

Processing of international applications at National Office of Intellectual Property of Vietnam (NOIP)

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1. Brief introduction to NOIP



- Established in 1982.
- Website:
<http://www.noip.gov.vn>
- 01 Director General, 02 Deputy Director Generals.
- More than 300 staffs.

- 4 examination divisions:
 - ✓ Invention Div.: 50 examiners.
 - ✓ Industrial Design Div.: 15 examiners.
 - ✓ Trademark Div.: 51 examiners.
 - ✓ Geographical Indication and Int'l Trademark Div.: 07 international trademark examiners among total 13 examiners.

- Other functional divisions: Registration Div., Enforcement and Appeal Div., Legislation & Policy Div., Training and Research Center, General Administration Div., Information Technology Div., Information Center...

- Related Divisions/Sections for handling international trademark applications:
 - ✓ International Trademark Section under Geographical Indication & Int'l Trademark Division (established in September 2010);
 - ✓ Registration Division;
 - ✓ Enforcement & Appeal Division;
 - ✓ Information Technology Division;
 - ✓ Information Center...

2. Current procedures in the processing of international applications at NOIP

2.1. Processing of int'l applications originating from Vietnam

2.1.1. Procedures.

2.1.2. Difficulties and errors often made by applicants.

2.1.3. Statistics.

2.2. Processing of int'l applications designating Vietnam

2.2.1. Procedures.

2.2.2. Some advantages.

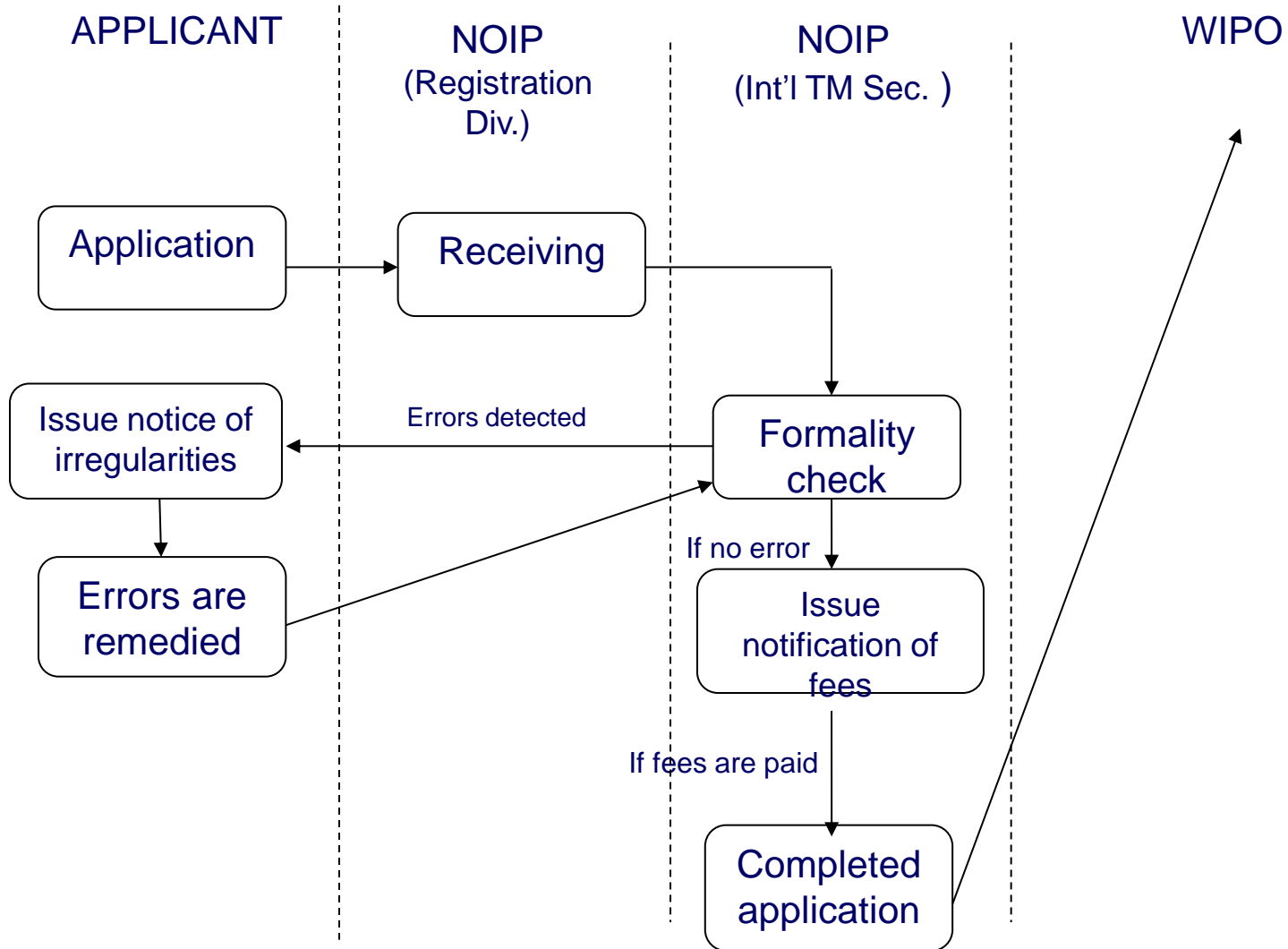
2.2.3. Statistics.

2.1. Handling int'l application originating from Vietnam

2.1.1). Procedures:

- a) Receiving the application.
- b) Formality check.
- c) Communication with IB.
- d) Other related works.

The flowchart of handling int'l applications originating from Vietnam



2.1.1. Procedures (Cont.)

a) Receiving application:

- Required documents:

- 01 Declaration Form in Vietnamese;
- 03 MM2 Form;
- 01 Power of Attorney (if filed through a representative);
- A receipt of national fees;
- 01 duplicate of the basic application or basic registration;
- Samples of marks;
- Additional documents (if any) as Declaration of intention to use (Form MM18) or Claim of seniority (Form MM17)...

2.1. 1. Procedures (Cont.)

b) Formality check:

Items of Formality check:

- Forms
- Identify with basic applications/registrations
- National fee
- Priority claim
- Designations...

👉 Issue:

- Notification of irregularities: errors detected
- Notification of fee: no errors detected

(Fee calculation software of WIPO:

<http://wipo.int/madrid/en/fees/calculator.jsp?>)

👉 Certify the date on which NOIP receives the int'l application.

2.1. 1. Procedures (Cont.)

c) Communication with International Bureau (IB):

- Submit the application to IB via e-mail (as soon as the application is completed).

d) Other related works:

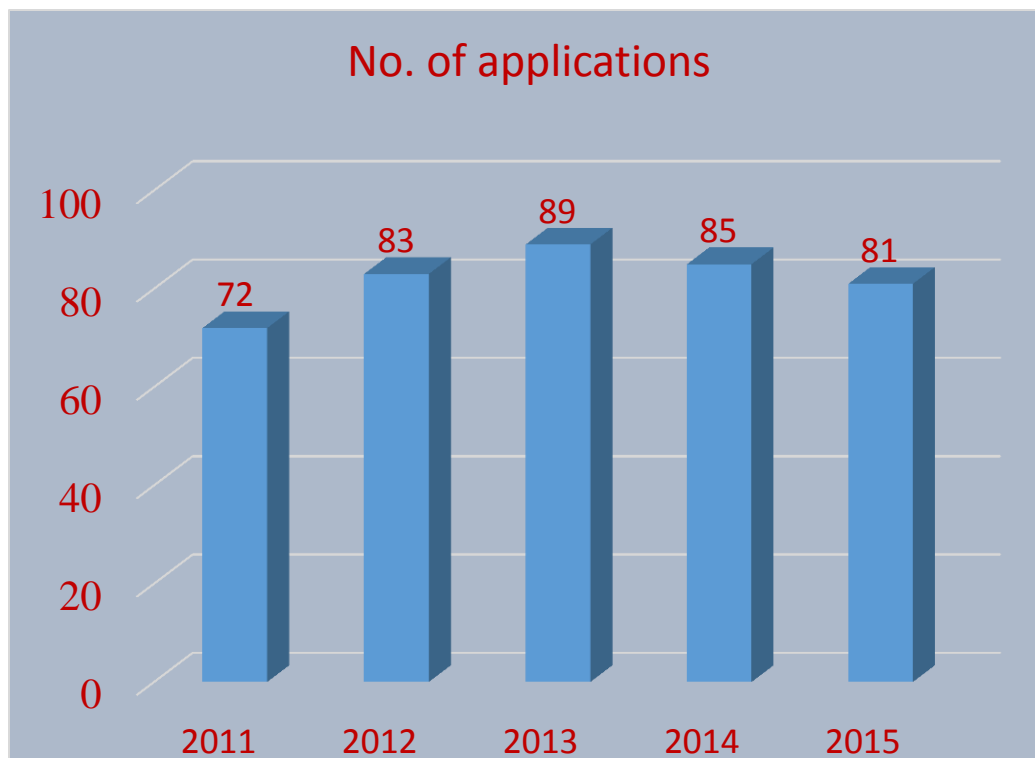
- Follow the applications & deal with matter that may arise (Renewal, subsequent designation, limitation of goods/services, amendment of name/address of the holder...).

2.1.2. Difficulties and errors often made by applicants

- Terms of goods and services used by applicants are sometimes considered inaccurate by IB;
- Delay of correcting the errors would result in losing the priority date in Viet Nam;
- Hiring IP agencies in designated contracting parties to handle the irregularities in applications is often difficult and expensive.

2.1.3. Statistics: Applications originating from Viet Nam in the period 2011 - 2015

	No. of applications
2011	72
2012	83
2013	89
2014	85
2015	81



2.2. Handling int'l application designating/ subsequently designating Vietnam

2.2.1. Procedures

- a) Receiving applications
- b) Substantive Examination
- c) Communication with IB
- d) Appeal
- e) Internal Procedures

2.2.1. Procedures (Cont.)

a). Receiving applications:

- Receive applications on paper.
- Data processing: Data abstracted from WIPO's FPT server and converted to NOIP server.
- Vienna reclassification: additional classification for searching.

b). Substantive examination: Same as national applications (In Vietnam the identification of goods/ services is not checked & not to be a reason for refusal).

2.2.1. Procedures (Cont.)

☞ Issue:

- Notification of refusal (reason for refusal, legal regulations applied...).
- Statement of grant of protection.

c). Communication with IB:

- Time limit: 12 months.
- Language: French & English.
- Methods of communication: e-mail or paper form.

2.2.1. Procedures (Cont.)

d). Appeal:

- Local representative required.
- Same as for national applications.
- Time limit for filing appeal: 3 months counted from the date of the notification is notified by the IB to the applicant.

2.2.1. Procedures (Cont.)

e). Internal Procedures:

- Official Publication:
 - + No pre-grant publication.
 - + Publish protected international trademark only with contents: Registration No., Holder, Mark representation, Class index (without list of goods & services).
- Certification: at request of trademark owner.

2.2.2. Some advantages in comparison with direct applications in Vietnam

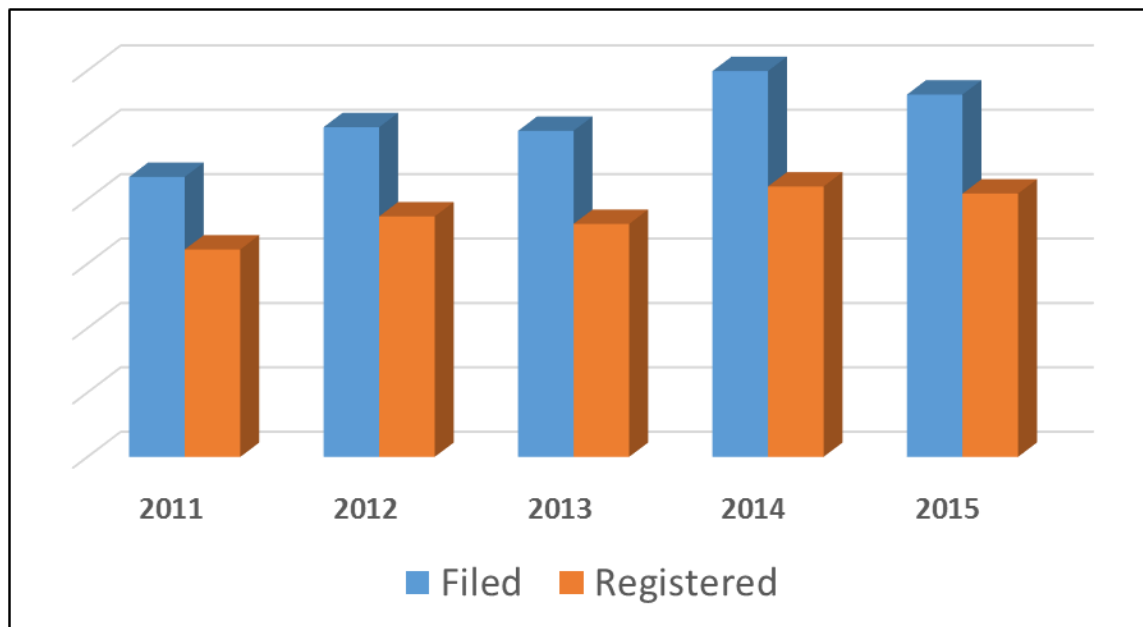
- No formality examination & no identification of goods/services checking.
- Be “on-time” procedures, always.

2.2.2. Some advantages in comparison with direct applications in Vietnam

- No formality examination & no identification of goods/services checking.
- Be “on-time” procedures, always.

2.2.3. Statistics: Applications designating/subsequently designating Viet Nam in the period 2011 - 2015

	Year				
	2011	2012	2013	2014	2015
Filed	4,348	5,120	5,064	5,992	5,627
Registered	3,220	3,735	3,618	4,200	4,089



3. Current issues and solutions:

3.1. Current issues:

- IT infrastructure/harmonization of trademark databases:
 - No powerful IT system specializing in administering and examining Madrid applications, except a simple system that supports the examination of int'l application designating Vietnam and publication process.
 - Searching system is not fully integrated international & national trademark databases, so examiners have to use several searching tools.

3.1. Current Issues (Cont.):

- No powerful electronic communication channel with IB: communications by e-mail or by post -> facing with following main issues:
 - troubles on legal status of international trademark applications caused by postal sending over the prescribed time limit;
 - hard workload occurred such as printing, packing and postal sending.
 - postal costs.
- Lacking of manuals/guidelines for examiners on handling of international trademark applications.
- Weakness of foreign language skills.

3. Current issues and solutions (Cont.)

3.2. Solutions:

- Upgrade the Madrid Management System and improve searching system.
- Soon establish an electronic channel with IB to send all communications electronically.
- Recruit more examiners.
- Training internal staff.
- Establish manuals/ guidelines on handling int'l applications.

Thank you!

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