



## Viet Nam

### IP OFFICES

Industrial Property Rights (Patents, Trademarks and Industrial Designs)	
Competent Authority	Intellectual Property Office of Viet Nam (IP Viet Nam)
Web site address	<a href="http://ipvietnam.gov.vn/en/web/english/home">http://ipvietnam.gov.vn/en/web/english/home</a>
Address	384-386, Nguyen Trai Street, Thanh Xuan District, Ha Noi
Telephone	(8424) 3558 8217 (8424) 3858 3069
E-mail	<a href="mailto:vietnamipo@noip.gov.vn">vietnamipo@noip.gov.vn</a>
Copyright and Related Rights	
Competent Authority	Copyright Office of Viet Nam
Web site address	<a href="http://www.cov.gov.vn">www.cov.gov.vn</a>
Address	33, Lane 294/2 Kim Ma Street, Ba Dinh District, Ha Noi
Telephone	(8424) 382 36 908 (8424) 384 70 485
E-mail	<a href="mailto:cbqtg@hn.vnn.vn">cbqtg@hn.vnn.vn</a>

### MAIN IP INTERNATIONAL CONVENTIONS TO WHICH THE COUNTRY IS PARTY

S. No.	Signature	In Force Since
1.	Berne Convention	October 26, 2004
2.	Brussels Convention	January 12, 2006
3.	Paris Convention	March 8, 1949
4.	Patent Cooperation Treaty	March 10, 1993
5.	The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)	January 11, 2007
6.	WIPO Convention	July 2, 1976
7.	Rome Convention	March 1, 2007
8.	Geneva Convention	July 6, 2005
9.	Madrid Agreement and Protocol	March 8, 1949 and July 11, 2006
10.	The Hague Agreement	December 30, 2019

For more information please refer to:

[https://www.wipo.int/treaties/en/ShowResults.jsp?country\\_id=185C](https://www.wipo.int/treaties/en/ShowResults.jsp?country_id=185C)

IP Rights	Legal Requirements	Duration	Responsible Authority
<b>Copyright</b>	- Originality	Life of author + 50 years (75 years in case of specific creations)	Copyright Office of Viet Nam (COV)
<b>Trademarks</b>	- Visible - Being capable of distinguishing (art. 72)	10 years renewable	Intellectual Property Office of Viet Nam (IP Viet Nam)
<b>Patents</b>	- Novelty - Inventive step - Industrial applicability	20 Years (from filing date – protection starts from grant date)	IP Viet Nam
<b>Utility Models</b>	- Granted for a “minor” invention which does not require to satisfy the test of inventiveness as required for patents	10 Years (from filing date – protection starts from grant date)	IP Viet Nam
<b>Industrial Designs</b>	- New worldwide - Creative (art. 66) - Susceptible of industrial application (art. 67)	5 Years (Renewable for 2 additional terms for a maximum 15 years)	IP Viet Nam

PATENT SYSTEM	
National Law	Law No. 50/2005/QH11 of November 29, 2005, on Intellectual Property, as amended. <sup>5</sup>  <a href="https://wipolex.wipo.int/en/legislation/details/12011">https://wipolex.wipo.int/en/legislation/details/12011</a>
Requirement of Agent for foreigners	Yes
Language in which request may be filed	Vietnamese
Non-Patentable Subjects	1. Scientific discoveries or theories, mathematical methods; 2.

<sup>5</sup>Law No. 50/2005/QH11 of November 29, 2005 on Intellectual Property which took effect on July 1, 2006, as subsequently amended by Law No. 36/2009/QH12 of June 19, 2009 which took effect on January 1, 2010 and Law No. 42/2019/QH14 of June 14, 2019 which took effect on November 1, 2019.

	Schemes, plans, rules and methods for performing mental acts, training domestic animals, playing games, doing business; computer programs; 3. Presentations of information; 4. Solutions of aesthetical characteristics only; 5. Plant varieties, animal breeds; 6. Processes of plant or animal production which are principally of biological nature other than microbiological ones; 7. Human and animal disease prevention, diagnostic and treatment methods (art. 59)
Substantive Examination	Yes (art. 114)
Opposition System	Yes. Third parties' opinions against a patent application in Viet Nam can be filed after its publication in the official gazette. (art. 112)
PCT international application through the national office of the country as a receiving office under the PCT	<a href="https://www.wipo.int/export/sites/www/pct/guide/en/gdvol1/annexes/annexc/ax_c_vn.pdf">https://www.wipo.int/export/sites/www/pct/guide/en/gdvol1/annexes/annexc/ax_c_vn.pdf</a>
PCT international application to the national office of the country as a designated office under the PCT	<a href="https://www.wipo.int/export/sites/www/pct/guide/en/gdvol2/annexes/vn.pdf">https://www.wipo.int/export/sites/www/pct/guide/en/gdvol2/annexes/vn.pdf</a>

INDUSTRIAL DESIGN SYSTEM	
National Law	Law No. 50/2005/QH11 of November 29, 2005, on Intellectual Property, as amended.  <a href="https://wipolex.wipo.int/en/legislation/details/12011">https://wipolex.wipo.int/en/legislation/details/12011</a>
Language	Vietnamese
Non-Registrable Subjects	1. Appearance of a product, which is dictated by the technical features of the product; 2. Appearance of a civil or an industrial construction work; 3. Shape of a product, which is invisible during the use of the product. (art. 64)
Substantive Examination	Yes (art. 114)
Opposition System	Yes. Third parties' opinions against a design application in Viet Nam can be filed after its publication in the official gazette. (art. 112)
Designs for a set of articles	Yes (art. 101.3). However, only if various items express a single common inventive idea and used together or for a common purpose; or an industrial design is accompanied by one or more variants.
International application through and to the national office of the country under the Hague System. Please refer also the following website (in due course).	As of December 30, 2019 the Hague Agreement is in force in Viet Nam. Relevant information will be published on WIPO's website in due course.

TRADEMARK SYSTEM	
National Law	Law No. 50/2005/QH11 of November 29, 2005, on Intellectual Property, as amended. <a href="https://wipolex.wipo.int/en/legislation/details/12011">https://wipolex.wipo.int/en/legislation/details/12011</a>
Subjects of Protection	Trademarks and services marks, certification marks, collective marks, integrated marks (art. 4. 16-18)
Language	Vietnamese
Term of Trademark Protection	10 years renewable (art. 93)
Non-Registrable Subjects	<ol style="list-style-type: none"> <li>1. Generic marks (art. 74.2.b)</li> <li>2. Descriptive marks (art. 74.2.c-e)</li> <li>3. Signs identical or similar to earlier signs – marks, GIs, trade names (art. 74.2. f-m)</li> <li>4. See other cases in art. 74.</li> <li>5. 1. flags or national emblems; 2. Emblems, flags, armorial bearings, abbreviated names or full names of Vietnamese state agencies, political organizations, socio-political organizations, socio-political-professional organizations, social organizations or socio-professional organizations or international organizations; 3. Real names, alias, pseudonyms or images of leaders, national heroes or famous personalities of Vietnam or foreign countries; 4. Certification seals, check seals or warranty seals of international organizations; 5. Signs which cause misleading or confusion or deceive consumers as to the origin, properties, intended utilities, quality, value or other characteristics of goods or services (art. 73)</li> </ol>
Substantive Examination	Yes (art. 114)
Opposition System	Yes. Third parties' opinions against a trademark application in Viet Nam can be filed after its publication in the official gazette. (art. 112)
Criteria for well-known marks and consequences	<ol style="list-style-type: none"> <li>1. The number of involved consumers who have been aware of the mark through purchase or use of goods or services bearing the mark or through advertising;</li> <li>2. Territorial area in which goods or services bearing the mark are circulated;</li> <li>3. Turnover of the sale of goods or provision of services bearing the mark or the quantity of goods sold or services provided;</li> <li>4. Duration of continuous use of the mark;</li> <li>5. Wide reputation of goods or services bearing the mark;</li> <li>6. Number of countries protecting the mark;</li> <li>7. Number of countries recognizing the mark as a well-known mark;</li> <li>8. Assignment price, licensing price, or investment capital contribution value of the mark. (art. 75)</li> </ol>
International application through the national office of the country as an office of origin under the Madrid System	<a href="https://www.wipo.int/madrid/memberprofiles/#/result?countries=9214&amp;datafields=9582,9583,9584">https://www.wipo.int/madrid/memberprofiles/#/result?countries=9214&amp;datafields=9582,9583,9584</a>

International application to the national office of the country as a designated office of designated country under the Madrid System	<a href="https://www.wipo.int/madrid/memberprofiles/#/result?countries=9214&amp;datafields=9583,9584,9582,9596,9601,9603,9605,9599,9604,9600,9602,9598,9597,9634,9636,9637,9635,9633,9628,9639,9640,9595,9631,9630,9629,9638,9615,9617,9614,9620,9616,9609,9606,9610,9612,9611,9613,9608,9618,9621,9607,9619,9587,9591,9594,9585,9588,9589,9592,9593,9590,9586,9627,9625,9622,9626,9623,9624">https://www.wipo.int/madrid/memberprofiles/#/result?countries=9214&amp;datafields=9583,9584,9582,9596,9601,9603,9605,9599,9604,9600,9602,9598,9597,9634,9636,9637,9635,9633,9628,9639,9640,9595,9631,9630,9629,9638,9615,9617,9614,9620,9616,9609,9606,9610,9612,9611,9613,9608,9618,9621,9607,9619,9587,9591,9594,9585,9588,9589,9592,9593,9590,9586,9627,9625,9622,9626,9623,9624</a>
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COPYRIGHT SYSTEM	
National Law	Law No. 50/2005/QH11 of November 29, 2005, on Intellectual Property, as amended.  <a href="https://wipolex.wipo.int/en/legislation/details/12011">https://wipolex.wipo.int/en/legislation/details/12011</a>
Subjects of Protection	a/Literary and scientific works, textbooks, teaching courses and other works expressed in written languages or other characters; b/ Lectures, addresses and other sermons; c/ Press works; d/ Musical works; e/ Dramatic works; f/ Cinematographic works and works created by a process analogous to cinematography (hereinafter referred to collectively as cinematographic works); g/ Plastic-art works and works of applied art; h/ Photographic works; i/ Architectural works; j/ Sketches, plans, maps and drawings related to topography or scientific works; k/ Folklore and folk art works of folk culture; l/ Computer programs. Derivative works (art. 14)
Subjects not protected by copyright	1. News of the day as mere items of press information. 2. Legal documents, administrative documents and other documents in the judicial domain and official translations of these documents. 3. Processes, systems, operation methods, concepts, principles and data (art. 15)
Foreign Copyright Holders	Viet Nam is a party to Berne Convention hence work of foreign copyright holders are automatically protected.
Moral Rights	Moral Rights consists of the right: 1. To title their works; 2. To attach their real names or pseudonyms to their works; to have their real names or pseudonyms acknowledged when their works are published or used; 3. To publish their works or authorize other persons to publish their works; 4. To protect the integrity of their works, and to prevent other persons from modifying, mutilating or distorting their works in whatever form prejudicial to their honor and reputation (art. 19)
Economic Rights	a/ To make derivative works; b/ To display their works to the public; c/ To reproduce their works; d/ To distribute or import original works or copies thereof; e/ To communicate their works to the public by wire or wireless means, electronic information networks or any other technical means; f/ To lease original cinematographic works and computer programs or copies thereof (art. 20)

Copyright on folklore	Special copyright provisions relating to folklore (Folk tales, lyrics and riddles, Folk songs and melodies, Folk dances, plays, rites and games, Folk art products) are contained in art. 23.
Collecting Management Organizations (CMOs)	<ol style="list-style-type: none"> <li>1. Viet Nam Centre for Protection of Music Copyright (VCPMC)</li> <li>2. Recording Industry Association of Viet Nam (RIAV)</li> <li>3. Viet Nam Association for Rights Protection of Music Performing Artists (APPA)</li> <li>4. Viet Nam Reproduction Right Organization (VIETRO)</li> <li>5. Viet Nam Literary Copyright Centre (VLCC)</li> </ol>

#### TECHNOLOGY TRANSFER OFFICE IN THE COUNTRY

There are numerous centres and offices that engage in technology transfer. Information on TISCs is available at: [https://www.wipo.int/tisc/en/search/search\\_result.jsp?country\\_code=VN](https://www.wipo.int/tisc/en/search/search_result.jsp?country_code=VN)

#### ATTORNEYS IN THE COUNTRY

Information regarding Intellectual Property Law Firms in Viet Nam can be found at: <https://www.ipvietnam.gov.vn/web/english/ip-representation-services>

### FILING PROCEDURES

#### Patents

##### Procedures for obtaining a Patent in Viet Nam under the National Law

1. A complete application (respecting all requirements provided by art. 102) is filed with the IP Viet Nam.
2. If the application complies at least with the requirements of art. 108, a filing date is issued.
3. The application is processed for formal examination (art. 109).
4. In case of irregularities, the application is refused by the IP Viet Nam indicating the reasons and providing two (02) months from the date of notification for addressing the issues.
5. In case there are no irregularities, or if these are corrected, the application is published (art. 110) on the official gazette to allow third parties to file oppositions against its granting (art. 112). Time for the third party's oppositions is as from the date of publication in the official gazette till prior to the date of decision.
6. Within 42 months after the filing/priority date, the applicant has to request for substantive examination of the application (art. 113).
7. During the substantive examination (art. 114), if the application is accepted, a patent grant certificate is issued and the patent is published in official gazette.
8. In case the IP Viet Nam issues a provisional refusal (art. 119), it must indicate the reasons in writing and provide three (03) months from the date of notification for addressing the issues.

9. Decisions on grant of protection titles for industrial property rights are published by the IP Viet Nam in the Official Gazette of Industrial Property within two months as from the date of issuance.

#### **Procedures for obtaining a Patent in Viet Nam through PCT**

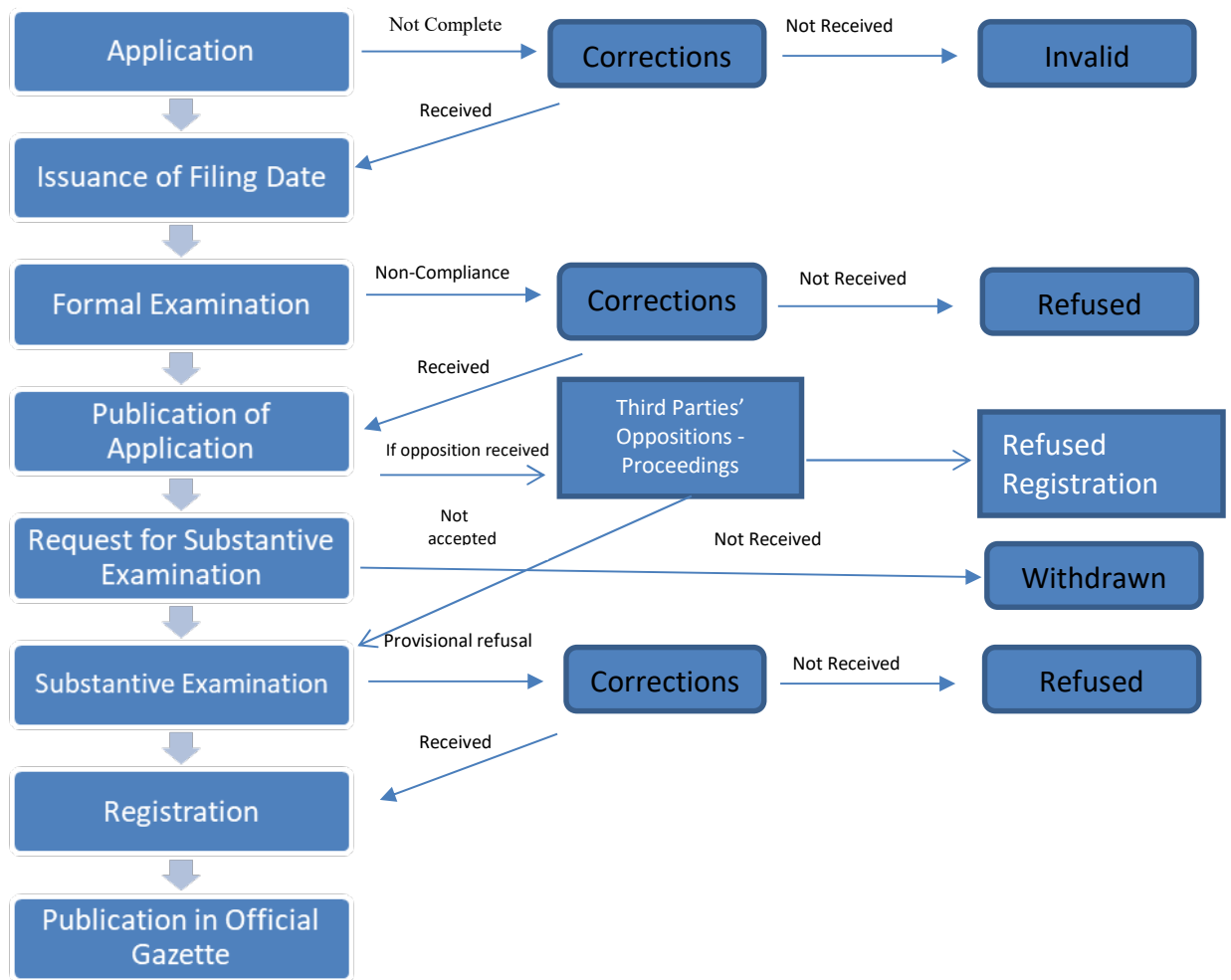
- The time limit for entering the Viet Nam national phase of a PCT application is 31 months from the international filing date or the priority date.
- The applicant may amend and supplement documents of the application in the national phase. Right at the time of entry into the national phase, the applicant may also amend and supplement the description.
- After entering the national phase, an international application shall be put to formality examination and substantive examination according to the procedures applicable to ordinary applications.
- If the applicant requests in writing earlier examination and pay the prescribed charge, the international application shall be examined earlier.
- Special Requirements of the IP Viet Nam for entry into National Phase<sup>6</sup>:
  - Instrument of assignment where the applicant is not the inventor
  - Appointment of an agent if the applicant is not resident in Viet Nam
  - Translation of the international application to be furnished in three copies.

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<sup>6</sup>As mentioned in the Viet Nam PCT guide available at WIPO

Website:<https://www.wipo.int/export/sites/www/pct/guide/en/gdvol2/annexes/vn.pdf>

## Flow Chart for obtaining a Patent in Viet Nam



## Trademarks

### Procedure for obtaining a Trademark in Viet Nam under the National Law

- A complete application (respecting all requirements provided by art. 105) is filed with the IP Viet Nam.
- If the application complies at least with the requirements of art. 108, a filing date is issued.
- The application is processed for formal examination (art. 109).
- In case of irregularities, the application is refused by the IP Viet Nam indicating the reasons and providing two (02) months from the date of notification for addressing the issues.
- In case there are no irregularities, or if these are corrected, the application is published (art. 110) in the official gazette, within 2 months from its acceptance, to allow third parties to file oppositions against its granting (art. 112). Time for possible third party's oppositions is as from the date of publication in the Official Gazette of Industrial Property till prior to the date of a decision on the grant.
- The application undergoes a substantive examination right after it has been accepted as being valid (art. 114).
- During the substantive examination, if the application is accepted, a trademark certificate is issued and the trademark is published in official gazette.

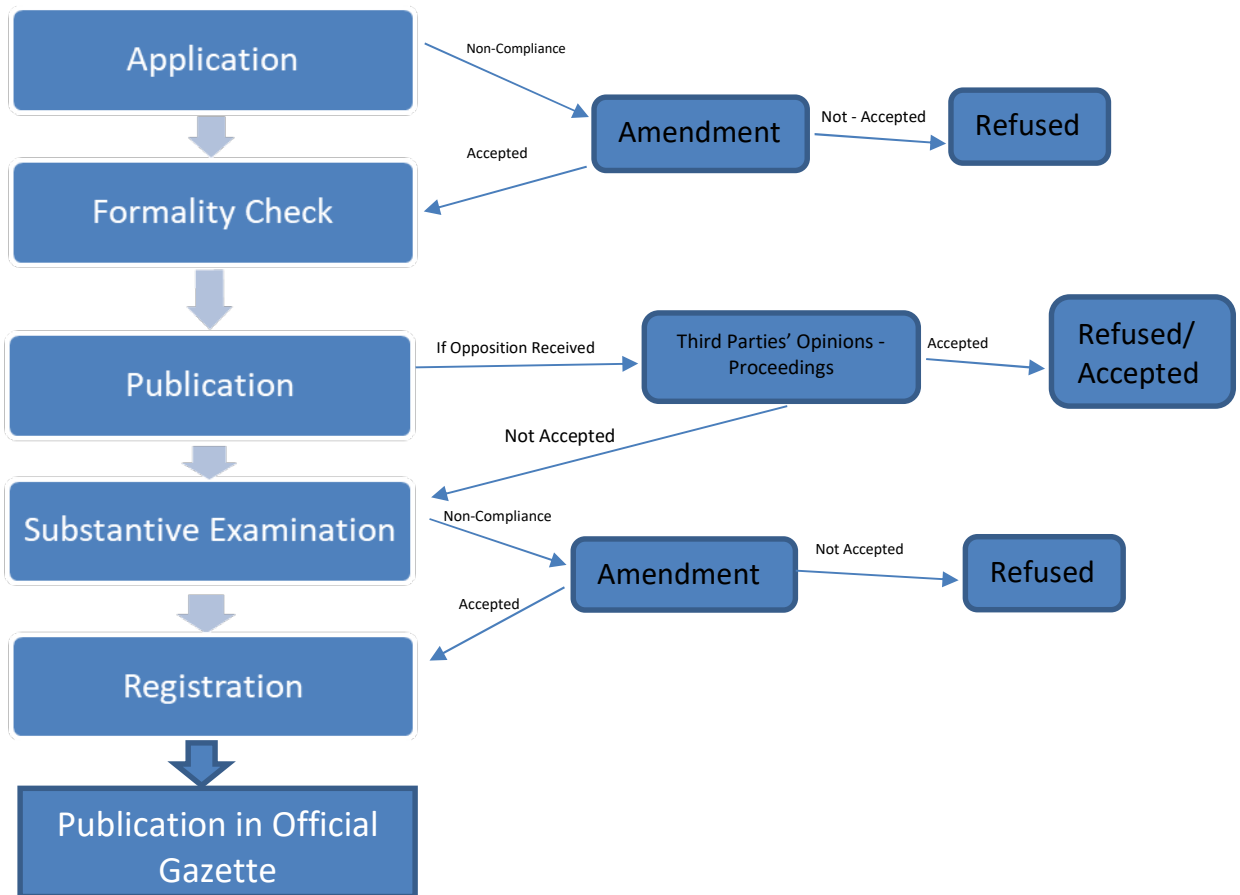


- In case the IP Viet Nam issues a provisional refusal (art. 119), it must indicate the reasons in writing and provide three (03) months from the date of notification for addressing the issues.
- Decisions on grant of protection titles for industrial property rights are published by the IP Viet Nam in the Official Gazette of Industrial Property within two months as from the date of issuance.

**Procedures for obtaining a Trademark in Viet Nam through the Madrid system**

- Within 12 months after the International Bureau issues the notice on a mark international registration application designating Vietnam, the IP Viet Nam office shall make a conclusion on protectability of the mark.
- In case of irregularities, IP Viet Nam will issue a provisional refusal in which indicates the reasons and provides three (03) months from the date of notification for addressing the issues.
- The IP Viet Nam office shall, upon the request of the mark proprietor, grant a certificate of protection in Vietnam of internationally registered mark, if the requester pays the prescribed fee.

**Flow Chart for obtaining a Trademark in Viet Nam**



## Industrial Designs

### Procedures for obtaining an Industrial Design in Viet Nam under the national law

- A complete application (respecting all requirements provided by art. 103) is filed with the IP Viet Nam.
- If the application complies at least with the requirements of art. 108, a filing date is issued.
- The application is processed for formal examination (art. 109).
- In case of irregularities, the application is refused by the IP Viet Nam indicating the reasons and providing two (02) months from the date of notification for addressing the issues.
- In case there are no irregularities, or if these are corrected, the application is published (art. 110) in the official gazette, within 2 months from its acceptance, to allow third parties to file oppositions against its granting (art. 112). Time for possible third party's oppositions is as from the date of publication in the Official Gazette of Industrial Property till prior to the date of a decision on the grant.
- The application undergoes a substantive examination right after it has been accepted as being valid (art. 114).
- During the substantive examination, if the application is accepted, a design certificate is issued and the design is published in official gazette.
- In case the IP Viet Nam issues a provisional refusal (art. 119), it must indicate the reasons in writing and provide three (03) months from the date of notification for addressing the issues.
- Decisions on grant of protection titles for industrial property rights are published by the IP Viet Nam in the Official Gazette of Industrial Property within 60 days as from the date of issuance.

### Flow Chart for obtaining an Industrial Design in Viet Nam

