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NATIONAL OFFICE OF INTELLECTUAL PROPERTY OF VIETNAM
MINISTRY OF SCIENCE AND TECHNOLOGY



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FOREWORD

Today, Intellectual Property (IP) is becoming an increasingly important factor in the development of science and technology, and economy, as well as intensive integration of the country into the global economy. The protection of IP assets is getting familiar to enterprises and the society as a whole. IP subject matters, namely inventions, designs, trademarks, computer software, copyright, etc. have become valuable IP assets and made a significant contribution to enhance the competitiveness of Vietnamese enterprises in domestic and overseas markets.

After almost 28 years of establishment and development, the IP system of Viet Nam has become relatively complete with a legal framework in conformity with international standards; IP management and enforcement systems have been available in the whole country from the central level to local level, thus covering 63 provinces over; IP supporting services such as IP representatives, professional associations have been created to gather joint efforts to promote IP activities in the country.

In 2009, although the world and Viet Nam did not completely exit from the global economic and financial crisis, with efforts of the whole country, the Vietnamese economy including IP activities achieved positive growth. Number of industrial property applications slightly decreased at the beginning of the year but by the end of the year the number recovered and increased by 5% in comparison with the previous year.

In June 2009, the National Assembly adopted the amended Intellectual Property Law revising some provisions of the Intellectual Property Law 2005 with a view to fully complying with international standards provided for in the WTO/TRIPS Agreement. The speed-up of IP application handling to resolve backlog also achieved significant results. Multilateral and bilateral cooperation in the field of IP between Viet Nam and other trade partners have been unceasingly expanded. IP activities at local levels over 63 cities/provinces of the country have also been promoted in the manner that increases the role of industrial property rights in scientific and technological activities in localities; IP assets creation supporting activities to develop IP assets have achieved positive results through the Program 68.

Nevertheless, in 2010 the Vietnamese IP system still encounters many challenges. These are the urgent need to increase the amount of national IP assets; to effectively exploit and commercialize these IP assets; to effectively use and exploit the rich patent information of the mankind; to continue improving IPR enforcement activities and increase IP knowledge or understanding of the public.

The established platform and achieved results in 2009 would serve as a concrete basis for the Vietnamese IP system to overcome challenges and achieve further successes, actively contribute to the industrialization and modernization process of the country as well as to fully integrate the country into the world's economy.

■ **TRAN VIET HUNG**
Director General

I.LEGISLATION AND POLICY ON INTELLECTUAL PROPERTY

In 2009, further improvement of IP legislation and policy continued to be a central task of the National Office of Intellectual Property of Vietnam (NOIP) to complete the legal framework for IP activities, especially activities of the State management authorities.

■ 1.IMPROVEMENT OF NATIONAL POLICY AND LEGISLATION ON IP

■ 1.1. Legislation and policy on IPR protection

In 2009, with a view to further improving the IP legal framework, the following legal documents were enacted:

- Amended Intellectual Property Law revising some provisions of Intellectual Property Law 2005 was adopted by the National Assembly on 19 June 2009. Accordingly, some provisions of the IP Law 2005 were amended towards meeting international standards (on copyright and related rights, inventions, IPRs enforcement etc.), supplemented some necessary provisions (on the protection of inventions created with the State budget), and relieved difficulties in implementation of the law in practice (time periods for IP application handling, right to practising IP representative services, IP assessment, IP protection by administrative measures, etc.);
- Circular No. 22/2009/TT-BTC dated 4 February 2009 revising Circular No. 132/2004/TT-BTC of Ministry of Finance guiding Collection, Payment, Management and Use of Industrial Property Fees and Charges. This Circular was issued by the Ministry of Finance to change the revenues prescribed by law and adjust rates of fees and charges to meet with practice, at the proposal of Ministry of Science and Technology.

Some other legal documents are being expeditiously drafted in order to ensure the implementation of the new IP Law, overcome difficulties and meet practical requirements, such as:

- Draft Decree amending and supplementing some articles of Decree No. 103/2006/ND-CP on industrial property: This Decree is to add some new provisions on secret inventions; amend and supplement some articles on State management of geographical indications and criteria for practising IP representative services;
- Draft Decree on Innovation: This Decree is to elaborate in detail conditions, procedures for recognition of innovation, innovation author's and owner's rights in registration, recognition, application and transfer of innovation, measures to strengthening of innovative activities and State management of innovative activities;
- Draft Circular guiding security protection of data to registration dossier of drug containing new active substances (replace of Decision No. 30/2006/QĐ-BYT): This Circular has been drafted under collaboration between NOIP and Drug Administration of Vietnam under the Ministry of Health in order to simplify and streamline procedures for data protection and to ensure appropriate implementation of Vietnam's commitments in international treaties to which Vietnam is a party.
- In 2009, activities on guiding the implementation of IP legislation and policy were continued:
- Improvement of NOIP' guidelines for handling of applications on industrial property rights, such as: Guideline for appeal settlement; Guideline for examination of invention/utility solution application; Guideline for examination of trademark applications. A few Guidelines were already issued by the NOIP's Director General, namely Guideline for receiving applications, handling of examination results, registering and granting of protection titles on industrial property right protection, and Guideline for examination of industrial design applications.
- Ensure the enforcement of IP legislation in related sectors and localities through the position of the Ministry of Science and Technology and of the NOIP on the enforcement of specific legal

provisions on industrial property, etc.

- Interpretation of law upon requests of authorities, organization, especially enterprises and Departments of Science and Technology in order to remove obstacles in enforcing industrial property legislation.

Drafting of a Decree on amendment and supplement of some articles of Decree No. 105/2006/ND-CP on IPR protection and State management of IPRs: This Decree shall amend and supplement some provisions relating to settlement of infringements by administrative measures, IP assessment, and State management of IPR.

2008 of the Ministry guiding the granting, revoking of certificates of industrial property assessor, certificates of organizations having full conditions to do industrial property examination revised provisions on procedures and removed obstacles in activities of issuing industrial property assessor cards.

- Drafting of a Decree on amendment and supplementation of some articles of Decree No. 105/2006/ND-CP on IPR protection and State management of IPR: This Decree shall amend and supplement some provisions relating to settlement of infringements by administrative measures, IP assessment and State management of IPR.

2.IMPROVEMENT OF IPR POLICY AND LEGISLATION TO MEET REQUIREMENTS OF INTERNATIONAL INTEGRATION

In 2009, within international framework, activities of IP legislation and policy continuously achieved some positive results at multilateral and bilateral levels. Some important international treaties on IPR, such as TRIPS Agreement of WTO, BTA and TIFA with the US have been implemented continuously. Many other treaties, agreements on legislation and policy have been drafted, negotiated and signed.

1.2.Legislation and policy on IPR enforcement

In 2009, in order to enhance IPR enforcement, the NOIP took the lead in drafting numerous legal documents on IPR enforcement, such as:

- Law on amendment and supplement of some articles of the Criminal Code was passed by the National Assembly on 19 June 2009 of which some provisions were significantly revised, e.g provisions on IPR infringement, to fulfill international commitments on one hand and to improve the feasibility of legal provisions on IPR enforcement by criminal measures on the other hand;
- Circular No. 04/2009/TT-BKHCHN dated 27 March 2009 amending and supplementing Circular No. 01/2008/TT-BKHCHN of 25 February



H.E. Minister of Science and Technology Hoang Van Phong at the NOIP's Annual Review Meeting of 2009 (28 January 2010)



H.E. Minister of Science and Technology Hoang Van Phong awarded the Medals for the Cause of Science and Technology to NOIP's management staff

International cooperation in the field of intellectual property experienced in-depth development through various specific cooperative activities. These international cooperative activities continued to increase both in terms of quantity and variety of contents, thus making technical support from international donors become more effective.

1. PROMOTION OF INTERNATIONAL INTEGRATION AND MULTILATERAL COOPERATION

International cooperative in the field of intellectual property were conducted within the cooperation framework with the World Trade Organization (WTO), Asia-Pacific Economic Cooperation (APEC) Forum and Association of Southeast Asian Nations (ASEAN).

Within the context of the post-WTO's accession, NOIP as the national competent agency of intellectual property of Viet Nam has been developing Viet Nam's positions and ensuring the implementation of the country's obligations on IP issues in the framework of WTO, as well as actively participating in WTO's Trade Review

Policy meetings on Viet Nam's IP legislation; following and promptly updating and handling IP issues in the WTO framework.

In the framework of APEC, NOIP participated in the 28th and 29th meetings of APEC's Intellectual Property Experts Group (IPEG) together with other APEC member economies to implement collective actions.

NOIP also actively and participates in cooperative activities in the field of intellectual property within ASEAN by taking part in the 31st and 32nd meetings of the ASEAN Working Group on Intellectual Property Co-operation (AWGIPC); cooperated with other ASEAN member states in implementing the ASEAN Economic Community Blueprint and cooperation agreements between ASEAN and other partners; contributed to the development and implementation of the ASEAN-China Memorandum of Understanding on Intellectual Property Cooperation.

2. ENHANCEMENT AND EXPANSION OF BILATERAL COOPERATION

One of the major tasks of the international cooperation in 2009 was to strengthen

cooperative ties with traditional intellectual property partners.

In cooperation with World Intellectual Property Organization (WIPO), NOIP sent participants to important meetings hosted by WIPO, such as the 47th Series of Meetings of WIPO General Assembly and meetings of specialized committees on IP and Development, Patents, Trademark, Industrial Design, etc... With support from WIPO, NOIP conducted a number of IP public awareness activities, namely, the implementation of Distance Learning Program on IP in Vietnamese; translation and publication of two WIPO guides in the Vietnamese language; organization of two seminars on patent information. Furthermore, NOIP also cooperated with WIPO to perform other activities to enhance the capacity of the intellectual property system by running the Digitization of Patent Documentation Project, organizing training courses on industrial design examination and patent drafting, and exploring the possibility of helping Viet Nam develop its National Strategy on Intellectual Property. In 2009, Viet Nam was also elected as

member of WIPO Coordination Committee for the term of 2010–2011.

Recently, Director General of WIPO, Dr. Francis Gurry paid an official visit to Viet Nam from 18 to 20 January 2010. Dr. Gurry paid courtesy calls to and had discussions with top country leaders, namely H.E. President Nguyen Minh Triet and H.E. First Deputy Prime Minister Nguyen Sinh Hung on the role of intellectual property (IP) in promoting innovation and national economic development and pledged to continue support in further enhancing Viet Nam's national IP capacity to innovate and achieve sustainable economic growth.

During the visit, Dr. Gurry also held talks with the Minister of Science and Technology H.E. Hoang Van Phong and Deputy Minister of Foreign Affairs H.E. Doan Xuan Hung. He met with senior officials from the National Office of Industrial Property of Viet Nam (NOIP), the Copyright Office of Viet Nam (COV) and the Plant Variety Protection Office of Viet Nam, and several academic institutions.

Cooperative ties between NOIP with other partners, such as Switzerland, EU, Japan, China,



Minister of Science and Technology H.E. Hoang Van Phong took picture with WIPO's Director General Francis Gurry, NOIP's Director General Tran Viet Hung and other Vietnamese officials.



Viet Nam's Delegation attended the 47th meeting of the WIPO General Assembly in Geneva (2009)

II. INTERNATIONAL COOPERATION

the United States, the Republic of Korea and Thailand, etc. were well maintained with numerous implemented activities.

The successful implementation of the Vietnamese-Swiss Project on Intellectual Property made great contributions to the modernization and enhancement of capacity of Viet Nam's IP system. In addition, there were also considerable and positive results in bilateral cooperation, such as the successful completion of the UNTIPINFO Project funded by the Government of Japan; the successful organization of Viet Nam – Republic of Korea Forum on IP on the Republic of Korea week's occasion in Viet Nam in November 2009 and signing of Memorandum of Understanding (MoU) between NOIP and Korean Intellectual Property Office (KIPO); implementation of the Bilateral Cooperation Plan between NOIP and IP Australia; implementation of the MoU between NOIP and the State Intellectual Property Office of the People's Republic of China (SIPO) and extension of Bilateral MoU between NOIP and European Patent Office (EPO), etc.

In the context of international and regional economic integration, NOIP attached great importance to the establishment of its

cooperation with new partners. In 2009, NOIP signed a MoU on cooperation in the field of trademark and trademark-related issues with State Administration for Industry & Commerce (SAIC) People's Republic of China (SAIC). The Office also actively participated in negotiations on intellectual property issues with other trade partners, namely the Agreement between the Government of the Socialist Republic of Viet Nam and the Government of the Russian Federation on mutual protection of rights to the results of intellectual activity applied and obtained in the course of military-technical cooperation; the Vietnam - EU Partnership and Cooperation Agreement; the Free Trade Agreement between Viet Nam and Chile; the Trans-Pacific Strategic Economic Partnership Agreement and consultations on Viet Nam – EU Free Trade Agreement.

It could be said that international cooperation activities in 2009 were actively conducted by NOIP with positive achievements that made a significant contribution to the modernization and completion of the IP system as well as affirmation of the country's position in international economic integration and cooperation.



■ KIPO's Delegation headed by Commissioner Jung-Sik at the signing ceremony of MoU on IP cooperation between NOIP and KIPO (NOIP, August 2009)

III. ESTABLISHMENT OF INDUSTRIAL PROPERTY RIGHTS

Receiving and handling industrial property applications was conducted synchronously and comprehensively to meet demands on establishment of industrial property rights by the society, enterprises, institutions, and universities. In 2009, these activities made great satisfactory achievements.

Receiving IP applications: In 2009, NOIP received 62,982 applications of all types of industrial property (IP) rights, of which a major proportion was for establishment of IP rights (40,118 applications), namely 2,890 patent applications, 253 utility solution applications, 1,899 industrial design applications, 28,677 national trademark applications, 6,324 international trademark applications, 6 geographical indication applications, 3

topography of integrated circuit applications and 4 international patent applications and 62 international trademark applications whose original country is Viet Nam. The rest 22,864 applications were applications requesting for amendment of applications (1,638), assignment of applications (746), re-granting of protection titles (587), renewal of protection titles (3,068), amendment of protection titles (3,558), maintenance of protection titles (4,049), transfer of protection titles (1872), licensing and related to licensing issues of industrial rights (665), cancellation of the protection titles (181), appeals (910), requesting for searches (944), opposition of the granting of protection titles (723), renewal of international registrations (2,629) and others matters (1,294).

Application handling: In 2009, NOIP handled



■ H.E. Vice Minister of Science and Technology, H.E. Nguyen Quan presented the Government's Emulation Flag for the NOIP (29/7/2009)

a total of 55,241 applications of all types; Accordingly, 28,885 industrial property subject matters were accepted to be protected, including 706 inventions, 64 utility solutions, 1,236 industrial designs, 22,730 national trademarks, 4,147 international trademarks, 2 geographical indications. Number of refused applications was 6,260, including 894 international trademark applications. Formality examination on 4 international patent applications and 45 international trademark applications originating from Viet Nam was undertaken by NOIP. Besides, NOIP also handled 20,047 applications of other types, including applications requesting for amendments (1,962), assignment of applications (623), re-granting of protection titles (624), renewal of protection titles (2952), amendment of protection titles (3,427), maintenance of protection titles (4050), assignment of protection titles (1,808), licensing of industrial rights and amendment, renewal, invalidation (638), cancellation, invalidation of the protection titles (515), appeals (484), requesting for searches (667), opposition of the granting of protection titles (1,188), renewal of international registrations (2,812), other applications (1,109).

The financial crisis in 2009 made adverse effects on applications filed to NOIP. Number of industrial property applications filed by foreigners with NOIP were decreased, namely numbers of foreign patent/utility solution and international trademark applications was down by 9% and 14% respectively. However, numbers of applications originated from Viet Nam continued

on their rising trend (industrial design applications and national trademark applications was raising 8% and 3 % up, respectively). By the end of 2009, there was a positive sign of increase in applications filed with NOIP. Thus, the total numbers of applications filed to NOIP in 2009 increased by 5% compared to the last year. The increase of application number proved that business activities kept growing and the demand for IPR protection of Vietnamese organizations and individuals was high. The handling of applications made considerable improvement, especially number of handled patent/utility solution and international trademark applications had an increase of 21% and 15%, respectively, in comparison with the year of 2008. The rising rate of national trademark applications is only 0.2%, accounting for 27,502 applications. On average, total number applications handled this year was up by 2% over the previous year.

The receiving and handling applications in 2009 was considered as a key motivation to the whole IP system of Viet Nam to increase the use, exploitation of IP for the national socio-economic development. However, due to the continuous increase of the industrial property applications, especially when the global economy is on the way of recovering after the financial crisis, the backlog still remained a big issue that requires NOIP to keep making efforts to improve its capacity in handling applications.

An important goal of Viet Nam is to establish and operate an adequate and effective IP system, which calls for the improvement of the public education and awareness (PE&A) of IP. Further bringing into play the previously – achieved successes, in 2009, PE&A on IP was organized widely and gained encouraging results.

1. PUBLIC EDUCATION AND AWARENESS RAISING ACTIVITIES OF IP

Being aware that public awareness is one of decisive factors to the effectiveness of an IP system, contributing to the establishment of a country with “IP culture”, many IP public education and awareness activities have been widely carried out with respect to all objects.

In 2009, in cooperation with domestic and international organizations the NOIP organized 17 seminars specialized on IP with the participation of 1,650 persons, namely the workshop on “Establishment of PE&A strategy on IP” jointly organized with Australian IP Office, the workshop on “IPRs protection for Cambodia, Laos,

Myanmar and Viet Nam” within the framework of JICA-ASEAN regional cooperation project, the workshop on negotiation skills, 03 workshops on protection and management of geographical indications and 02 seminars on IPRs enforcement within the framework of the Swiss Vietnamese Intellectual Property Project, 02 seminars on patent information jointly organized with WIPO; a seminar on IP with R&D on the occasion of the launching ceremony of the standing office of the NOIP in Hoa Lac Hi-tech Park, etc. PE&A activities are organized with higher density on the occasion of the World IP Day 26/4. Particularly, the NOIP hosted and co-organized talks on IP in 03 universities, i.e. universities of Tay Nguyen, Vinh and Can Tho with over 1.100 participants, jointly organized the seminar on IP for journalists with the American Chamber of Commerce.

In addition to the above-mentioned activities, dissemination on IP has also been consecutively implemented through mass media. Last year, the Gameshow “Flying with Brand” on VTV3 were continuously organized with the professional consultation of the NOIP’s officers; the Program



Seminar on “Intellectual Property for Journalists” (April 2009)

to disseminate knowledge on IP was broadcasted on InfoTV Channel, reports, interviews and articles were frequently on mass media on special events such as the World IP day 26/4 or the Anniversary of the NOIP 29/7.

Provision of IP knowledge and information to journalists resulted in the increase in high quality articles about IP in mass media.

2. TRAININGS OF INTELLECTUAL PROPERTY

Training activities were implemented with greater number and more effectively by focusing on demand-driven training courses and were warmly echoed and supported by individuals and organizations, especially localities nationwide. In 2009, the NOIP organized and jointly organized 28 training courses for 1,985 participants. Beside the specialized courses for NOIP's staff, in 2009, the NOIP also organized long term training with a view to developing the human resources with

well understanding about IP for individuals and organizations outside the Office, an example of which was the Training course on IP legislation jointly organized by the NOIP and Faculty of Law, National University of Ha Noi, training course on IP jointly organized with the University of Law of Ho Chi Minh City, training courses on Patent Drafting and on Industrial Design jointly organized with WIPO. In order to develop Viet Nam's IP system, the Office organized many short term courses for IPRs administration and enforcement officials, researchers and enterprises all over the country. The Office carried out trainings on IP for the representatives of Science and Technology abroad, etc. Particularly, with WIPO's assistance, the Office completed preparing infrastructure and necessary conditions for the implementation of online training course on IP.



Workshop on "Collaboration between industries and universities/institutions on the protection and exploitation of IPRs"

1. UPGRADE OF THE NOIP'S WEBSITE

The former website of the NOIP was established and developed since 2004. Until now, it has made great contribution to the dissemination of IP all over the country. IP policy and legislation has been transmitted to the public by the most rapid way, IP activities have been informed timely to domestic audience. Along with the development of the country, the society's demand about IP information is increasing in terms of quantity, quality and language. Therefore, the NOIP decided to upgrade its website to be more abundant and friendly to users. In the Vietnamese page, many sub-topics are concluded into great topics. Especially contents relating to industrial property subject matters, which are to serve applicants, are brought to the top page, making convenient conditions for applicants to search information. The new website is updated frequently and contains close interface with domestic and foreign users.

2. IMPROVEMENT OF SEARCH TOOLS OF INDUSTRIAL PROPERTY RIGHTS

In parallel with the completion of national

applications database, in 2009, the NOIP has concentrated on the establishment and completion of international trademark database to serve the application examination work. The international trademark database was formed from data resources of the International Bureau's server (FTP server), then corrected by data from the DVDs provided to Member States of the Madrid System by the International Bureau, and supplemented based on NOIP's experiences.

The international trademark database is to serve examination, publication of international applications, as well as integrated into the Search System for Examiners (IP-Sea) and e-library system (IP-Lib)

In addition to the improvement of the database, IT activities were carried out to maximize the effectiveness of the databases and search tools, accordingly saving time for examiners. In line of "under 03 seconds", the system is required to provide feedbacks to all orders by examiners in the shortest time.



Director General Tran Viet Hung launched the new version of NOIP's website

3.PROVISION OF INDUSTRIAL PROPERTY INFORMATION

Based on the existing patent documentation of the NOIP and the documentation published in the Internet, the IP Information Center provided information as per request of users all over the country. 171 searching requests were satisfied, in which 50,000 pages of patent information were provided to users. Particularly, information were also provided to serve the State-levelled project KC03-14 hosted by the Center of Research and Development – Ho Chi Minh City Hi-tech Park.

In order to bring information closer to users, the

Information Center has established IP corner within the IP Library since 2007 to assist users to approach patent information sources in Ha Noi University of Technology, Universities of Da Nang, An Giang and Phu Yen. In 2009, the little library was visited and used by some lecturers and students.



Delegates from Can Tho University in a training session on patent searching at NOIP's IP Centre

In order to strengthen the establishment, management and development of IP assets, Ministry of Science and Technology proposed the so called “Program assisting the development of IP assets in enterprises”, which was approved by the Prime Minister in Decision No. 68/2005/QĐ-TTg dated 04 April 2005, hereinafter referred to as “the Program 68”.

The Program 68 was designed to (i) Raise the awareness of Vietnamese enterprises on the protection of IPRs; (ii) Improve the competitiveness of Vietnamese enterprises. The Program has been implemented with the following 03 contents: (i) disseminating and training IP, supporting the organization of IP activities; (ii) Assisting the establishment, exploitation, protection and development of IP assets of enterprises; (iii) Assisting enterprises in

exploiting IP information.

The timeline for the implementation of Program No. 68 is 2005 – 2010. Ministry of Science and Technology has been assigned to preside over the implementation of the Program, coordinating agencies are Ministries of Finance, Ministry of Agriculture and Rural Development, Ministry of Justice, Ministry of Education and Training, Ministry of Health, Ministry of Industry and Trade, The Chamber of Commerce and Industry, People's Committees of provinces and cities under the central government and professional associations all over the country.

1.RESULTS OF 4-YEAR IMPLEMENTATION OF THE PROGRAM 68

1.1. Results of implementation of the Program 68



Three-year Reviewing meeting of Program 68 (National Conference Centre, 17 July 2009)

Developing and finalizing legislation system and organizational structure for implementing the Program 68

After the issuance of Decision 68/2005/QĐ-TTg by the Prime Minister, necessary legislative documents were rapidly developed and issued in order to timely implement the Program 68. The organizational structure of the Program was established including Steering Committee, Secretariat, Standing Agency (the National Office of Intellectual Property of Vietnam) and Program Office. The publicity activities for the Program 68 were regularly conducted with a view to introducing the Program and guiding the procedure for participating in the Program.

Developing and approving the list of projects to be implemented Annually, the Ministry of Science and Technology provides guidance for agencies/organizations to coordinate in implementing the Program and relevant localities, agencies and individuals to make proposal for

support from the Program. Based on demand of individuals and agencies, objectives and contents of the Program 68, and the annual orientation and the work plan, the Ministry shall approve list of projects for selecting implementing individuals and agencies. So far the Ministry has approved 6 lists of projects with the total of 119 projects.

Selecting implementing individuals and agencies

There have been 175 applications for being the lead in implementation projects implementation, 31 professional councils were established for examining the applications and 84 projects were selected for implementation (of which 23 were managed by localities at provincial level).

Managing and monitoring the implementation of projects under the Program

Till the end of 2009, the NOIP had signed 61 contracts appointing implementing agencies, 23 contracts authorizing the managing and monitoring the project implementation. 21

missions had been conducted to examine project implementation and the use of budget; the NOIP ensured prompt provision of budget to implementing agencies. So far 6 projects had been successfully completed.

Disseminating and replicating results of projects under Program 68

Within the framework of the Program 5 seminars were held for the purpose of disseminating results of 2 projects, namely “Disseminating knowledge about IP on television” and “Establishing Gis.” The Gameshow so called “Flying with brands” has been in broadcasted for a few years on a main channel of the national TV. Based on the success of the Gameshow, 23 projects for disseminating IP on local TVs in other provinces were launched in 2009 nationwide.

Supporting project implementing agencies

Professional advice was provided to the Truong Thanh Media Stock Company for broadcasting 52

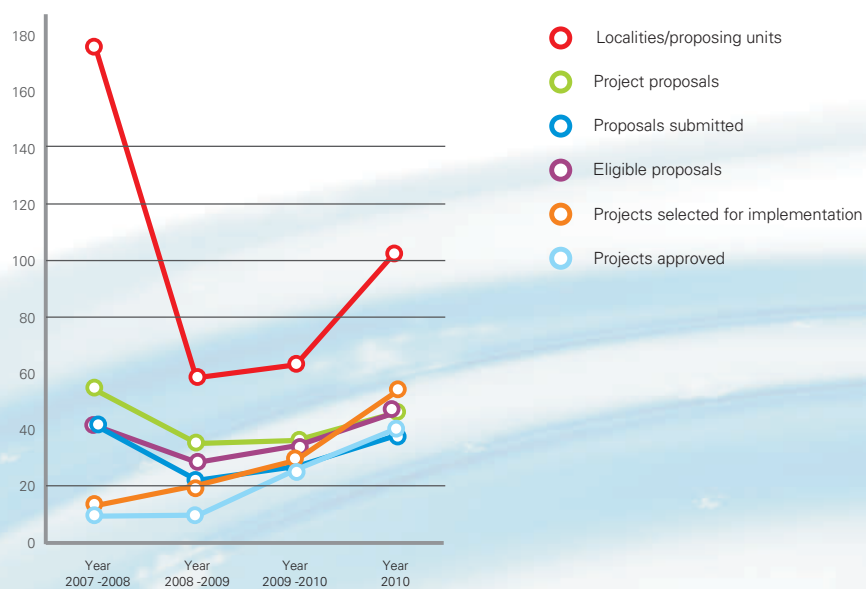
programs of the Gameshow “Flying with Brands”; Professional comments were given on 240 writings for the purpose of IP dissemination within the framework of the project “IP Dissemination” conducted by VIFOTEC Fund.

A survey was conducted to study the situation of use of patent in universities, research institutes and by researchers nationwide (approximately 100 feedbacks were collected); Survey was also conducted to obtain opinions of localities in respect of the list of geographical names used for special products in localities. Results of the survey show that 719 names have been used for 963 products.

1.2. Assessment of effectiveness of the Program 68

The implementation of the National Program on Supporting for Development of Enterprises’ Intellectual Property (IP) Assets made significant contributions to the socio - economic development of the country, namely:

STATISTICS BOARD FOR PROJECT PROPOSALS AND APPROVED PROJECTS



■ Signing Ceremony of Projects Implementation under Program 68 (Buon Ma Thuot, June 2009)

Raising public awareness of intellectual property

Dissemination and raising IP knowledge activities were conducted and maintained regularly in a professional manner under the Program’s projects. As a result, the public awareness of IP by stakeholders at all levels, including industries and the public was considerably improved.

The Project on TV Gameshow so called “Flying with brands” attracted the participation of more than 1100 enterprises with 1600 IP subject matters such as patent, trademark and industrial designs and 100 students from universities and colleges within the nation. 594 situations corresponding to 594 questions on IP law were introduced. The Gameshow attracted the participation of thousands of audience and drew attention of millions of audiences of the VTV3 and VTV4 channels.

Under the Project on public awareness and education of Industrial Property knowledge, the program “Vietnamese Intellect” was developed and broadcasted on the VOV1 channel which attached attention of thousands of audiences and the column “Industrial property with enterprises” was established in several Viet Nam’s famous newspapers. So far, there had been over 300 articles on this column.

Shaping the initial direction for using IP as a tool for enhancing value and competitiveness of products, especially agricultural products, contributing to the sustainable socio-economic development.

54 product specialties of localities in Viet Nam have been supported in establishing, managing and developing intellectual property assets under different projects of the Program such as for geographical indications (Luc Ngan lychees; Doan Hung Pomelo, Ninh Thuan grapes, Buon Ma Thuot coffee, Binh Thuan dragon fruit, Hue cone shape hat, etc.); certification marks (Da Lat flower, fine art stone of Non Nuoc, Cat Hai fish sauce, etc.); collective marks (Thai Nguyen Tea, Chu Se pepper, Ly Son onion, Lo Ren star apple,

etc.).

Contributing to the enhancement of products’ quality and competitiveness

When IP protected products (especially, products bearing protected geographical indication) are marketed, they have to meet strict requirements of quality, design, stamp and mark. The Program conducted a series of projects in this field. The effective management of IPR helps improve the competitiveness of IP protected products in domestic and oversea market.

Bringing researching results, inventions to practical life for the interest of people

Recently, in the Cuu Long River Delta, landslide in estuaries, seaport took place intensively. Annually, it led to the loss of a large area of agricultural land and protection forest; damaged houses and other properties and human lives of people living in these areas. Due to the weak foundation, it was ineffective to use the normal embankment technology in this area because the built embankment usually sunk or was easily destroyed by the sea.

Project “Application of Patent No. 5874 in constructing embankment for weak foundation area in Cuu Long River Delta” gave the initial solutions to the problem.

2. DEVELOPMENT OF DIRECTIONS FOR THE PROGRAM 68 IN THE PERIOD OF 2011-2015

Ministry of Science and Technology has made a proposal for the National Program on Supporting enterprises in developing their IP assets for the period of 2011-2015.

The Program 68 for the period of 2011-2015 was based on the following:

- Extending the content and scope of the Program;
- Overcoming the shortcomings of the Program in the period of 2005-2010;
- Conformity with the policy of the Party and State as well as socio-economic development measures of the Government in the coming time.

1. ORGANIZATIONAL STRUCTURES AND HUMAN RESOURCES FOR STATE MANAGEMENT OF INDUSTRIAL PROPERTY

In 2009, a part from the Department of Science and Technology (DOST) of An Giang, Ha Noi, Hai Phong, Quang Ninh, Ho Chi Minh and Vinh Phuc, DOST of 4 provinces namely Bac Lieu, Binh Duong, Dong Nai and Thua Thien Hue established section being in charge of industrial property (Intellectual Property Division), making the total number of DOST that has Intellectual Property Division to 10.

Most of DOST assigned their staff to be in charge of state management of industrial property, including specialized and holding several officials positions. Major of these officials were trained on industrial property and continued to be trained on this field.

2. DEVELOPMENT AND ISSUANCE OF POLICY, LEGAL DOCUMENTS AND MEASURES FOR INDUSTRIAL PROPERTY MANAGEMENT

In 2009, issuance of policy, legal documents, and measures for industrial property was maintained by localities. There were 17 documents being issued, including regulations on geographical indication management of provinces, decisions approving the program supporting the development and protection of IP assets, Action Program on cooperation and fighting against infringement of IPRs of provinces.

3. DISSEMINATION OF KNOWLEDGE, POLICY AND LEGISLATION ON IP

Dissemination of knowledge, policy and legislation on intellectual property was the major task in state management of IP undertaken by local governments. Localities that well performed this activity were Ho Chi Minh City, An Giang, Thai Nguyen, Bac Giang and Khanh Hoa province, etc.

This activity was conducted under various methods such as training, workshop, conference, through mass media communication means.

According to statistics by localities, there were 40 seminars, 71 propaganda and 50 training courses being organized.

4. GUIDANCE ON ESTABLISHMENT AND PROTECTION OF IPRS

In general, guidance on establishment and protection of IPRs was regular activity by DOSTs. Its principal industrial property subject matter was trademark, industrial design and inventions. Localities exploited industrial property database provided by NOIP for this activity.

5. SUPPORTING ENTERPRISES IN DEVELOPING IP ASSETS

Most of localities provided support for enterprises, mostly through the implementation of activities under the Program 68 at national and provincial levels. The most popular activities were supporting individuals, organizations in the province in establishing industrial property rights, especially rights to trademark and geographical indications and disseminating IP knowledge. A number of DOSTs have already drawn up the Program on Supporting for Development of Enterprises’ IP assets which are waiting for approval.

6. ENCOURAGING INNOVATION AND INVENTION MOVEMENT

Movements of innovation and invention in provinces/cities achieved positive progress. They were promoted in most localities in the form of technical contests, awards for technical innovation (annually or twice a year). To make the innovative activities more effective, it is necessary to promulgate a decree of the Government on innovation which is suitable to the real situation and would serve as legal basis and comprehensive implementing measures for localities to promote innovation and invention activities in localities in particular and nationwide in general.



■ Chairman Broad of the Conference on management of IP in 2009
(Tuy Hoa, Phu Yen September 2009)



■ 2009 National Conference on management of intellectual property

1. INDUSTRIAL PROPERTY REPRESENTATIVES

1.1. Granting of certificates for IP representative service and recording of names of industrial property representative agencies

In 2009, NOIP continued its tasks on administration of industrial property representative services namely organized the professional exam for industrial property representative and recorded names of agencies which were eligible to provide service in the Register of Representatives.

Concerning the procedure for recording names of industrial property representative agents, NOIP examined dossiers and recorded names of 07 agencies and eliminated name of one IP agency, bringing the total number of IP agencies to 97; eliminated 07 agencies from the list of IP agencies; amended information (trade name, address of 13 agencies).

1.2. Operation of the IP agencies through analysis of statistics on industrial property applications filed through IP agencies

In 2009, industrial property representative agencies made efforts in looking for customers. According to the statistics of NOIP in 2009,

number of applications filed through IP agencies was 24104, a reduction of 3.5% compared with 2008 (24975 applications). Applications of Vietnamese were 14.836, an increase of 4,7% in comparison with the previous year (14175 applications), while applications from overseas were 9268, 14% down compared with 2008 (10800 applications). The statistics stated that number of applications of Vietnamese was increasing and prestige of IP agencies amongst Vietnamese was gradually increasing.

2. INDUSTRIAL PROPERTY APPRAISAL

In 2009, there were 04 persons being granted IP appraisal cards and one organization eligible for performing industrial property assessment activities (Viet Nam IP research Institution - VIPRI). From 15 July, VIPRI started to receive and handle applications requesting for IP appraisal. For further development of this activity, NOIP will continue to organized professional exam for industrial property representatives, granting IP appraisal cards and IP appraisal qualification certificates.