

vietnam
PATENT BASIC

Main Law	<ul style="list-style-type: none"> Law on Intellectual Property 	
Main International Treaty	<ul style="list-style-type: none"> Paris Convention Patent Co-operation Treaty (PCT) 	
Protection Principle	<ul style="list-style-type: none"> Registration (First-to-File) 	
Registration Authority	<ul style="list-style-type: none"> The National Office of Intellectual Property of Vietnam (NOIP) 	
Inventions	<ul style="list-style-type: none"> Technical solutions in form of products (materials, substances) or processes. 	
Protection Titles	<ul style="list-style-type: none"> Patent for Invention 	<ul style="list-style-type: none"> Patent for Utility Solution
Patentability Requirements	<ul style="list-style-type: none"> + New + <i>Inventive</i> + Capable of Industrial Application 	<ul style="list-style-type: none"> + New + Not Common Knowledge + Capable of Industrial Application
Term of Protection	<ul style="list-style-type: none"> 20 years (from priority date) 	<ul style="list-style-type: none"> 10 years (from priority date)
	<ul style="list-style-type: none"> Annuities payable. 	
License	<ul style="list-style-type: none"> A license agreement needs to be recorded with NOIP to be valid in connection with third parties (<i>e.g. when requesting for a suspension of customs procedure, a licensee needs a recorded license agreement.</i>) 	
Assignment	<ul style="list-style-type: none"> Assignment of a patent must be registered with NOIP. 	
Patent Application (<i>National Route</i>)	<ul style="list-style-type: none"> An application shall be filed with NOIP. A foreign applicant needs to authorize a local representative for the filing. 	
Time Limit to Claim Priority	<ul style="list-style-type: none"> 12 months from the filing date of the priority application. 	
Patent Examination Process	<ul style="list-style-type: none"> Formalities Examination Publication Substantive Examination 	
Time Limits to Request Substantive Examination	<ul style="list-style-type: none"> 42 months from priority date (patent for invention) or 36 months from priority date (patent for utility solution) 	

PCT Applications

Time Limit to Enter National Phase of Vietnam

- 31 months from priority date.

Entering National Phase of Vietnam

- An application shall be filed with NOIP.
- A foreign applicant needs to authorize a local representative for the filing.

PATENT FILING REQUIREMENTS

National Patent Applications

- Name/ Address/ Nationality of **Applicant** and **Inventor**
Requirement: Needed at filing.

- Patent specification, claims, figures, and abstract.
Requirement: Needed at filing and **in Vietnamese**.

- Power of Attorney (POA)
Requirement:
 - + Signed by Applicant; neither notarization nor legalization is required.
 - + Original – One POA could be used for applications of same Applicant (same address). A copy is acceptable at filing if the original is submitted within **1 month** from date of filing; (extra official fee is payable.)

If Priority Claimed

- Application Number, Filing Date, Country of Filing of the Priority Application
Requirement: Needed at filing.

- Priority Application
Requirement: A certified copy to be submitted within **3 months** from filing date, **not extendible**.

Entering National Phase of Vietnam of PCT Applications

- Name/ Address/ Nationality of Applicant and Inventor
Requirement: Needed at filing.

- A copy of the International Application (including, if any, International Search Report and International Preliminary Examination Report)
Requirement: at filing and in Vietnamese.

- Amendments; written opinion to the amendments (if any) according to Articles 19 and/or 34.2(b) of PCT together with copies of description and claims as amended.
Requirement: in Vietnamese

- Power of Attorney.
Requirement:
 - + Signed by Applicant; neither notarization nor legalization is required.
 - + Original – One POA could be used for applications of same Applicant (same address). A copy is acceptable at filing if the original is submitted within **1 month** from date of filing; (extra fee is payable though.)