



### A GUIDE TO FILING A DESIGN APPLICATION IN VIETNAM

#### Filing deadline

The deadline for filing an application claiming priority under the Paris convention is **6 months** from the priority date.

#### Required information

1. Full name(s), address(es) and nationality(ies) of the applicant(s);
2. Full name(s), address(es) and nationality(ies) of the inventor(s);
3. Country(ies), application number(s) and filing date(s) of the priority application(s);
4. Locarno (8th edition) classification of the design. If this information is not provided, fees for classifying the design will be charged.

#### Required documents

1. A set of drawings/photos normally comprising:
  - 1) Perspective view
  - 2) Front view
  - 3) Rear view
  - 4) Right view
  - 5) Left view
  - 6) Top view
  - 7) Bottom view

#### Notes:

- Vietnam Patent Office puts a very high demand on the quality of drawings. Lines in the drawings must be clear and smooth. Drawings with blurred or uneven lines will be objected in the formality examination stage.
  - As partial designs are not yet patentable in Vietnam, lines of drawings must be continuous lines to differentiate with dotted/dashed lines of partial designs.
  - A view can be omitted if it is identical to another view, or it is a mirror image of another view.
  - In certain cases, drawings which clarify the design, such as enlarged views, sectional views, expanded views, must be additionally provided.
  - Bottom views of a heavy products (such as cars, trains, ... can be omitted)
  - For design of a separable part of an integrated product, examiners may require a drawing/photo which shows where the design is installed on the product. This drawing/photo is just for reference and not required to be in the same scale or format as the other drawings.
2. Description of the design: If the product to be registered is uncommon, please provide us with a brief description of the design to facilitate us preparing the specification of the design.
  3. Power of Attorney (POA) (notarization/legalization is not required)
    - The deadline for submitting the **original** POA is **01 month** from the filing date. This deadline is **non-extendable**.
    - If it is submitted within this period, no extra fee will be incurred. If it is not submitted by the deadline, a Decision on refusal of the application will be issued. Thus, please send us the original POA via courier in good time before the deadline for submission.

- In case we already have a general POA in the name of the same applicant, we can use its copy for filing new applications, and thus no additional original POA is required.

4. Priority document(s)

- The deadline for submitting the priority document(s) is **3 months** from the filing date. This deadline is **non-extendable**.

- If it is submitted within this period, no extra fee will be incurred. If it is not submitted within this period, the priority right will be lost, and the application will be considered a regular application. Thus, please send us the **original** priority document(s) via **courier** in good time before the deadline for submission.

- If the priority document is in a language other than English, please also send us an English translation of its bibliographic page(s) for our translation into Vietnamese.

**Remarks:**

Partial designs are not yet patentable in Vietnam. In Vietnam, there are three types of design applications:

1. An application for one design of a product.
2. An application for multiple designs of a product.

It is stipulated by the IP Law that multiple designs must be jointly filed in an application if they are similar to each other, and must be filed in separate applications if they are dissimilar to each other. However, the criteria to identify the similarity are unclear and rather depend on personal perception.

Examples of similar designs: Two spoons which are only different in the lengths of the handles; two smart phones which are only different in their colors.

3. An application for a set of articles: Articles which share a common function and the same set of basic features can be filed together in an application. However, they are NOT compulsory to be filed in the same application.

Examples: A set of teacups, teapot, and saucers; a set of chairs and table.

The validity term of a Design Patent is **05 years** from the regular filing date. The Design Patent is effective from the granting date and renewable for two additional consecutive periods of **05 years** each (max. **15 years**);

**Procedures:**

- Formality examination period is **01 month** from either (i) the filing date (if all required documents have been submitted), or (ii) the date on which the NOIP receives all required documents, whichever is later.

- A design application is published within **02 months** from the date of official acceptance as a valid application.

- Substantive examination period is **07 months** from the publication date.

- In practice, the actual period from filing until granting often ranges from **1 to 2 years**.