

Mexico

Jimena González de Cossío Higuera, Chevez Ruiz Zamarripa,
Mexico City

Gloria Niembro, Chevez Ruiz Zamarripa, Mexico City

Ana Sofía Ríos, Chevez Ruiz Zamarripa, Mexico City

1. What is the understanding or definition of AI in your jurisdiction?

Mexican legislation does not currently provide a specific definition for artificial intelligence (AI). Nevertheless, both the governmental and private sectors have been addressing this gap.

One significant governmental effort involves legislative initiatives currently under discussion. The most notable proposals aim to define AI systems as ‘those utilising information technologies to create computer programs capable of performing calculations, operations, investigations, or reasoning comparable to those executed by the human mind’.

Another notable effort is led by the National Institute of Transparency, Access to Information, and Protection of Personal Data (Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales or INAI). INAI has highlighted that AI is a:

‘broad term encompassing various computational techniques and processes aimed at enhancing machine capabilities, ranging from algorithmic models to Machine Learning systems, and extending to Deep Learning techniques. Specifically, the use of algorithms, which provide instructions for machines to make decisions or act in a certain way, is closely associated with AI.’

Furthermore, the National Artificial Intelligence Alliance (Alianza Nacional de Inteligencia Artificial or ANIA), comprising experts from diverse fields including AI, technology and law, has adopted the definition outlined in the Organisation for Economic Co-operation and Development (OECD)’s *Recommendation of the Council on Artificial Intelligence*. This definition conceptualises AI ‘as a system based on machines that, with explicit or implicit objectives, infer from input to generate outputs such as predictions, content, recommendations, or decisions that can impact physical or virtual environments’.

Although there is no precise legal definition at present under Mexican legislation, ongoing analyses by stakeholders suggest a future definition will emerge through collaborative efforts.

2. In your jurisdiction, besides legal tech tools (ie, law firm or claim management, data platforms, etc), are there already actual AI tools or use cases in practice for legal services?

In Mexico, law firms and in-house lawyers have increasingly turned their attention to the utilisation and advancement of AI. The tools they are beginning to employ primarily serve the following purposes:

- facilitating document examination and the generation of various legal instruments;
- conducting data searches, analysis and interpretation, which are functions that are primarily employed in merger and acquisition operations, due diligence processes and litigation proceedings via e-discovery;
- analysing the application of legal principles and precedents to litigation; specifically, AI is utilised to determine the probability and statistical likelihood of achieving a favourable outcome before judicial authorities; and
- optimising internal processes within firms or corporations. This includes the classification and identification of relevant legal criteria and precedents from past litigations, aiding in their application to new cases.

In addressing the ethical and security challenges inherent in legal practice, the utilisation of retrieval-augmented generation (RAG) frameworks with AI language models has emerged as a significant development. These frameworks serve to enhance the quality and reliability of AI-generated legal content and responses, while simultaneously ensuring strict compliance with ethical standards and safeguarding client confidentiality when using internal data sources.

Furthermore, in the pursuit of enhancing justice, administrative bodies have turned to AI to tackle systemic challenges within Mexico's legal system. Notably, the non-profit organisation TOJIL, in collaboration with several state prosecutors' offices, has spearheaded the development of an AI-driven chatbot named TEO. This innovative tool enables individuals to report instances of corruption, seek basic legal guidance on criminal matters and connect with specialised attorneys. With aspirations for nationwide implementation, TEO holds promise for empowering citizens across the country.

Additionally, within the judicial realm, the Federal Judiciary Council has been diligently implementing various online access and consultation systems, collectively referred to as e-justice initiatives. Furthermore, efforts are being made to create an AI platform called Julia, with the aim of granting public access to legal precedents; however, the judiciary maintains a cautious stance, abstaining from employing AI in legal interpretation processes to formulate criteria and resolutions.

In addition to these advancements, the Mexican Intellectual Property Office has introduced MARCIA, an AI-powered assistant designed to streamline the search for phonetic and graphic precedents in trademark applications.

3. If yes, are these AI tools different regarding: independent law firms; international law firms; and in-house counsel; and what are these differences?

Independent law firms

The AI tools employed by independent law firms are not fundamentally distinct; instead, they possess adaptability and customisation capabilities to meet the different demands of clients across diverse practice areas.

International law firms

Likewise, AI tools utilised by international law firms aren't fundamentally different; rather, they are tailored to meet the specific requirements of different jurisdictions.

In-house counsel

AI tools used by corporate legal teams are precisely calibrated for tasks that are closely connected to the company's legal needs, enhancing the efficiency of project management. Furthermore, these AI tools are often tailored to match the distinct legal structures and challenges specific to the organisation they support.

4. What is the current or planned regulatory approach on AI in general?

In Mexico, AI is emerging as a priority across various sectors, including the public sector, private sector, academia, autonomous organisations and civil organisations. There is a growing recognition of its importance for boosting the country's competitiveness and productivity. Consequently, Mexico has participated in various discussions and contributed to the development of several reports and documents to tackle some of the major issues, such as its regulation.

Regarding regulation, the Senate established ANIA, comprising a diverse and multidisciplinary group of experts in AI, technology and law. Through targeted initiatives such as conducting assessments and proposing regulatory, policy and governance frameworks, ANIA endeavours to address AI regulation. Currently,

they are developing the *Proposal for a National Artificial Intelligence Agenda for Mexico (2024–2030)*, which encompasses recommendations for public policy, regulation and governance aimed at ensuring the ethical and legal use of AI, and securing a sustainable and inclusive future regarding AI.

In recent years, various recommendations for the regulation of AI have been made, including:

- integrating specific actions for the development, use and connection of emerging technologies, including AI, into the National Digital Inclusion Policy/National Digital Agenda, in accordance with the mandate of Article 6 of the Constitution; this integration aims to promote the full exercise of human rights and environmental protection as integral components of the agenda;
- defining the set of actions of the National Policy through an open and collaborative process, involving all participants in Mexico's digital ecosystem;
- ensuring the necessary infrastructure to integrate AI-based technology tools into educational institutions, particularly in rural and marginalised areas;
- increasing investment in cybersecurity research and development; and
- promoting the development of software in certified, open, reusable code based on international standards, as well as open AI models, as part of the technological stack of public administration.

In summary, Mexico's approach reflects an understanding of the advantages offered by AI, along with an acknowledgment of the imperative need for regulations to mitigate potential risks.

5. What are the current or planned regulations on the general use of AI or machine learning systems?

In Mexico, several initiatives have been introduced concerning AI, with some focusing on integrating and defining the concept and its applications within specific domains.

For instance, in public health, there is an ongoing initiative aimed at regulating the application of AI within the sector. This initiative seeks to address various aspects, including the use of AI in medical practice, ensuring users' rights within the healthcare system, such as their right to be informed about AI applications and their consequences, and safeguarding their personal data. Other examples include: (1) an initiative targeting amendments to criminal law to address issues such as the creation of pornography through AI and deepfakes; and (2) a bill of law focused on

regulating AI in electoral campaigns, with the aim of preventing misinformation, identity theft or any other activities that could distort the electoral process.

One of the most significant initiatives under consideration is titled the 'Federal Law that regulates Artificial Intelligence', which addresses various aspects of AI systems; their development, commercialisation and usage; and consumer rights and intellectual property. Drawing inspiration from the European Union's recently approved Artificial Intelligence Act, this initiative proposes classifying AI systems based on their risk levels and mandates informing consumers when they are interacting with an AI system subject to regulatory oversight by the relevant authority.

Concerning intellectual property, an additional initiative stipulates that any work created using AI must be declared to the National Copyright Institute (INDAUTOR) for registration. Moreover, it specifies that AI language models can only be trained using databases authorised by the intellectual property rights owner. Unlike previous proposals, this initiative does not advocate for the creation of a new regulatory body, but designates the existing Federal Telecommunications Institute as the authority responsible for AI matters. It also proposes the establishment of a National Artificial Intelligence Commission within this institute to implement the provisions outlined in the initiative.

Additionally, there are two initiatives aimed at establishing government oversight bodies in this field. One proposes the creation of the Mexican Agency for the Development of Artificial Intelligence, a decentralised entity tasked with formulating a National Strategy on Artificial Intelligence and advocating for national interests in the domain through research, studies and ethical guidelines. The other initiative suggests regulating AI through Official Mexican Standards (known as NOMs) and establishing the Mexican Council of Ethics for Artificial Intelligence and Robotics. This council, comprising experts from various sectors, would oversee compliance with the NOMs and ethical protocols for AI implementation in Mexico.

While there is currently no specific initiative addressing AI regulation in tax matters, the Tax Administration Service (Servicio de Administración Tributaria or SAT) has issued statements regarding the use of AI to identify high-risk taxpayers, combat tax evasion networks and address irregularities in invoice issuance. It is anticipated that implementing these functions may require modifications to the powers of the tax authority and the rights of taxpayers.

6. Is free data access an issue in relation to AI?

Yes. In Mexico, there are challenges related to data access, including the limited availability of open data, data silos within different organisations, and concerns about data privacy.

The availability of high-quality and diverse data is crucial for training AI algorithms effectively and ensuring their accuracy and reliability. While data aggregation across platforms can provide significant advantages in accessing a wide range of data, it may also cause conflicts as the shared information may encompass personal data. In Mexico, personal data collection requires the consent of the data owner and must serve legitimate purposes, as clearly outlined in a privacy notice.

While specific provisions addressing AI personal data collection are currently lacking, existing laws encompass regulations applicable to similar technologies. For instance, Article 52 of the Federal Law on Protection of Personal Data in Possession of Individuals (Ley Federal de Protección de Datos Personales en Posesión de los Particulares or LFPDPPP) Regulations covers personal data processing in cloud computing. This mandates data controllers to ensure compliance with data privacy protection policies, disclose subcontracting involving provided information and maintain confidentiality. Furthermore, Articles 63 and 64 permit data controllers to engage in cloud computing services, provided service providers ensure legal compliance. These regulations may extend to the collection of personal data by AI due to similar contexts. Therefore, authorisation is required regardless of the data source, and non-compliance may result in fines.

7. Are there already actual court decisions on the provision of legal services using AI or decisions concerning other sectors that might be applicable to the use of AI in the provision of legal services?

Currently, there are no rulings from the Supreme Court, judiciary or administrative courts concerning the use of AI in the provision of legal services or any other sector that might pertain to AI use. Nevertheless, considering the disruptive nature of AI, we anticipate numerous issues arising regarding its use in legal services, encompassing both substantive and procedural matters. We believe that many of these issues can be addressed through judicial criteria established in litigation.

Notwithstanding the above, it is important to mention that, within the judicial realm, the adoption of AI has begun for various processes. As previously mentioned, progress has been made to create an AI platform called JullA, aimed at granting public access to legal precedents, and pilot systems for the use of programs that facilitate routine tasks in drafting parts of judicial projects. Additionally, the judiciary undergoes recurrent training on the use of AI, its applications and the various advancements made in this field.

Therefore, we estimate that decisions regarding the use of AI in the legal sector, if any, will not be overly restrictive. Instead, they may focus more on substantive issues rather than form.

8. What is the current status – planned, discussed or implemented – of sectorial legislation in your jurisdiction on the use of AI in the legal profession or services that are traditionally provided by lawyers?

In Mexico, the legal framework operates at the federal level, with legislation addressing emerging topics typically falling under federal jurisdiction. As a result, we expect that initial regulations for AI will be established federally and in broad terms, with subsequent transversal regulation developing to encompass various sectors.

However, we do not foresee immediate regulation specifically targeting the use of AI in legal services or the profession. Instead, priority may be given to regulating AI applications in sectors with broader social and public safety implications before addressing their use in legal contexts.

9. What is the role of national bar organisations or other official professional institutions?

In our country, various associations unite legal professionals with the aim of studying and safeguarding the law. These associations consistently oversee the professional conduct of legal practitioners and explore emerging legal topics to ensure their application maintains a high standard of legality and morality. They also play a pivotal role in advocating for the enactment of laws, offering opinions and issuing statements on significant legal matters (eg, submitting *amicus curiae* briefs to the judiciary).

When it comes to AI, these associations have generally shown interest in its application and regulation within the legal sphere. For instance, bar organisations, such as the National Association of Business Lawyers, the Mexican Bar Association and the Mexican Association for the Protection of Intellectual Property, have organised conferences related to AI that range from the possible impact in different areas to discussions on forms of regulation. At these conferences, professionals from different law branches are invited to analyse and discuss the impact that AI will have on Mexican legislation to anticipate possible contingencies or difficulties in any branch of law or in our professional practice.

These associations are likely to play an important role in the use of AI across various fields. This is because these associations typically have their own code of ethics designed to address issues relevant to the legal profession in Mexico. Given the esteemed reputation of these associations, their codes of ethics are widely recognised as general guidelines in legal practice and are frequently referenced across various firms. Therefore, given the disruptive nature of AI and the ongoing ethical debate surrounding it, we anticipate that these codes will become increasingly significant as AI becomes more prevalent in the provision of legal services.

Another influential entity that is likely to have a significant impact on AI usage across various sectors is ANIA. Despite not being strictly public or private, but rather a hybrid association, ANIA has been actively engaged in formulating recommendations for conducting assessments and proposing regulations, public policies and governance models related to AI.