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# **Global Intellectual Property (IP) Protection Systems with Particular Reference to the Patent Cooperation Treaty (PCT) System and the Madrid System for the International Registration of Marks**

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**Tokyo, 2010**

# Outline

1. Introduction to Vietnam IP protection system
  2. Current Status of Madrid and PCT application examination
  3. Future Perspectives
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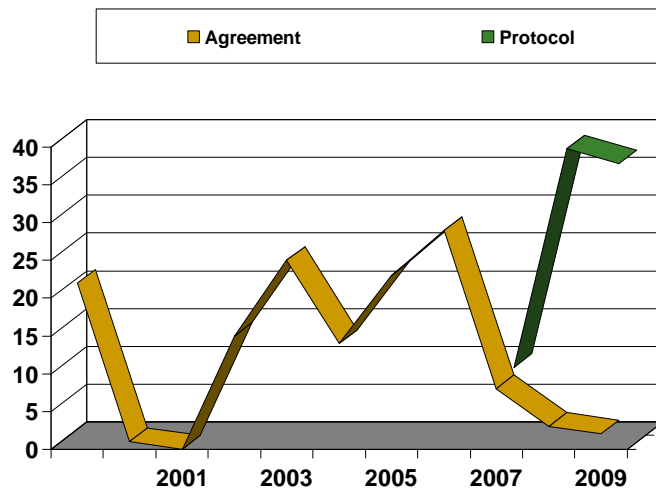
# Introduction

## International Treaties:

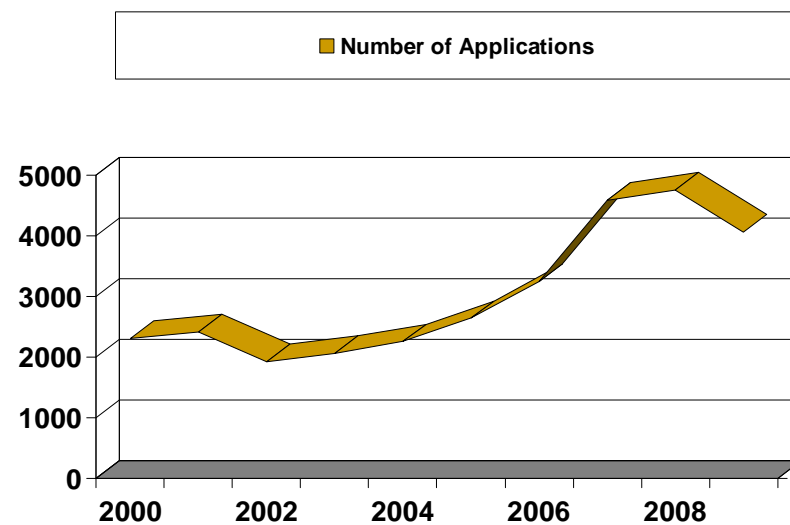
- ❑ Madrid Agreement Concerning the International Registration of Marks (1949)
  - ❑ Paris Convention for the Protection of Industrial Property (1949)
  - ❑ Patent Cooperation Treaty (PCT) (1992)
  - ❑ Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (2006)
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# Introduction

## INTERNATIONAL TRADEMARK APPLICATIONS ORIGINATING FROM VIETNAM



## INTERNATIONAL TRADEMARK APPLICATIONS DESINATING VIETNAM

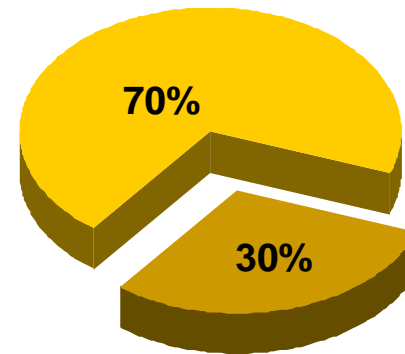


# Introduction

**THE NUMBER OF PCT APPLICATIONS  
ORIGINATING FROM VIETNAM IS VERY  
SMALL**

**PCT APPLICATIONS  
DESIGNATING VIETNAM**

■ Other  
■ PCT applications



# Introduction

## Legislation:

- IP Law (Jul 2006)
- Degrees (2006), Circulars (2007)
- Trademark Regulation (2010)
- Patent Examination Guideline (2010)

## Office capacity:

- Trademark Divisions (No 1, 2): 50 examiners
- International Trademark Section (Sep. 2010): 07 examiners
- Design Division: 10 examiners
- Patent Divisions (No. 1, 2, 3): 50 examiners
- Computerized administration system

## Current Status: Madrid Applications

- ❑ The number of international applications for registration of marks extended to Vietnam and that from Vietnam extended to contracting countries under the Madrid Agreement has been increasing year by year
- ❑ 12-month time limit for notifying a provisional refusal
- ❑ Limitation on number and qualification of the examiners
- ❑ Examiner must cover all classes, cannot deepen knowledge and experiences in any specialized section
- ❑ Search tool for examiners not powerful enough

### Consequences:

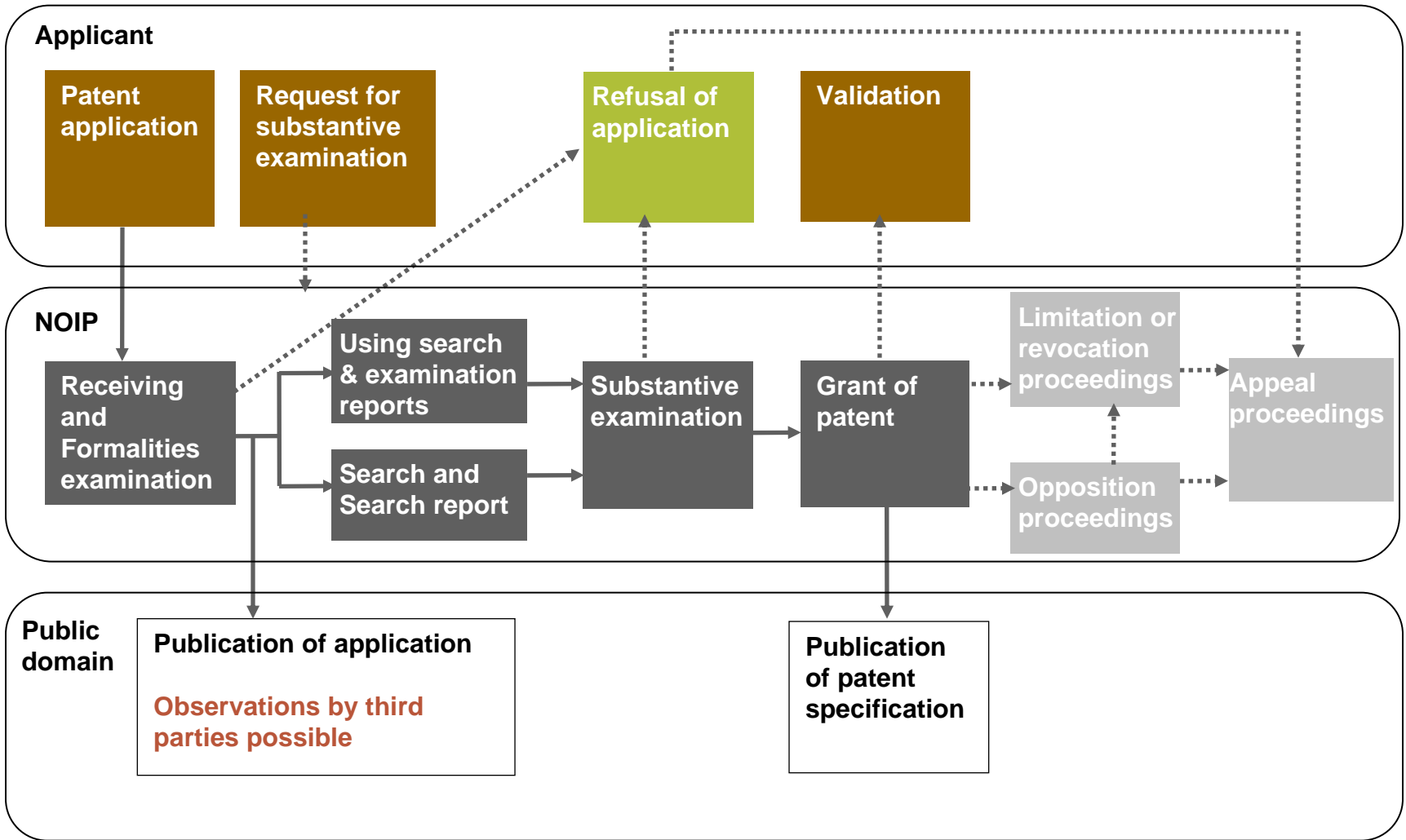
- Big burden on examiners
- Hard to improve the quality

## Current Status: PCT Applications

- ❑ PCT applications designating/selecting Vietnam must enter the National Stage within 31 months from the priority date
  - ❑ The time of processing PCT applications in the National Stage shall begin on the first day of the 32th month from the priority date
  - ❑ Earlier processing is allowed on request
  - ❑ Grade period of 6 months
  - ❑ After entered the National Stage, PCT applications shall be examined in accordance with the procedures stipulated for normal applications
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## Current Status: PCT Applications



## Current Status: PCT Applications

- ❑ 18-month time limit for search and substantive examination
- ❑ Using the search and examination results of the corresponding applications is allowable (granted patents, ISR, IPER ext.)
- ❑ PCT applications:
  - ❑ Easy to make the first communication
  - ❑ Likely to be pending

### Consequences:

- Backlog
  - Hard to improve the quality
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# Future Perspectives

- **International applications tend to be increased**
- **Office capacity is still limited**
- **Backlog is serious problem**

Actions should be taken:

- Completion of the Legal Documents
  - Improvement of Office capacity: examiners, administration, search system and database ext.
  - International cooperation: training examiners, technical assistance
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**Thank you for your attention**

**[haiphannoip@yahoo.com](mailto:haiphannoip@yahoo.com)**

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