procedure

https://actip.com.vn/vietnam/procedure-a68.html

[1] time limit

twelve [12] months counted from the earliest priority date is limited to claim the priority on the basis of the conventional patent application under Paris Convention.

thirty one [31] months from the earliest priority date claimed in PCT application is limited to enter the national phase under PCT Article 22 or PCT Article 39.

[2] grace period

six [6] month-grace period counted from the expiry date of the prescribed time limit is allowable to enter Vietnamese national phase of PCT application within thirty seven [37] month-period with an additional surcharge.

[3] requirements

In order to file an application for a patent in Vietnam, it is required the following documents:

Direct National Application

documents	remarks	time of filing
Power of Attorney	- signed	on filing date
Inventorship Deed of Assignment	- signed & required when applicant and inventor is not the same	on filing date
Patent specification in Vietnamese	- required	on filing date
Patent specification in English	- not required but encouraged to submit	on filing date

Convention Based-Application

documents	remarks	time of filing
Power of Attorney	- signed	on filing date
Priority document	- certified copy which issued by the first receiving office	within three [03] months from filing date
Priority Deed of Assignment	- signed & required when applicant is other than one in priority document	within three [03] months from filing date
Patent specification in Vietnamese	- required	on filing date

Patent specification in English	- not required but encouraged to submit	on filing date

Entry of PCT National Phase

documents	remarks	time of filing
Power of Attorney	- signed	within thirty four [34] months from priority date
Priority Deed of Assignment	- signed - required when applicant is other than one in the PCT application	within thirty four [34] months from priority date
Details of PCT application	- required - copy of PCT publication page	on filing date
Notification of recording of change	- if any	on filing date
PCT specification as original filed and Vietnamese translation	- required	on filing date
Amended specification for national phase and Vietnamese translation	- required	on filing date
English specification	- not required but encouraged to submit	on filing date
International Search Report	- if available	on available
International preliminary examination report	- if available	on available

[4] examination

An application for patent in Vietnam shall be conducted the formality examination and substantive examination with the alternate publication.

formality

A formality examination will take one [01] month from the date on which all the statutory required documents are filed sufficient and in order.

A response for formality refusal have to be made within one [01] month from the date of notification and one extension of one [01] month is acceptable.

publication

A conventional application will be published in the 19^{th} month from the priority date or filing date (in case no priority right) or within two [02] months after it is accepted as formality, whichever is later.

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A national phase of PCT application will be published within two [02] months from the acceptance date.

substance

A substantive examination shall be performed upon request filed by the applicant that is filed within forty two [42] months counted from the priority date as to the invention and thirty six [36] months for utility solution.

Duration of substantive examination is eighteen [18] months counted from the date on which the request for substantive examination is filed or the publication date of application, whichever is later.

Response for Notice of Examination Result have to be made within two [02] months from the date of notification, and one only extension of two [02] months is acceptable.

grant

If request for substantive examination is filed at the time of filing, the time to get the patent will take about [24] ~ [36] months from the filing date to grant patent.

[5] examination acceleration

The system of examination acceleration is not available in Vietnam. However, the duration for application can be shortened if the application is published earlier, upon applicant’s request, within two [02] months from the acceptance date of the application, or the date of filing request for early publication, whichever is later.

[6] term & maintenance

Term of protection of patent is twenty [20] years from the filing date for invention and ten [10] years for utility solution, but effective date and 1^{st} annuity is from the granting date.

A six-month grace period is allowed for the late payment of the annual fee, with an additional surcharge.

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