



# Vietnam IP News Bulletin

Kenfox IP & Law Office

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## PATENT SEARCH IN VIETNAM

It would be standard practice that patent search for the sake of substantive examination to evaluate the patentability of technical solutions is a part of examination work during the process of patent applications. In the meantime, applicants may optionally have patent search conducted prior to filing to take the patentability of the relevant invention/utility solution into account and decide on or against filing of their patent applications or for other purposes.

Such patent search can be conducted by our firm ourselves (using various database and our own unique skills) or, from time to time, by means of a request for patent search filed to the National Office of Intellectual Property of Vietnam (NOIP).

### **TYPES OF PATENT SEARCH**

Though not specified in laws, there are essentially various types of patent search in Vietnam (search by priority number, patent status search, search by international application number, search by keyword, patent clearance search/FTO search, search by applicants/patentees, etc.):

#### **Freedom-To-Operate (FTO) Patent Search/Clearance Search**

This search (also “infringement search” or “clearance search”) is to determine whether such particular action as production or commercialization of products can be taken without infringing valid patent rights granted to others.

Considering the list of the revealed patents/patent applications, if any, we may determine which patents/patent applications are of most concern and evaluate any potential patent infringement risk. Such evaluation shall be based on claims of the relevant patents/pending patent applications and the product/process which is the subject of the search.

It would normally take around 5-7 working days from our receipt of instructions for this search to obtain relevant search results.

### **Patent Search By International Patent Classification (IPC)**

This search is to identify all Vietnamese published patent applications/granted patents under specific international patent classification.

It would normally take around 2-4 working days from our receipt of instructions for this search to obtain relevant search results.

### **Patent Search By Names of Applicants or Patentees**

This search is to find all Vietnamese published patent applications/granted patents filed/owned by an applicant/a patentee.

It would normally take around 2-5 working days from our receipt of instructions for this search to obtain relevant search results

### **Search by Keyword**

This search is to identify all Vietnamese published patent applications/granted patents containing any word of interest.

It would normally take around 5-7 working days from our receipt of instructions for this search to obtain relevant search results.

### **Equivalent Patent Search**

This search is to find whether there are any published patent applications/granted

patents in Vietnam corresponding/equivalent to a subject patent application/patent filed/granted in any other country.

It would normally take around 2-4 working days from our receipt of instructions for this search to obtain relevant search results.

### **Prior Art Search**

This search is to determine whether an invention is equivalent or identical with any prior art. Based on any found relevant documents, inventors/researchers can preliminarily evaluate the novelty and inventive step of their invention and then may decide on or against filing of a patent application in Vietnam.

It would normally take around 2-4 working days from our receipt of instructions for this search to obtain relevant search results.

### **PATENT SEARCH DATABASE**

Patent search can be conducted based on various database:

- PATENTSCOPE, P-SEARCH, DIGIPAT;
- IPLIB – NOIP’s published intellectual property library which is regularly updated at intervals of around 5 to 7 months and can be accessed at <http://iplib.noip.gov.vn> where such brief information about patent applications as information on applicants, inventors, PCT application number, priority date, IPCs, publication number, title and abstract can be obtained.
- Firm database, which has been created by our firm by manually collecting data from patent cases handled and collecting published data from NOIP.
- Internal database of NOIP, which is a full database used by examiners to conduct patent search and regularly updated at intervals of around 2 to 3 days.
- Other free or paid database, including patent related database and non-patent related database, which can be worldwide database or particular database of some notable jurisdictions.

### **PATENT SEARCH SCOPE**

The patent search scope includes all Vietnamese published patent applications/granted

patents as at the latest publication date, except for prior art search. As for prior art search, the patent search scope includes all published patent applications/granted patents and other non-patent documents found through the database which can be accessible up to the latest publication date.

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### **Our firm**

**KENFOX IP & Law Office**, is one of the leading IP law firms providing a full spectrum of IP related services in [Vietnam](#), [Laos](#), [Cambodia](#) and [Myanmar](#). With a team of fully qualified and experienced attorneys and specialists in the IP field and such key technology fields as: *Biology, Biomedical Engineering, Chemical Engineering, Chemistry, Civil Engineering, Computer Science, Electrical Engineering, Mechanical Engineering, Electronics, Pharmacy or Telecommunication, etc.*, we take great pride in providing a wide range of discerning clients around the world with professional and high quality services vis-à-vis establishing and enforcing IP rights in the above jurisdictions.

***Should your clients be interested in IP protection in the above-mentioned jurisdictions, please feel free to [contact us](#).***