

**HAGUE AGREEMENT CONCERNING
THE INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS
– NOTIFICATION OF REFUSAL –**

Rule 18(2) of the Common Regulations

I. Office sending the notification:

Intellectual Property Office of Viet Nam (IP VIET NAM)

384-386, Nguyen Trai street, Thanh Xuan district, Ha Noi, Viet Nam

II. Number of international registration: DM/222527

III. Information concerning the type of refusal:

Refusal based on an examination

Refusal based on an opposition

IV. Information concerning the scope of refusal:

Refusal for all the industrial designs

Refusal for the following industrial designs:

V. Grounds for refusal:

1. The descriptions do not fully disclose all the designs as required in Article 103(2)(a) of the Intellectual Property Law of Viet Nam, since the descriptions do not point out all main appearance characteristics of the designs.

This reason for refusal may be overcome by submitting corrected version of descriptions to replace the current descriptions.

2. The registration contains multiple industrial designs but there is not any statement indicating that they are variants or a set of products, thus it does not meet the requirement on the uniformity of industrial property registration applications according to Article 101(1) and Article 101(3) of the Intellectual Property Law of Viet Nam. The designs in the registration are not significantly different from each other. Therefore, these designs should be claimed as variants.

This reason for refusal may be overcome if the registration holder submits a corrected version of description to replace the current one, which shall indicate one of the designs as principle design and the others as variants.

3. The reproductions include the broken lines, therefore the claimed objects in the registration are not the whole articles. Thus, the subject matters contained in the registration are not circulated independently, therefore they are not the objects of protection as industrial designs as provided in Article 4(13) of the Intellectual Property Law of Viet Nam and in Article 33(2)(b) of Circular No. 01/2007/TT-BKHCN.

This reason for refusal may be overcome if the registration holder submits corrected sets of reproductions with the broken lines being replaced with solid lines.

4. The description includes the disclaimers, therefore the claimed objects in the registration are not the whole articles. Thus, the subject matters contained in the registration are not circulated independently, therefore they are not the objects of protection as industrial designs as provided in Article 4(13) of the Intellectual Property Law of Viet Nam and in Article 33(2)(b) of Circular No. 01/2007/TT-BKHCN.

This reason for refusal may be overcome if the registration holder submits corrected version of descriptions in which the disclaimers has been removed.

VI. Information relating to earlier industrial design(s):

VII. Corresponding essential provisions of the applicable law:

- **Article 4(13) of the Intellectual Property Law of Viet Nam:** An industrial design means a specific appearance of a product embodied by three dimensional configurations, lines, colors, or a combination of these elements.

- **Article 101 of the Intellectual Property Law of Viet Nam** - The requirement on the uniformity of industrial property registration applications

1. Each industrial property registration application shall request the grant of only one protection title for a single industrial property subject matter, except for the cases specified in Clauses 2, 3 and 4 of this Article.

3. Each registration application may request the grant of one industrial design patent for several industrial designs in the following cases:

a) Industrial designs of a set of products consist of numerous items expressing a single common inventive idea and used together or for a common purpose;

b) An industrial design is accompanied by one or more variants, i.e., variations of such industrial design that express a single common inventive idea and that are not significantly different from such industrial design.

- **Article 103 of the Intellectual Property Law of Viet Nam** - Requirements on industrial design registration applications

2. The section of description of an industrial design must satisfy the following conditions:

a) Fully disclosing all features expressing the nature of the industrial design and clearly identifying features which are new, different from the least different known industrial design, and consistent with the set of photos or drawings;

b) Where the industrial design registration application consists of variants, the section of description must fully show these variants and clearly identify distinctions between the principal variant and other variants;

c) Where the industrial design stated in the registration application is that of a set of products, the section of description must fully show features of each product of the set.

- **Article 33(2)(b) of Circular No. 01/2007/TT-BKHHCN:** Product means object, tool, equipment, device, or a part used to assemble product, which is manufactured by industrial or manual method, with clear structure and function, and is circulated independently.

VIII. Information relating to subsequent procedures:

(i) Time limit for requesting review: 3 months from the sending date of this notification by IP Viet Nam

(ii) Authority to which such request for review should be made:

Intellectual Property Office of Viet Nam (IP Viet Nam)

384-386, Nguyen Trai street, Thanh Xuan district, Ha Noi, Viet Nam

(iii) The application for requesting review shall be filed through an authorized representative in Viet Nam.

(iv) The application for requesting review should refer the corresponding application number in IP Viet Nam: 8-2022-00258.

IX. Date on which the refusal was pronounced: 10/02/2023

X. Signature or official seal by the Office:

By order of Director General

Deputy Director General

A handwritten signature in black ink, appearing to be 'NVB', written in a cursive style.

Nguyen Van Bay