



Hereunder is a comparison between regulations in the new Law on Intellectual Property and former regulations:

No.	IP subject matters	Former regulations	Regulations in the new Law on Intellectual Property
1.	<i>Inventions</i>	<ul style="list-style-type: none"> - No such a regulation. + No such a regulation. + No such a regulation. - No such a regulation. 	<p><i>* Novelty of inventions:</i></p> <ul style="list-style-type: none"> - An invention shall be deemed not yet publicly disclosed if it is known to only a limited number of persons who are obliged to keep it secret (Article 60.2). - An invention shall not be deemed to have lost its novelty if it is published in the following cases, provided that the patent application is filed within six (06) months from the date of publication: <ul style="list-style-type: none"> + It is published in the form of a scientific presentation by the person having the right to register it (Article 60.3.b). + It is displayed at a national exhibition of Vietnam or at an official or officially recognized international exhibition by the person having the right to register it (Article 60.3.c). <p><i>* Narrowing the scope of patent rights:</i></p> <p>Patent Proprietors may request the State administrative body for Industrial Property rights to narrow the scope of patent rights. In such a case, the corresponding patent applications shall be substantively re-examined and the requesting party shall pay a fee for the substantive re-examination (Article 97.3).</p>



2.	<i>Industrial Designs</i>	<ul style="list-style-type: none"> - Only two protection criteria (including novelty and industrial applicability) are available for industrial designs. - No such a regulation. 	<ul style="list-style-type: none"> - "Creative nature" is added as one of the three protection criteria (novelty, creative nature and industrial applicability) for industrial designs (Articles 63 and 66). - Design Patent Proprietors may request the State administrative body for Industrial Property rights to narrow the scope of industrial design rights. In such a case, the corresponding design applications shall be substantively re-examined and the requesting party shall pay a fee for the substantive re-examination (Article 97.3)
3.	<i>Trademarks</i>	<ul style="list-style-type: none"> - There exists the subject matter "Geographical Indication and Appellation of Origin". - "Certification mark" is not introduced. - Duration for substantive examination of trademark applications is 09 months. - No such a regulation. 	<ul style="list-style-type: none"> - The subject matter "Appellation of Origin" no longer exists, whereas there still remains the subject matter "Geographical Indication" and the right to register this subject matter belongs to State's local organs in charge of the concerned matter (Article 88). - "Certification mark" is supplemented as a new subject matter. - Duration for substantive examination of trademark applications is shortened to 06 months. - Certificate Owners may request the State administrative body for Industrial Property rights to narrow the scope of trademark rights. In such a case, the corresponding trademark applications shall be substantively re-examined and the requesting party shall pay a fee for the substantive re-examination (Article 97.3). - Termination of validity of Certificates takes place when:



		<p>+ Trademarks have not been used by their Owner without justifiable reason for five (05) consecutive years prior to a request for termination of validity.</p> <p>+ No such a regulation.</p> <p>+ No such a regulation.</p> <p>+ Geographical conditions decisive to special characteristics change, leading to the loss of these special characteristics.</p> <p>- No such a regulation.</p> <p>- No such a regulation.</p> <p>- It is required that a set of letters is pronounceable as a word.</p>	<p>+ Trademarks have not been used by their Owner or the licensee of the owner without justifiable reason for five (05) consecutive years prior to a request for termination of validity, except where use is commenced or resumed at least three (03) months before the request for termination (Article 95.1.d).</p> <p>+ The Certificate Owner of a registered collective mark fails to supervise or ineffectively supervises the implementation of the regulations on use of the collective mark (Article 95.1.d).</p> <p>+ The Certificate Owner of a registered certification mark violates the regulations on use of the certification mark or fails to supervise or ineffectively supervises the implementation of such regulations (Article 95.1.e).</p> <p>+ Geographical conditions decisive to reputation, quality or special characteristics of products bearing a geographical indication change, resulting in the loss of such reputation, quality or characteristics of products (Article 95.1.g).</p> <p>- Criteria for evaluating whether or not a trademark is well known are given (Article 75).</p> <p>- Regulations on use of collective and certification marks are set forth (Article 105.4 and 105.5).</p> <p>- Distinctiveness: It is not required that a set of letters is pronounceable as a word (as inferred from Article 74.2).</p>
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