

Patent in Vietnam

Major international treaties signed	<ul style="list-style-type: none"> ✓ Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS); ✓ Patent Co-operation Treaty; ✓ Paris Convention for the Protection of Industrial Property; ✓ Strasbourg Agreement Concerning the International Patent Classification; ✓ Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP).
Fees for registering an invention/utility solution	<ul style="list-style-type: none"> ✓ Fees associated with filing a patent application in Vietnam depend on various factors (<i>such as: number of independent claims; number of patent specification pages including drawings; number of English words to be translated into Vietnamese; number of priority applications to be claimed</i>).
Average time to obtain a patent	<ul style="list-style-type: none"> ✓ <i>Approx. 36-42 months</i> computed from the local filing date for national applications; ✓ <i>Approx. 22-30 months</i> from the due date of entry into national phase for PCT-derived applications.
Term for filing patent applications in Vietnam	<ul style="list-style-type: none"> ✓ 12 months from the priority date, which is applicable for the patent applications filed under Paris Convention; ✓ 31 months from the priority date, which is applicable for PCT-derived applications.
Minimum filing requirements in Vietnam	<ul style="list-style-type: none"> ✓ applicant's full name, address and nationality; ✓ inventor's full name, address and nationality; ✓ specification, including title of the invention, descriptions, set of claims, abstract and drawings (if any); ✓ international classification number; ✓ priority application data (if any); ✓ international application date (if any).
Language of patent applications in Vietnam	<ul style="list-style-type: none"> ✓ Vietnamese; ✓ The application materials in Vietnamese must be provided at the time of filing.
Major prosecution events	<ul style="list-style-type: none"> ✓ Paris Convention entry: 12 months from the priority date; ✓ National phase entry: 31 months from the priority date; ✓ Formality Examination: 1 month from local filing date; ✓ Request for Substantive Examination: 42 months (for inventions) or 36 months (for utility solutions) from the priority date; ✓ Substantive Examination: 18 months from the date of request for substantive examination or the date of application publication, whichever comes later; ✓ Payment of grant and initial annuity fee: within 3 months from the issuance of a notice on intention to grant a patent issued by the Intellectual Property Office of Vietnam (IP Vietnam); ✓ Annuity from the 2nd one (after grant): Every year by anniversary of grant date
Priority documents	<ul style="list-style-type: none"> ✓ Priority documents must be filed within three months of the local filing date.

Power of Attorney (PoA) requirements	<ul style="list-style-type: none"> ✓ Within one month of filing a patent application in Vietnam, a simple signed original PoA must be filed. The PoA requires the signature of the applicant. Neither notarization nor legalization for the PoA is required. ✓ If the applicants are companies, the PoAs need to be duly signed by the legal representative of each applicant, or by the person who bears the following title in the applicants: Chairman, President, Director or General Director, or by a duly authorized person under a written document of which an original copy or a truly certified copy must be submitted to IP Vietnam. ✓ The executing date of the PoAs need to be before or on the Vietnamese filing date of the present application. ✓ For PCT applications, original signed PoAs can be submitted to IP Vietnam within 34 months from the priority date, with no extension being allowed. However, to speed up the formality examination, these documents should be sent to us as soon as possible.
Substantive examination request	<ul style="list-style-type: none"> ✓ Substantive examinations should be requested concurrently with application filing or within 42 months (for inventions) or 36 months (for utility solutions) of the earliest priority date. ✓ The accelerated examination program is available. Additionally, it is possible to submit a request for the use of ASPEC member-country search and examination results, expediting the examination procedure.
Publication and opposition period	<ul style="list-style-type: none"> ✓ A patent application in Vietnam is published within 19 months from the filing or priority date. A PCT-derived application is published within 2 months from the acceptance date of the application. The period during which a third party may file an opposition to a Vietnamese patent application begins on the publication date and concludes prior to the granting date. It being said the period for the opposition is not fixed.
Amendment of application	<ul style="list-style-type: none"> ✓ A patent application can be amended before a decision on grant of a patent is issued by IP Vietnam. Such amendment cannot exceed the scope of the original application.
Response to office action	<ul style="list-style-type: none"> ✓ A response to office action can be filed within 2 months (at formality examination stage) or within 3 months (at substantive examination stage) from the issuance of office action, which duration can be extended once.
Grant and maintenance fees	<ul style="list-style-type: none"> ✓ The grant fee must be paid within 03 months from the date when a notice on intention to grant a patent is issued. Annuity payments are needed in Vietnam every year after the patent is granted. Typically, the initial annuity is settled concurrently with the official grant fee. ✓ All successive annuities must be paid within six months of the grant date's anniversary. Within six months of the due date, late

	payment is permitted with the payment of a surcharge.
Grace period	✓ If a person entitled to registration, or a person who obtains information about the invention directly or indirectly from the person entitled to registration, discloses information about the invention within 12 months of the date of filing, such disclosure does not negate the novelty of the invention.
Representation by a patent attorney	✓ Foreigners must prosecute patents in Vietnam through an agent, a Vietnamese licensed patent attorney.
Term of patent	✓ 20 years (for an invention patent) or 10 years (for a utility solution patent) from filing date

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