

Patent Cooperation Treaty in Vietnam

 by Herman, Henry & Dominic

The Patent Cooperation Treaty (PCT) is an international agreement that simplifies the process of seeking patent protection for an invention in multiple countries. By filing a single "international" patent application under the PCT, an inventor can simultaneously seek protection in over 150 member countries, including Vietnam. The PCT streamlines the initial steps of patent filing, providing a unified procedure and delaying the need for multiple national filings, which can be both costly and complex.



Benefits of Using the PCT for Patent Protection

1 Streamlined Application Process

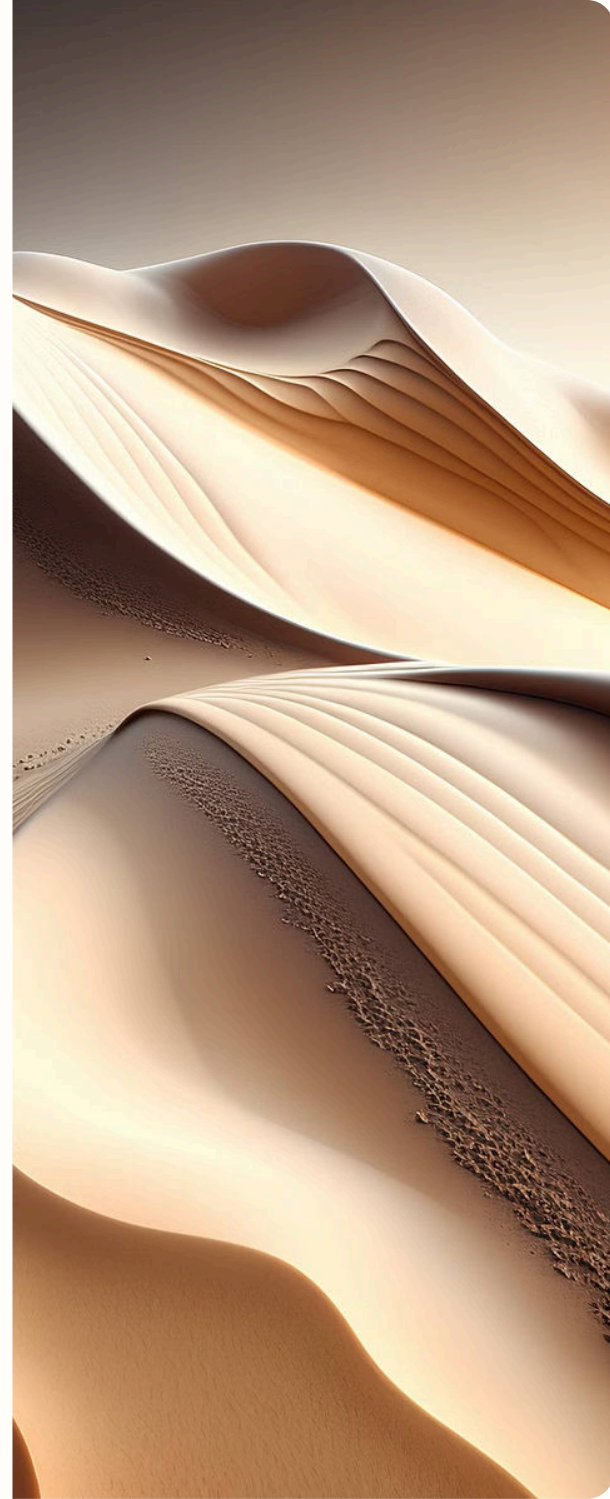
Instead of filing separate applications in each country, the PCT allows for a single application that covers all member states, reducing administrative burden.

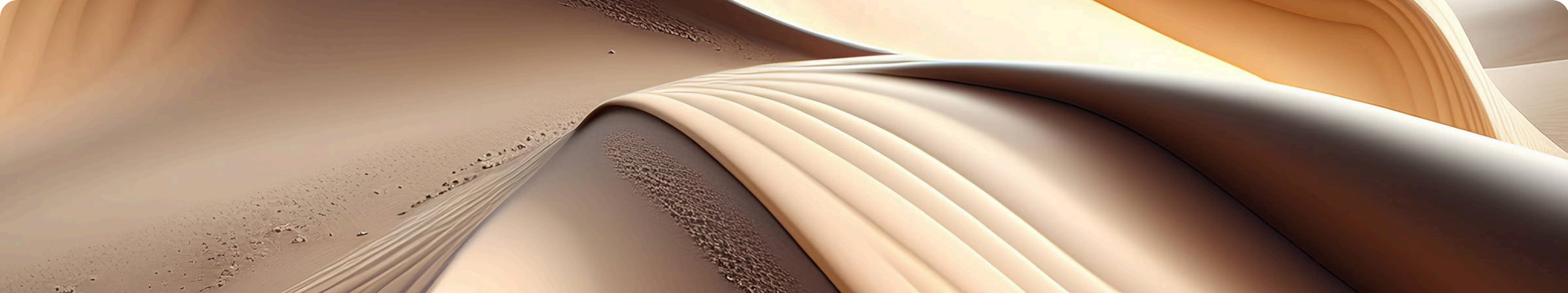
2 Extended Timeframe

Applicants have up to 30 months from the priority date to decide on the specific countries where they want to pursue patent protection. This extra time is beneficial for assessing the commercial potential of the invention in different markets and arranging finances for the national phase entries.

3 International Search and Preliminary Examination

The PCT provides a detailed international search report and a preliminary opinion on the patentability of the invention. These documents help applicants gauge the likelihood of obtaining patents in different countries and make necessary amendments to the application before entering national phases.





Step-by-Step Guide to Filing Through the PCT

1

Step 1: Filing the International Application

The application can be filed by anyone who is a national or resident of a PCT Contracting State. In Vietnam, this can be done through the National Office of Intellectual Property (NOIP) or directly with the International Bureau of WIPO in Geneva. The application can be filed in any language accepted by the receiving office.

2

Step 2: International Search

The international search is conducted by one of the appointed ISAs, such as the European Patent Office or the US Patent and Trademark Office, which examines prior art and prepares a search report. The search report lists relevant prior art and provides an initial assessment of the patentability of the invention.

Continuation of PCT Filing Process

Step 3: Publication of the International Application

The application is published by the International Bureau, along with the international search report, 18 months from the priority date. This publication makes the details of the invention available to the public.

Step 4: Supplementary International Search (Optional)

To ensure thoroughness, the applicant may request a supplementary search by another ISA, which can be beneficial for inventions in diverse technical fields.

Step 5: International Preliminary Examination (Optional)

The applicant can request an international preliminary examination to further evaluate the patentability of the invention based on the amended claims. This examination provides a second written opinion, which is non-binding but offers deeper insights into the potential patent grant.

Step 6: Entering the National Phase

Deadline

Before the end of the 30-month period from the priority date, the applicant must enter the national phase in each country where protection is sought.

National Requirements

This involves submitting translations of the application, paying national fees, and possibly appointing local patent agents. Each country's patent office will then conduct its examination according to national laws and regulations.

Specific Considerations for Vietnam



Translation

The application must be translated into Vietnamese if it was initially filed in another language.



National Fees

Fees must be paid to proceed with the examination process.



Local Agents

It's advisable to appoint a local patent agent to navigate the legal and procedural specifics of the Vietnamese patent system.

ABOUT US



Herman, Henry & Dominic is an experienced team of lawyers and legal experts, based in Saigon and Hanoi. The firm is a member of the INTERNATIONAL TRADEMARK ASSOCIATION (INTA).

Herman, Henry & Dominic believes in building strong relationship with clients based on trust and respect. The firm maintains permanent good working relations with various governmental bodies in Vietnam to enable its team to access the resources necessary to produce timely and effective results for clients.

Herman, Henry & Dominic works under the motto: "Local Expertise & Global Standard."

Contact us at info@ezlawfirm.org.

