NATIONAL OFFICE OF INDUSTRIAL PROPERTY (VIET NAM)
AS
DESIGNATED (OR ELECTED) OFFICE

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List of abbreviations:
Office: National Office of Industrial Property (Viet Nam)
GD: Government Decree on Detailed Regulations Concerning Industrial Property (No. 63/CP of 24 October 1996, as amended by Government Decree No. 06/2001/ND-CP of 01 February 2001
C: Circular No. 3055 TT/SHCN of the Ministry of Science, Technology and Environment on the implementation of the regulations on the procedures for establishing industrial property rights and other regulations in Government Decree No. 63/CP of 24 October 1996

(14 January 2010)
### VN NATIONAL OFFICE OF INDUSTRIAL PROPERTY (VIET NAM)

#### Summary of requirements for entry into the national phase

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Time limits applicable for entry into the national phase:</strong></td>
<td>Under PCT Article 22(3): 31 months from the priority date</td>
</tr>
<tr>
<td></td>
<td>Under PCT Article 39(1)(b): 31 months from the priority date</td>
</tr>
<tr>
<td><strong>Translation of international application required into:</strong></td>
<td>Vietnamese</td>
</tr>
<tr>
<td><strong>Required contents of the translation for entry into the national phase:</strong></td>
<td>Under PCT Article 22: Description, claims (if amended, both as originally filed and as amended, together with any statement under PCT Article 19), any text matter of drawings, abstract</td>
</tr>
<tr>
<td></td>
<td>Under PCT Article 39(1): Description, claims, any text matter of drawings, abstract (if any of those parts has been amended, both as originally filed and as amended by the annexes to the international preliminary examination report)</td>
</tr>
<tr>
<td><strong>Is a copy of the international application required?</strong></td>
<td>No</td>
</tr>
<tr>
<td><strong>National fee:</strong></td>
<td>Currency: US dollar (USD)</td>
</tr>
<tr>
<td></td>
<td>Filing fee: USD 40</td>
</tr>
<tr>
<td></td>
<td>Additional fee for each sheet in excess of five: USD 3</td>
</tr>
<tr>
<td></td>
<td>Fee for priority claims, per priority: USD 70</td>
</tr>
<tr>
<td></td>
<td>Additional fee for each object in excess of one:</td>
</tr>
<tr>
<td></td>
<td>For patent: USD 30</td>
</tr>
<tr>
<td></td>
<td>For patent for utility solution: USD 20</td>
</tr>
<tr>
<td></td>
<td>Fee for requesting substantive examination:</td>
</tr>
<tr>
<td></td>
<td>For patent: USD 100</td>
</tr>
<tr>
<td></td>
<td>For patent for utility solution: USD 90</td>
</tr>
</tbody>
</table>

Exemptions, reductions or refunds of the national fee: None

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1. Must be furnished or paid within the time limit applicable under PCT Article 22 or 39(1).
2. Patent means “patent for invention”, to be distinguished from “patent for utility solution”.

(7 June 2007)
### VN NATIONAL OFFICE OF INDUSTRIAL PROPERTY (VIET NAM)

**Special requirements of the Office (PCT Rule 51bis):**

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name and address of the inventor if they have not been furnished in the “Request” part of the international application</td>
<td>4</td>
</tr>
<tr>
<td>Instrument of assignment where the applicant is not the inventor</td>
<td>4</td>
</tr>
<tr>
<td>Instrument of assignment of the priority rights where the applicants are not identical</td>
<td>4</td>
</tr>
<tr>
<td>Appointment of an agent if the applicant is not resident in Viet Nam</td>
<td></td>
</tr>
<tr>
<td>Translation of the international application to be furnished in three copies</td>
<td></td>
</tr>
<tr>
<td>Furnishing, where applicable, of a nucleotide and/or amino acid sequence listing in computer readable form</td>
<td></td>
</tr>
</tbody>
</table>

**Who can act as agent?**

Any attorney with the right to practice before the Office

**Does the Office accept requests for restoration of the right of priority (PCT Rule 49ter.2)?**

Yes, please refer to the Office for the applicable criteria and/or any fee payable for such requests

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3 If not already complied with within the time limit applicable under PCT Article 22 or 39(1), the Office will invite the applicant to comply with the requirement within a time limit which will be fixed in the invitation.

4 This requirement may be satisfied if the corresponding declaration has been made in accordance with PCT Rule 4.17.

(7 June 2007)
THE PROCEDURE IN THE NATIONAL PHASE

VN.01 TRANSLATION (CORRECTION). Errors in the translation of the international application can be corrected with reference to the text of the international application as filed (see National Phase, paragraphs 6.002 and 6.003).

VN.02 PRIORITY DOCUMENT (TRANSLATION). The Office will require the applicant to furnish a certified translation of the priority document only in certain cases where required for examination. If not already furnished, the Office will invite the applicant to furnish that translation within a time limit which shall be fixed in the invitation.

VN.03 FEES (MANNER OF PAYMENT). The manner of payment of the fees indicated in the Summary and in this Chapter is outlined in Annex VN.I.

VN.04 REQUEST FOR EXAMINATION. A patent may be granted only after the substantive examination, which may be requested by the applicant or by a third party. The request must be made in writing within 42 months from the priority date in case of an application for a patent for invention or 36 months from the priority date in case of an application for a patent for utility solution. The request for examination is only effective if the fee for requesting examination has been paid. The amount of the said fee is indicated in Annex VN.I.

VN.05 REPRESENTATION. An applicant having no habitual residence, headquarters or representative office in Viet Nam must be represented by an attorney authorized to act by the competent authority of the State. A list of registered attorneys is available upon request from the Office.

VN.06 AMENDMENT OF THE APPLICATION; TIME LIMITS. The applicant may amend or correct the international application up to the grant of the patent, provided the scope of the subject matter is not broadened thereby.

VN.07 INSTRUMENT OF ASSIGNMENT. For details, see the model instrument in Annex VN.II. If the applicant has obtained the right to file the international application through the intermediary of one or more other persons and not directly from the inventor, the assignment deed linking the inventor and the applicant must be produced.

VN.08 ANNUAL FEES. After a patent has been granted, annual fees must be paid for maintaining the patent in force. The first annual fee must be paid within a time limit which shall be fixed in the notification of the grant of the patent. Payment of annual fees for each succeeding year must be made within the last six months of the previous year. If an annual fee is paid later than during this period, the patentee shall be required to pay a supplementary fee amounting to 10% of the annual fee for each month overdue. In the absence of justifiable grounds for delay, failure to pay an annual fee within six months from the last day of the period during which it is due will render the patent invalid.

VN.09 EXCUSE OF DELAYS IN MEETING TIME LIMITS. Reference is made to paragraphs 6.022 to 6.027 of the National Phase. Where, during the international phase or before the Office, the applicant has missed a time limit for performing any act in relation to the international application, such time limit may be extended by the Office upon request by the applicant and where justified.

VN.10 REVIEW UNDER ARTICLE 25 OF THE PCT. The applicable procedure is outlined in paragraphs 6.018 to 6.021 of the National Phase. Appeals concerning a decision by the Office will be considered firstly by the Director General of the Office and finally by the Minister of Science, Technology and Environment in administrative proceedings.
VEN.11  **PATENT FOR UTILITY SOLUTION.** The requirements for the national phase are basically the same as for an application for a patent for invention. A patent for utility solution has a term of 10 years from the filing date. If the applicant wishes to obtain a patent for utility solution instead of a patent for invention in Viet Nam on the basis of an international application, for international applications filed before 1 January 2004, it must have been indicated in the international application (in Box No. V of the request) when filed; for international applications filed on or after 1 January 2004, since the request form no longer provides for the furnishing of such an indication, the applicant, when performing the acts referred to in Article 22 or 39, shall so indicate to the Office.

VEN.12  **CONVERSION.** An international application for a patent for invention filed with the Office may, at the request of the applicant and upon payment of the prescribed fee for requesting conversion, be converted into an application for a patent for utility solution after the substantive examination of the application for a patent for invention has taken place, if the requirements for granting the patent are found not to be fulfilled and if such request for conversion is filed within three months from the date of notification of refusal of the grant of the patent for invention.
FEES

(Currency: US dollar)

**Patents**

- Filing fee ............................................................ 40
- Additional fee for each sheet in excess of five ................................... 3
- Additional fee for each object in excess of one .............................. 30
- Fee for priority claims, per priority ............................................ 70
- Fee for publication ...................................................... 40
- Additional fee for publication of each drawing in excess of one ............ 10
- Fee for requesting substantive examination .................................... 100
- Fee for grant .......................................................... 60
- Fee for assignment of right ................................................. 40
- Fee for appeal ......................................................... 60

**Annual fees:**
- for the 1st and 2nd years, per year ............................................ 70
- for the 3rd and 4th years, per year ............................................ 120
- for the 5th and 6th years, per year ............................................. 200
- for the 7th and 8th years, per year ............................................. 300
- for the 9th and 10th years, per year .......................................... 450
- for the 11th to the 13th year, per year ....................................... 600
- for the 14th to the 16th year, per year ....................................... 800
- for the 17th to the 20th year, per year ....................................... 1,000

**Patent for utility solution**

- Filing fee ............................................................ 40
- Additional fee for each sheet in excess of five ................................... 3
- Additional fee for each object in excess of one .............................. 20
- Fee for claiming priority, per priority claim .................................... 70
- Fee for publication ...................................................... 40
- Additional fee for publication of each drawing in excess of one ............ 10

**Patents** mean **“patents for invention”, to be distinguished from “patents for utility solution”**.
Fee for assignment of right ................................................................. 40

Fee for appeal ........................................................................... 60

Annual fees:
— for the 1st and 2nd years, per year ....................................................... 70
— for the 3rd and 4th years, per year ......................................................... 120
— for the 5th and 6th years, per year ....................................................... 200
— for the 7th and 8th years, per year ......................................................... 300
— for the 9th and 10th years, per year .................................................... 450

Fee for conversion ........................................................................ 40

**How can payment of fees be effected?**

All fees must be paid to the National Office of Industrial Property in cash (equivalent in VND of US dollars). Payments may also be made to Account No. 920.90.006, Kho bac quan Thanh Xuan, Hanoi, Viet Nam.
VIỆT NAM

GIẤY CHUYỂN GIAO QUYỀN NỔP ĐƠN
Tôi (chúng tôi)..........................
.................................
.................................
chuyển giao quyền nộp đơn sang chủ cho giải pháp:..........................
.................................
.................................
.................................
.................................
được nộp vào Việt Nam
Tôi (chúng tôi)..........................
.................................
.................................
chấp nhận viêo chuyển giao quyền nộp đơn nêu trên.
Chữ ký của người đệ chuyển giao..........................
Chữ ký của người nhận chuyển giao..........................
Ngày..........................

VIỆT NAM

INSTRUMENT OF ASSIGNMENT
I (We)..........................
.................................
.................................
declare that I (we) have transferred all the rights resulting from my(our) invention under the title
.................................
.................................
.................................
don which the application is filed in Việt Nam
I (We)..........................
.................................
.................................
.................................
declare that I(we) accept the aforesaid rights
Signature of the assignee
Signature of the assignor
Date

(July 1994)