

**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/222759

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

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

2. The registration contains different industrial designs which are not 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.

This reason for refusal may be overcome if the registration holder submits a declaration to separate the registration into different registrations in Viet Nam, each for one design. Each registration must have a separate description.

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

VII. Corresponding essential provisions of the applicable law:

- 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.

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: 8-2022-00262.

IX. Date on which the refusal was pronounced: 17/02/2023

X. Signature or official seal by the Office:

By order of Director General

Deputy Director General



Nguyen Van Bay