

How To Registration Patent Applications In Vietnam?

[Registration patent applications in Vietnam](#) are concerns for both domestic and foreign enterprises as the value of **registration patent applications in Vietnam** protects the enterprises' investments of time, effort and money into invention through research and development. Therefore, **registration patent applications in Vietnam** shall provide enterprises with the exclusive [intellectual property rights](#) to prevent any infringement.

1. General conditions for inventions to be eligible for protection

There are two types of **registration patent applications in Vietnam** which are eligible for protection: patent for an invention or patent for a utility solution.

To be protected in accordance with Vietnam Intellectual Property Law, an invention shall satisfy these conditions:

- It is novel;
- It is of an inventive nature;
- It is susceptible of industrial application.

Unless an invention is common knowledge, it shall be protected in the form of a grant for a utility solution patent when it satisfies the following conditions:

- It is novel;
- It is susceptible of industrial application.

2. The required documents of the application for registration patent applications in Vietnam

The application for a patent must consist of the following documents:

- a) A request made in prescribed form (as prescribed in the Circular No. 01/2007/TT-BKHCN);
- b) Documents, samples, information identifying the invention/utility solution claimed for protection as provided for in Articles 102 of the IP Law 2005 of Viet Nam (e.g. a request, a description of the invention, an abstract, and other requirements for inventions in the field of biotechnologies, pharmaceuticals, generic resources and traditional knowledge);
- c) Power of attorneys, if the application is filed through a representative;

- d) Documents evidencing the right to registration, if acquired by the applicant from another person;
- e) Documents evidencing the priority right, if claimed; and
- f) Receipt of fees and charges.

All documents of the application shall be in Vietnamese, except for the documents mentioned at point c, d, e and other documents supporting the applications, which can be made in another language but shall be [translated into Vietnamese](#) at the request of the National Office of Industrial Property (“NOIP”).

3. Procedure for registration patent applications in Vietnam

Regarding the [procedure of registration patent applications](#) in Vietnam, applicants should be aware of four important stages:

1. **Formality examination:** The decision on legitimate formality of the application shall be issued within 1 to 3 months from the filing date (the date of submitting all the required documents) or supplementation of all documents.
2. **Publication of the application:** Application for registration of an invention shall be published by the NOIP in the 19th month as from the filing date or the priority date, as applicable, or at an earlier time at the request of the applicant.
3. **Substantive Examination:** The application for registration of an invention shall be substantively examined for evaluation of the eligibility for granting patent protection within 18 months from the date of filing the request for substantive examination
4. **Granting:** The application will be granted patent protection within 1 to 3 months from the date on which the application receives the Notification of granting Patent.

4. Patent Term and Maintenance:

According to [Vietnam Intellectual Property Law](#), an invention title shall have the validity from the grant date until the end of twenty (20) years after the filing date. A utility solution patent shall be valid from the grant date until the end of ten (10) years after the filing date.

In order to maintain the validity of an invention patent or a utility solution patent, the owner must pay a validity maintenance fee.

If you are having difficulty finding an [Intellectual Property Law Firm in Vietnam](#), please contact us: P & Associates is a [professional law firm established in Vietnam](#) and currently has nearly 100 members working at three offices in Ho Chi Minh City, Hanoi and Da Nang. P & Associates are also considered to be one of [the leading law firms specialising in law on business in Vietnam](#), which has a number of notable practice fields in the legal market such as [Labour and Employment](#), [Banking Law](#), [Taxes](#), [Purchases, Selling and Merging](#), [Litigation](#), [IPO advisory services](#) and [Intellectual Property](#). We are confident to be

*the **Intellectual Property Law Firm in Vietnam** providing clients with legal services optimally and effectively.*