
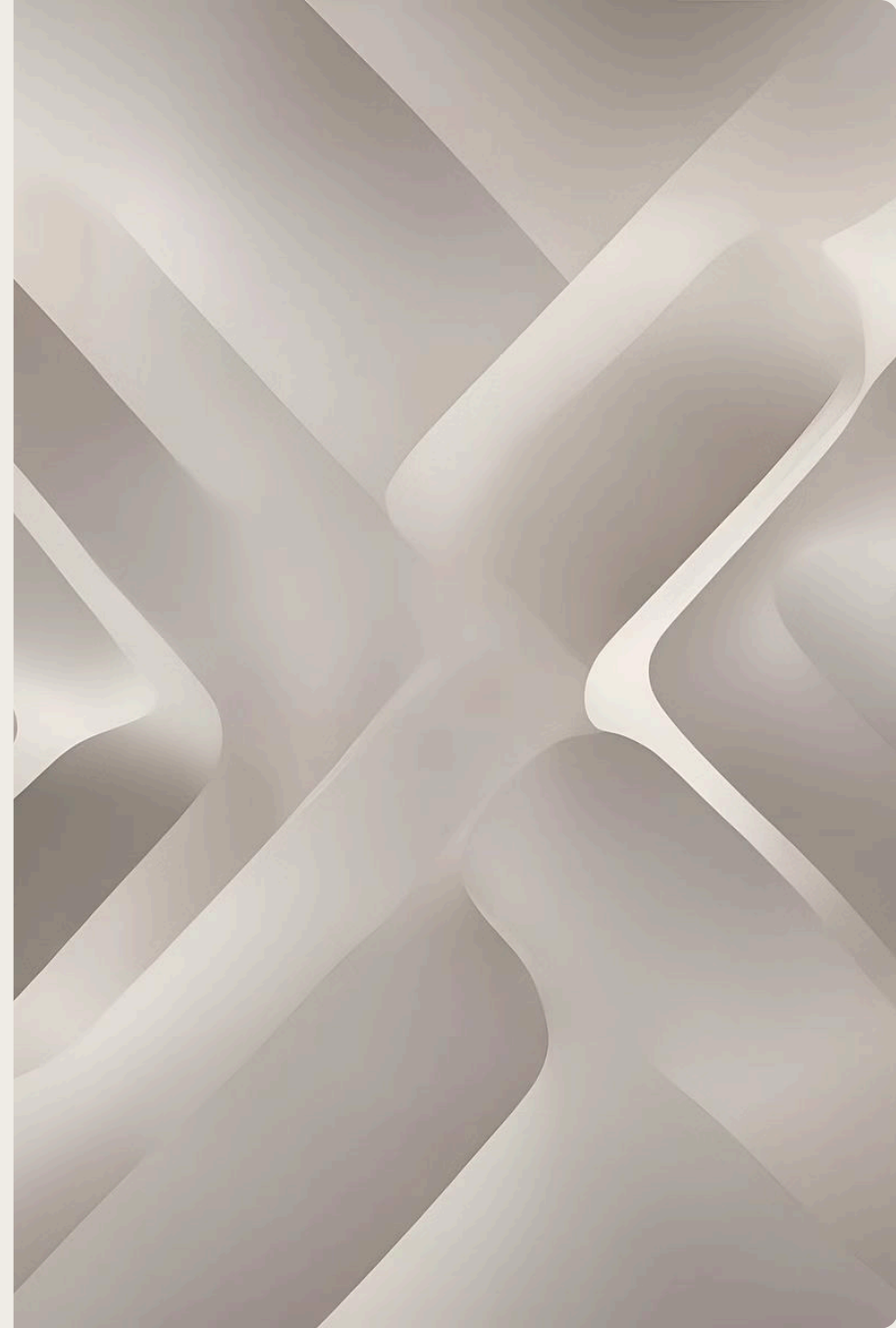


Navigating the Vietnam Patent Application Process

 by Herman, Henry & Dominic

The process of obtaining a patent in Vietnam involves several key steps and considerations. This guide will walk you through the different types of patents available, application requirements, submission process, and maintenance of patents in Vietnam. Understanding these elements is crucial for inventors and businesses looking to protect their intellectual property in this rapidly growing market.



Overview of Patent Types: Invention vs. Utility Solution

Invention Patents

Granted for novel and inventive technical solutions in any field. Can be a product or process solving a specific problem using natural laws. Offers protection for 20 years from the filing date.

Utility Solution Patents

Similar to invention patents but with less stringent novelty and inventive step requirements. Also known as utility models. Provides protection for 10 years from the filing date.



Application Requirements

1 Novelty Search

Conduct a search to ensure the invention is new and not disclosed in prior art.

2 Essential Documents

Description of the invention, claims defining protection scope, abstract, drawings (if necessary), priority documents (if applicable), and power of attorney (if using a representative).

3 Detailed Information

Provide comprehensive details about the invention, its functionality, and advantages.

Submission Process

1

Step 1: Preparing and Filing

Submit application to NOIP with all required documents and filing fee. Foreign applicants must use a local patent agent.

2

Step 2: Formality Examination

NOIP conducts formal examination within 1-2 months to check procedural compliance. Deficiencies must be corrected within a specified timeframe.

3

Step 3: Publication

Application published in Industrial Property Gazette 19 months after filing/priority date. Early publication can be requested, usually completed within two months from acceptance.



Step 4: Substantive Examination

Request must be filed within 42 months for invention patents and 36 months for utility solutions. Typically takes 18 months from request date.

Step 5: Responding to Office Actions

Applicant must respond to NOIP objections within given deadlines, providing additional information or amending the application.

Step 6: Granting of Patent

Upon successful examination, NOIP issues Notice of Intention to Grant. Applicant pays grant fee and first annual maintenance fee. Patent is officially granted and published.

Duration and Maintenance

Expected Duration	Approximately 36-42 months or longer from filing to granting
Factors Affecting Duration	Complexity of invention, NOIP workload
Maintenance	Annual fees required for both invention and utility solution patents
Consequence of Non-Payment	Loss of patent rights

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."

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