

vietnam
TRADEMARK BASIC

Main Law	<ul style="list-style-type: none">▪ Law on Intellectual Property
Main International Treaty	<ul style="list-style-type: none">▪ Paris Convention▪ Madrid Agreement▪ Madrid Protocol
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)
Trademarks	<ul style="list-style-type: none">▪ Visual signs only.▪ 3-D marks are possible.
Protection Titles	<ul style="list-style-type: none">▪ Certificate of Trademark Registration
Requirements for Registration	<ul style="list-style-type: none">▪ Distinctive, non-descriptive.
Term of Protection	<ul style="list-style-type: none">▪ 10 years from date of filing. Renewable every 10 years, indefinitely.
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 trademark must be registered with NOIP.
Trademark Application	<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 and prosecution.
Time Limit to Claim Priority Right	<ul style="list-style-type: none">▪ 6 months from the filing date of the priority application.
Trademark Examination Process	<ul style="list-style-type: none">▪ Formalities Examination▪ Publication▪ Substantive Examination
International Registrations	
Time Limit to File a Response to a Provisional Refusal	<ul style="list-style-type: none">▪ 3 months from the date of notification.

TRADEMARK FILING REQUIREMENTS

National Trademark Applications

- Name/ Address/ Nationality of Applicant
Requirement: Needed at filing
- List of Goods and/or Services
Requirement: Identified and classified according to Nice Classification (10th edition) and NOIP's practice
- Specimens of Trademark
Requirement:
 - + Needed at filing
 - + 8 cm x 8 cm (max.)
- Power of Attorney (POA)
Requirements:
 - + Signed by Applicant; neither notarization nor legalization is required.
 - + Original – One general 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.

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**.

Response to Provisional Refusal of a Madrid Registration

- Notice of Provisional Refusal
Requirement: Needed at filing
- Power of Attorney
Requirement: Signed by Applicant; neither notarization nor legalization is required.