

MEMO & NEW SPECIAL PACKAGE FEES FOR PATENT REGISTRATION & ANNUITY IN VIETNAM FOR 2023

(Applied from 01 February 2023 to 31 December 2023)

I. FOR PCT PATENT APPLICATION ENTRY

Requirements:

1. Name, address and nationality of applicant/inventor;
2. Information on the PCT application number or WIPO's publication number;
3. Copy of amended patent specification (if any) for national phase entry;
4. Signed Power of Attorney of applicant appointing ELITE LAW FIRM as his/her patent agent in Vietnam; and
5. Signed Deed of Assignment, if applicant is not that of the international application.

Notes:

- *Language of filing: Vietnamese;*
- *Original documents (4) and (5) are required within 34 months from priority date. Notarization is not required; and*
- *National phase deadline is 31 months from the earliest priority date for the PCT application.*

II. FOR CONVENTIONAL AND VIETNAM NATIONAL PATENT FILINGS

Requirements:

1. Name, address and nationality of applicant/inventor;
2. Copy of patent specification (in English);
3. Priority document where priority is claimed. Priority data (application number, filing date and country) is required at filing;
4. Signed Power of Attorney from applicant appointing ELITE LAW FIRM as his/her patent agent in Vietnam; and
5. Signed Deed of Assignment, requested only if:
 - (i) Applicant is individual not the inventor; or
 - (ii) Applicant is organization not the applicant of the priority application.

Notes:

- *Language of filing: Vietnamese;*
- *Originally certified copy of document (3) is required within 03 months from the patent application's filing date; and*
- *Original of documents (4) & (5) are required within 01 month from the patent application's filing date. Notarization on legalization is not required.*

III. REQUEST FOR SUBSTANTIVE EXAMINATION

- Deadline for request for substantive examination is 42 months for inventions and 36 months for utility solutions from the patent application's priority date.
- Cost for request for substantive examination is charged for each independent claim.

IV. TIME LIMIT

- Time limit for a PCT Application entering into National Phase of Vietnam: 31 months from the earliest priority date or PCT filing date.
- Formality examination: 01 month (i) from the patent application's filing date for conventional and non-conventional applications or (ii) from the 1st day of 32th month from the earliest priority date for PCT applications.
- Publication of application: (i) in 19th month from the priority date or within 02 months from the patent application's formality acceptance date, whichever is later for conventional and non-conventional applications or (ii) within 02 months from the patent application's formality acceptance date for PCT applications.
- Substantive examination: 18 months from the patent application's publication date or date of receipt of Request for Substantive Examination, whichever is later.
- Estimated time for obtaining patent: from 36-42 months from the patent application's filing date.

V. VALIDITY TERM

- A patent for invention is valid for 20 years from the filing date; a patent for utility solution is valid for 10 years from the filing date.
- In order to maintain the validity of a patent, the patent's owner shall have to pay patent annuity fees. If the Patent's owner fails to pay patent annuity fees before or within the prescribed time limit, the validity of the Patent shall ex-officio/automatically be terminated from the first day of the year for which the annuity fees have not been paid. 6-month grace period for late payment of patent annuity fees is applied in Vietnam.

VI. COST

- The cost for filing a patent application in Vietnam depends on number of factors such as the sheet size of the specification, the number of priority(is) claimed, the number of independent claims, etc.. For patent applications, which go smoothly without amendments, oppositions or other requests, the cost for filing a patent/utility solution application is as follows, wherein the cost shall be usually charged in two instalments, first of which is required at the filing and the second instalment – upon patent grant.
- Accordingly, our total cost of (i) **a basic patent application from filing to registration for a smooth case (with 01 independent claim, 06 pages of specification, 01 priority claim)** is **US\$485** and (ii) our service fee for each annuity is **US\$60** excluding postal costs (as actual expense), V.A.T (5%) and Bank fees (US\$30 for each Debit Note).