summary

https://actip.com.vn/vietnam/summary-a69.html

[1] membership

Vietnam is currently a member of the following international conventions:

- Paris Convention;
- Patent Cooperation Treaty;
- World Trade Organization.

[2] types of patent

There are two types of patent in Vietnam, namely:

- Patent for invention; and
- Patent for Utility Solution.

[3] protection criteria

An application for invention shall be patented when it is:

- novelty;
- inventive step; and
- industrial applicability.

While an application for utility solution shall be patented when it is:

- novelty; and
- industrial applicability.

[4] patentable subject matter

An invention or utility solution may be:

- device;
- process;
- substance;
- microorganism;
- use of a known device, process or substance for performing a new function.

[5] non-patentable subject matter

The following subject matters are out of the patent system:

- discoveries, scientific and mathematical theories;
- schemes, plans, rules or methods for performing purely mental acts, playing games, doing business; computer programs;
- mere presentations of information;
- solutions of aesthetic characteristics only;
- plant or animal varieties or essentially biological processes for the production of plants and animals, other than microbiological processes and produces of such processes; and
- methods of diagnostic, methods for prophylaxis and treatment of the human or animal body.

[6] use claim

Use claim such as "use of substance", for example, is not a patentable subject matters in Vietnam, except such claim is drafted as "substance for use in..." that is acceptable.

[7] exception of novelty

An application for patent shall be deemed not have lacked novelty if it was disclosed in the following circumstances, provided that application for such invention is filed within six [06] months from the date of disclosure:

a) it was disclosed by another person without permission of applicant;

b) it was disclosed in the form of a scientific presentation by the applicant;

c) it was exhibited by the applicant at a national exhibition of Vietnam or at an official or officially recognized international exhibition.

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