the work, including: public communication, recitation and performance; public exhibition by any means; and public access via telecommunications;
- the transmission or broadcasting of the work by any process, including retransmission by cable, optic fibre, microwave, satellite or any other known or future means;
- the distribution of the work, understood as the physical units or copies of the material medium containing the work;
- the importation into Mexican territory of unauthorised copies of the work; and
- the disclosure of derivative works, in any form – Mexican law does not prohibit the creation of a derivative work as such, only its unauthorised disclosure.

4.2 Are there any ancillary rights related to copyright, such as moral rights, and, if so, what do they protect, and can they be waived or assigned?

Yes. Consistent with the *droit d'auteur* tradition, Mexican law recognises moral rights that are inherent, inalienable, non-waivable, imprescriptible and unseizable, vested solely, originally and perpetually in the individual author. These inalienable rights entitle the author to:

- decide the moment and manner of the work's disclosure;
- claim recognition of authorship, or decide that the work be disclosed anonymously or under a pseudonym (the "paternity" right);
- object to any distortion, mutilation or other modification of the work, or to any act in relation to it that would prejudice the author's reputation or the work's merit (the "integrity" right);
- amend the work;
- withdraw the work from the market; and
- object to having a work he or she did not create attributed to him or her.

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4.3 Are there circumstances in which a copyright owner is unable to restrain subsequent dealings in works which have been put on the market with his consent?

Yes. As a general rule, the owner of the distribution right cannot restrain further dealings in copies already placed on the market with his or her consent, as the right of opposition is exhausted upon first sale (Article 27, section IV of the MCL).

An exception applies to computer programs and databases: under Article 104 of the MCL, the copyright owner retains the right to authorise or prohibit the rental of copies even after those copies have been sold.

A similar rule applies to phonograms. Under Article 133 of the MCL, once a phonogram has been lawfully introduced into commercial circulation, neither the owner of the economic rights, the performers, nor the phonogram producers may oppose its public communication.

5 Copyright Enforcement

5.1 Are there any statutory enforcement agencies and, if so, are they used by rights holders as an alternative to civil actions?

Yes. There is a statutory, trade-related enforcement authority: the Mexican Institute of Industrial Property (*Instituto Mexicano de la Propiedad Industrial*, "IMPI"). Rights holders commonly resort to IMPI as a first-instance administrative avenue for enforcing copyright infringement, before pursuing a civil claim before the competent civil courts.

The MCL also provides for a conciliation procedure (*procedimiento de aveniencia*) before INDAUTOR. Separately, civil law and the Commercial Code provide for alternative dispute resolution through arbitration.

5.2 Other than the copyright owner, can anyone else bring a claim for infringement of the copyright in a work?

Yes. Under the Federal Copyright Law ("LFDA"), in addition to the original or derivative rights holder, infringement claims may also be brought by:

- **Assignees or exclusive licensees**, where the assignment or licence agreement expressly grants them standing to act against infringers, or where their legal interest derives directly from harm to the rights transferred to them.
- **Heirs or successors of the author**, who may enforce both any inherited economic rights and, as continuators of the author's personality, certain moral rights prerogatives (in particular the right to claim authorship and to object to distortion, mutilation or modification of the work), given that moral rights are perpetual even though non-transferable during the author's lifetime.
- **Collective management societies**, such as SACM, SOGEM, ANDI, SOMEM or SOMAAP, when acting on behalf of their members under a mandate or power of attorney granted for the management and enforcement of their rights.
- **INDAUTOR**, in its capacity as administrative authority, which may initiate certain infringement proceedings *ex officio*.

5.3 Can an action be brought against 'secondary' infringers as well as primary infringers and, if so, on what basis can someone be liable for secondary infringement?

Mexican law does not draw an express statutory distinction between primary and secondary offenders; nevertheless, various provisions of the MCL address conduct that would be characterised as secondary infringement, and such claims may be brought before the relevant administrative authority or the competent court.

5.4 Are there any general or specific exceptions which can be relied upon as a defence to a claim of infringement?

Yes. Several limitations and exceptions are available, rooted in the "three-step test" first articulated in the Berne Convention and later incorporated into TRIPS and the WIPO Copyright Treaty, including:

- citation of texts;
- reproduction of works, photographs and illustrations relating to current events;
- private copying for personal use;
- reproduction of a single copy for preservation purposes;
- reproduction for judicial or administrative purposes;
- reproduction of works visible from public spaces; and
- non-profit publication of artistic or literary works for persons with disabilities.

5.5 Are interim or permanent injunctions available?

Yes. Injunctive relief is available to a party alleging copyright infringement, including: withdrawal of infringing goods from circulation; prohibition on selling or marketing infringing goods; securing and seizure of allegedly infringing products; and prohibition on continuing to market or exploit infringing advertisements, signage or similar material.

5.6 On what basis are damages or an account of profits calculated?

Under Article 216 *bis* of the MCL, compensation for infringement may not, under any circumstances, be less than 40% of the public sale price of the original product, or of the value of the original service that has been infringed.

5.7 What are the typical costs of infringement proceedings and how long do they take?

Costs and timing vary case by case. As a benchmark, first-instance proceedings typically cost between USD 8,000 and USD 20,000, depending on the complexity.

Civil proceedings generally take between 16 and 36 months; administrative proceedings tend to take longer, typically between 24 and 72 months.

5.8 Is there a right of appeal from a first instance judgment and, if so, what are the grounds on which an appeal may be brought?

Yes. A first-instance decision may generally be challenged through one of three avenues:

- an administrative review before the same enforcement authority, within 15 business days of the decision, typically on the grounds that arguments raised before the authority were not properly addressed;
- a nullity trial before the Specialised Intellectual Property Court, within 30 business days of the decision, generally on the grounds of procedural or substantive deficiencies in the authority's administrative determination; or
- an amparo trial (constitutional appeal) against the judgment of the Specialised Intellectual Property Court, on the grounds of a violation of constitutional rights, filed within 15 business days of that judgment and resolved by the Federal Courts.

5.9 What is the period in which an action must be commenced?

There is no specific statute of limitations expressly applicable to copyright infringement claims; the general two-year limitation period under the Federal Civil Code applies, running from the time the claimant becomes aware of the infringement.

6 Criminal Offences

6.1 Are there any criminal offences relating to copyright infringement?

Yes. The Federal Criminal Code (*Código Penal Federal*) establishes copyright-related offences, which are generally punishable by imprisonment together with financial fines.

6.2 What is the threshold for criminal liability and what are the potential sanctions?

Criminal behaviour in relation to copyright is linked to copyright privacy, infringements and evasion of technological protection measures.

According to the Federal Criminal Code, Articles 424 to 429, the sanctions will vary depending on the specific illegal activity, as follows:

1. A prison sentence of 6 months to 6 years and a fine equal to 300 to 3,000 days of minimum wage will be imposed on:
   I. anyone who speculates in any way with the free textbooks distributed by the Ministry of Public Education;
   II. publishers who knowingly produce more copies than is authorised of a work protected by the MCL; and
   III. whoever intentionally uses, for profit and without the corresponding authorisation, works protected by the MCL.
2. A prison sentence of between 3 and 10 years will be imposed and a fine equal to 2,000 to 20,000 days of minimum wage for anyone:
   I. who produces, reproduces, stores, transports, distributes, sells, or leases copies of works, phonograms, audio-visual works protected by MCL. The same sanction shall be imposed on anyone who knowingly contributes or provides in any way raw materials or supplies intended for the production or reproduction of the works; or
   II. who makes for profit a device or system for the purpose of deactivating the electronic protection devices of a computer program.
3. Imprisonment will be imposed for a period of between six months and six years and a fine equal to 5,000 to 30,000 days of minimum wage, to those who sell to any final consumer on the road or in public places, for the purposes of commercial speculation, reproductions of works, phonograms, audio-visual works, or books. If the sale is made in a commercial establishment, or in an organised or permanent manner, the sanction established in the previous paragraph shall apply.
4. A prison sentence of between six months and two years or a fine equal to 300 to 3,000 days of minimum wage will be imposed on anyone who knowingly and without right exploits an interpretation or execution for profit.
5. Imprisonment will be imposed for a period of between six months and four years and a fine of 300 to 3,000 days of minimum wage, in the following cases:
   I. whoever manufactures, imports, sells, or leases a device or system to decrypt an encrypted satellite signal, without authorisation of the legitimate distributor of said signal; and
   II. whoever performs for profit any act with the purpose of deciphering an encrypted satellite signal or carrier of programs without authorisation from the legitimate distributor of said signal.
6. Imprisonment shall be imposed for a period of between six months and six years and a fine equal to 300 to 3,000 days of minimum wage for those who knowingly publish a work substituting the author's name for another name.

Additionally, in July 2020 several dispositions (section 427 *Bis*, 427 *Ter* and 427 *Quarter*) were included to criminally prosecute the following:

1. Whoever knowingly and for profit circumvents without authorisation any effective technological protection measure used by phonogram effective technological protection measures shall be punished with imprisonment for between six months and six years and a fine of five hundred to one thousand days.
2. Whoever, for profit, manufactures, imports, distributes, rents or in any way commercialises devices, products, or components of any kind, or commercialises devices, products or components intended to circumvent a technological measure of effective protection, shall be sentenced to six months to six years' imprisonment and from five hundred to one thousand days fine.
3. Any person who, for profit, provides or offers services to the public aimed principally at circumventing an effective technological protection measure, shall be sentenced to six months to six years' imprisonment and a fine of five hundred to one thousand days' imprisonment.
4. Whoever knowingly, without authorisation and for profit, suppresses or alters, by himself or by means of another, any information on rights management, shall be sentenced to six months to six years' imprisonment and from five hundred to one thousand days' fine. The same penalty shall be imposed on anyone who for profit:
   I. Distributes or imports for distribution rights management information, knowing that it has been suppressed or altered without authorisation.
   II. Distributes, imports for distribution, transmits, communicates, or makes available to the public copies of works, performances, interpretations, or other works, performances.

The pecuniary sanctions provided for in this title shall be applied without prejudice to the damage repair, which, as stated in question 5.6 above, shall not be less than 40% of public sale price of the original product.

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7 Current Developments

7.1 Have there been, or are there anticipated, any significant legislative changes or case law developments?

Yes. The most significant recent development is the reform to the MCL published in the DOF on 14 May 2026, amending Articles 87, 118, 120, and 121 of the MCL, as well as Chapter XI of the Federal Labor Law. The reform principally strengthens and clarifies the rights of performers and executors, including protections related to the use of their performances by AI systems.

This follows the 2020 legislative package implementing the USMCA, which introduced Mexico's current safe harbor regime, notice-and-takedown procedures, technological protection measures, and the performers' right to authorise or prohibit the public communication of their performances.

7.2 Are there any particularly noteworthy issues around the application and enforcement of copyright in relation to digital content (for example, when a work is deemed to be made available to the public online, hyperlinking, in NFTs or the metaverse, etc.)?

The 2020 reform referenced above introduced clear notice-and-takedown procedures, safe harbors, and rules on technological protection measures; although elements of this framework operated *de facto* beforehand, the reform gave them a clear statutory basis.

To date, no materially noteworthy judicial or regulatory developments specific to the metaverse or NFTs have been reported in Mexico.

7.3 Have there been any decisions or changes of law regarding the interaction between copyright law and the creation and deployment of artificial intelligence systems? In particular, please reference any pending (or decided) disputes where copyright owners have challenged AI developers in relation to the use of works in the development of AI tools.

As noted in response to question 7.1, the MCL was reformed via the decree published in the DOF on 14 May 2026, which addresses, among other matters, the use of AI in relation to protected performances – marking Mexico's first legislative step toward regulating the interplay between AI and rights under the MCL.

To date, there are no reported Mexican judicial decisions, nor any pending proceedings of which we are aware, in which a copyright owner has directly challenged an AI developer in Mexico over the use of protected works to train or develop an AI tool.

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Luis C. Schmidt is head of the firm's entertainment group, which handles matters pertaining to copyright law and related IP rights, as well as the full range of transactional, litigation and consulting matters. The firm's entertainment group is experienced in designing and negotiating the production and distribution of audiovisual and music projects, by way of drafting IP, finance, insurance and all sorts of transactional deals. The group is strong in litigating cases across the spectrum of IP and related areas, including civil, criminal and administrative actions for validity or ownership of IP rights, IP infringement, defamation and freedom of expression, as well as anti-counterfeiting and piracy – particularly take downs and website blocking. The group also conducts alternative dispute resolution (ADR), with emphasis on WIPO or IFTA. The group handles regulatory work before the Copyright Office and other agencies of federal and local government that specialise in film or cultural affairs.

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