



VIETNAM

INDUSTRIAL DESIGN HANDBOOK

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Legislation

Law No. 36/2009/QH12 of June 19, 2009, amending and supplementing a Number of Articles of the Law on Intellectual Property, Law No. 50/2005/QH11 of November 29, 2005, on Intellectual Property and a numbers of government decree, circular, decision and order.

Definition

An industrial design means a specific appearance of a product embodied by three-dimensional configurations, lines, colors, or a combination of these elements.

Criteria

An industrial design shall be protected when it satisfies the following conditions:

- Being new: An industrial design shall be considered new if it significantly differs from other industrial designs that are already publicly disclosed through use or by means of written descriptions or in any other form inside or outside the country, prior to the filing date or the priority date, as applicable, of the industrial design registration application.
- Being creative: An industrial design shall be considered creative if, based on industrial designs already publicly disclosed through use or by means of written descriptions or in any other form, inside or outside the country, before the filing date or the priority date, as applicable, of the industrial design registration application, it cannot be easily created by a person with average knowledge in the art.
- Being susceptible of industrial application: An industrial design shall be considered susceptible of industrial application if it can be used as a model for mass manufacture of products with appearance embodying such industrial design by industrial or handicraft methods.

The following subject matters shall not be protected as industrial designs:

- Appearance of a product, which is dictated by the technical features of the product;
- Appearance of a civil or an industrial construction work;
- Shape of a product, which is invisible during the use of the product.

Rule of Priority

To enjoy priority right under Paris Convention, the Vietnamese industrial design application must be filed within 6 months from the earliest priority date.

Duration and Renewal

Under Vietnamese IP law and regulations, patent for industrial design is valid for five years from filing date, renewable twice, each for five years. Payment of renewal fee should be paid within 6 months before the anniversary of the filing date.

Procedures

▼ Application

Every design application has to be filed with the National Office of Intellectual Property of Vietnam (NOIP).

▼ Examination

A formal examination takes place within one (1) month of the filing date. Responses for amendment to the application are made within 2 months from the date of request.

▼ Publication

A design patent is published within 2 months of the acceptance date.

▼ Substantive Examination

The duration of a substantive examination is 6 months from the date of publication.

▼ Registration

Duration for obtaining Patent for Industrial Design from filing application to granting may vary from 18 months. The registration is effective from date of application.

Filing Requirements

The following information and/or documents are required to file an application for an industrial design application in Vietnam:-

- Application form:-
 - △ Full name, address and nationality of the applicant;
 - △ Full name, address and nationality of the inventor;
 - △ Specification comprises a description of industrial design and claims for protection; and
 - △ Under Vietnam IP law and regulations, documents justifying the right to file industrial design application, such as Assignment Deed, Employment Agreement, or Inheritance document, is required. However, in practice, such document is not requested to be submitted to the NOIP if the applicant of the Vietnamese application is a company and not different from the applicant of priority application.
- Power of Attorney.
- Six sets representation of the design (drawings or photographs).
- Priority documents and certified English translation of the priority document.

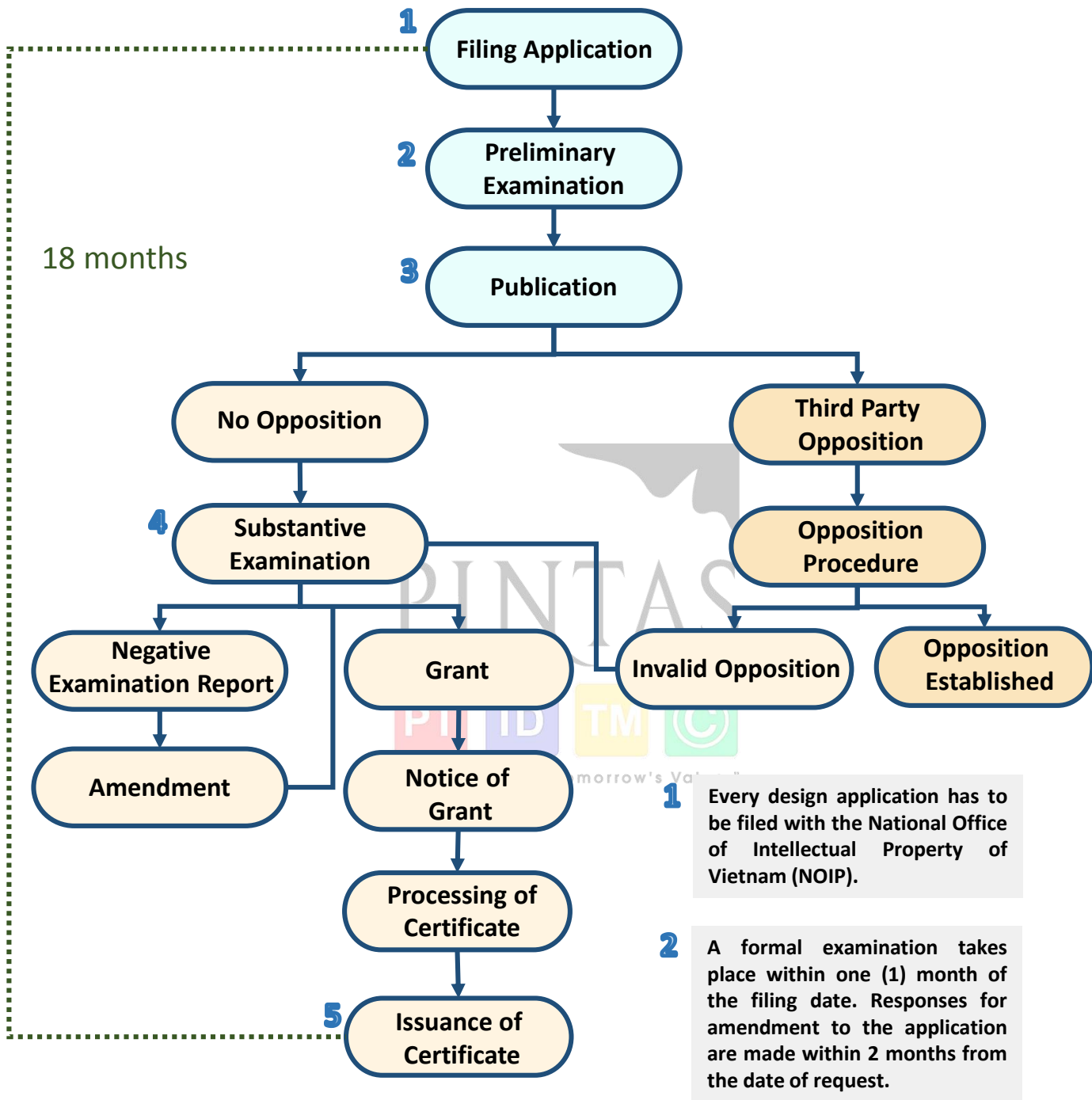
Documents To Be Furnished For Filing An Industrial Design Application in Vietnam

Basic Requirements		
Documents	Remarks	Time of Filing
Power of Attorney	<ul style="list-style-type: none"> Signed No legalization/Notarization requirement To be translated to English (if applicable) 	Within one (1) month from the filing date.
Photographs/Drawings	Illustrating the front, rear, left, right, top, bottom and perspective views	Fax copies of photographs/drawings are acceptable at filing, provided that the originals are submitted within one (1) month from the filing date
Description of Design and claims for protection.	To be translated to English (if applicable)	On filing date

Additional Documents for Claiming Convention Priority		
Documents	Remarks	Time of Filing
Priority documents	<ul style="list-style-type: none"> Certified. To be translated to English language (if applicable). 	Priority data are acceptable at filing, provided that the certified copy of the priority document is submitted within 3 months from the filing date.

"Today's Asset, Tomorrow's Value"

Industrial Design Application Process In Vietnam (Substantive Examination Regime)



MALAYSIA
OFFICE

Kuala Lumpur / Corporate Office
Pintas Consulting Group Sdn Bhd (461057-W)
Add: Suite 2B-21-1, Level 21, Block 2B, Plaze Sentral,
Jalan Stesen Sentral 5, KL Sentral, 50470 Kuala Lumpur,
Malaysia.

Selangor / Correspondence Operation Office
Add: No.19, Jalan SS 1/36, 47300 Petaling Jaya, Selangor.
Tel: +603-7876 5050
Fax: +603-7876 2678
H/P: +6012-797 5077
Email: marketing@pintas-ip.com

SINGAPORE
OFFICE

Pintas Pte Ltd (20010467111)
Add: Suite 12-14, Manhattan House, 151 Chin Swee Road,
Singapore 169876.
Tel: +65-6250 2070
Fax: +65-6737 1805
H/P: +65-9747 2579
Email: pintas.sg@pintas-ip.com

CHINA
OFFICE

Pintas Inc (Customer Service Office)
Add: Room1811, 18th Floor, Far East Tower,
No. 1101 Pudong Road (s) Pudong, Shanghai,
200120, China.
Tel: +86-21 32180770
Fax: +86-13 022176477
Email: pintas.china@pintas-ip.com

USA
OFFICE

Pintas LLC (Customer Service Office)
Add: P.O. Box 190943, Boise, Idaho
83719-0943, United States of
America.
Tel / Fax: +1 208 899 8528
Email: pintas.usa@pintas-ip.com

BRUNEI
OFFICE

Pintas Consulting Group (Customer Service Office)
Add: P.O.Box 18, Anggerek Desa Complex,
BB3780 Brunei Darussalam.
Tel: +673-873 8478
Fax: +673-245 2112
Email: pintas.brunei@pintas-ip.com