



International
Trademark
Association



ELITE LAW FIRM

INTA'S 2023 ANNUAL MEETING LIVE+
IN SINGAPORE

May 15-20, 2023



LAWFIRMELITE.COM

AGENDA

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ELITE LAW FIRM

2

VIETNAM IP ENFORCEMENT SYSTEM

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IP LAW AMENDED 2022

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IP STATISTIC UPDATE

5

DISCOVER VIETNAM!





OUR ELITE LAW FIRM

- **OUR MISSION & CORE VALUES:** We were born to assist our esteemed Clients in Registering/Protecting their Intellectual property rights Securely and Resolving IP Rights Disputes and Enforcement Quickly for Doing Success Business based on our 06 core Values: Integrity, Empathy, Responsibility, Carefulness, Determination and Learning – Creativity.
 - Experience: + 20 years experience in IP protection
 - Our rate of registration success: more than 95%
 - Our specialized countries: Vietnam, Cambodia, Laos, Myanmar with full range of IP matters
 - **OUR ACHIEVEMENTS**
 - Top 10 IP Agents filing design in Vietnam in 2015 and 2016
 - Notable Firm 2019, 2020 by Asia Profile
 - Tier 3 of IP domestic firm by Benchmark Litigation 2019, 2020
 - Dispute Resolution Star (Mr. Tuyen) by Benchmark Litigation 2019, 2020
- 

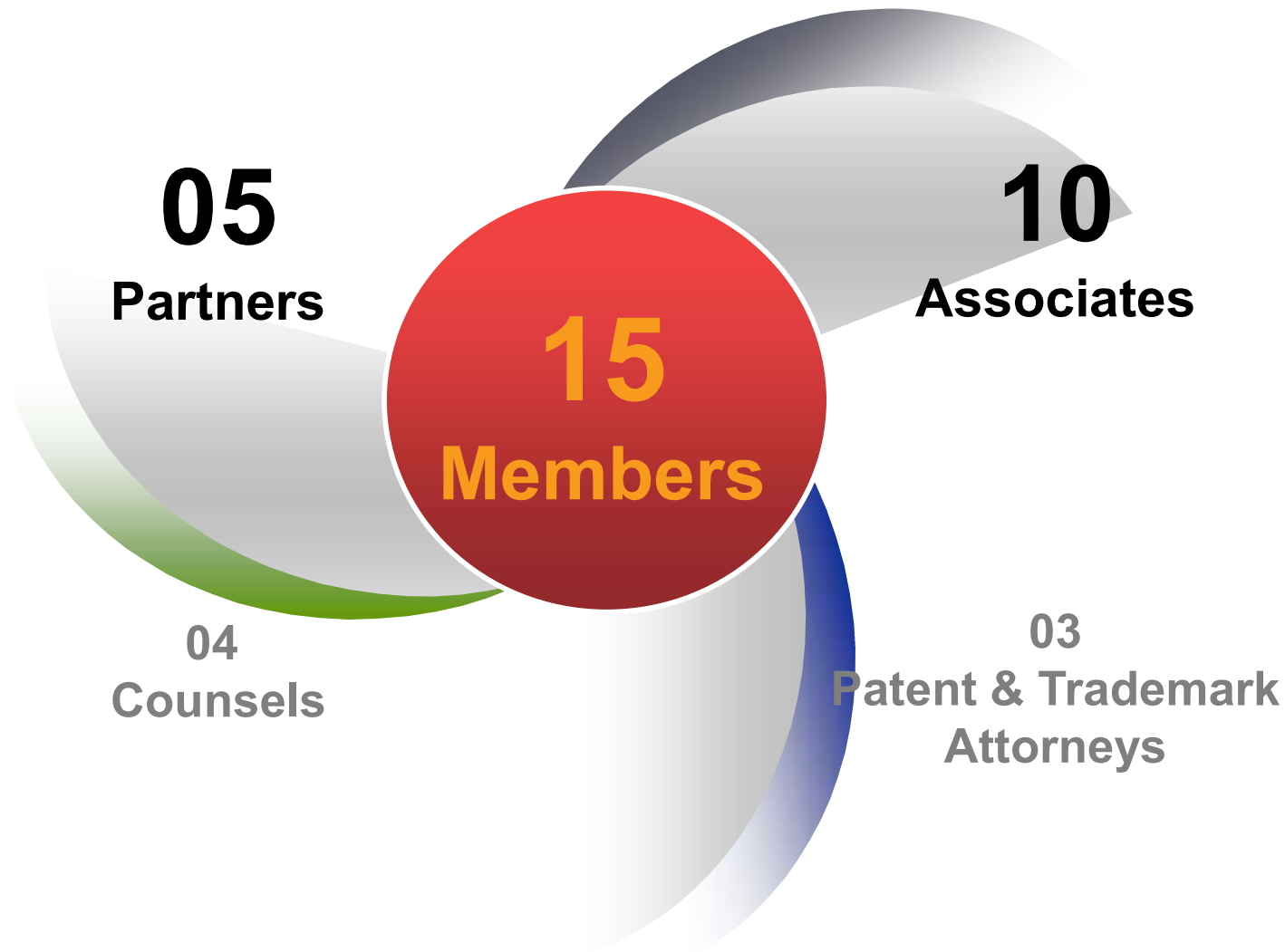


OUR ELITE LAW FIRM



Protect Your Valued Brands
BẢO HỘ THƯƠNG HIỆU BỀN VỮNG

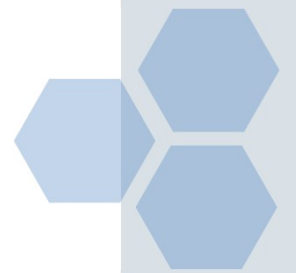
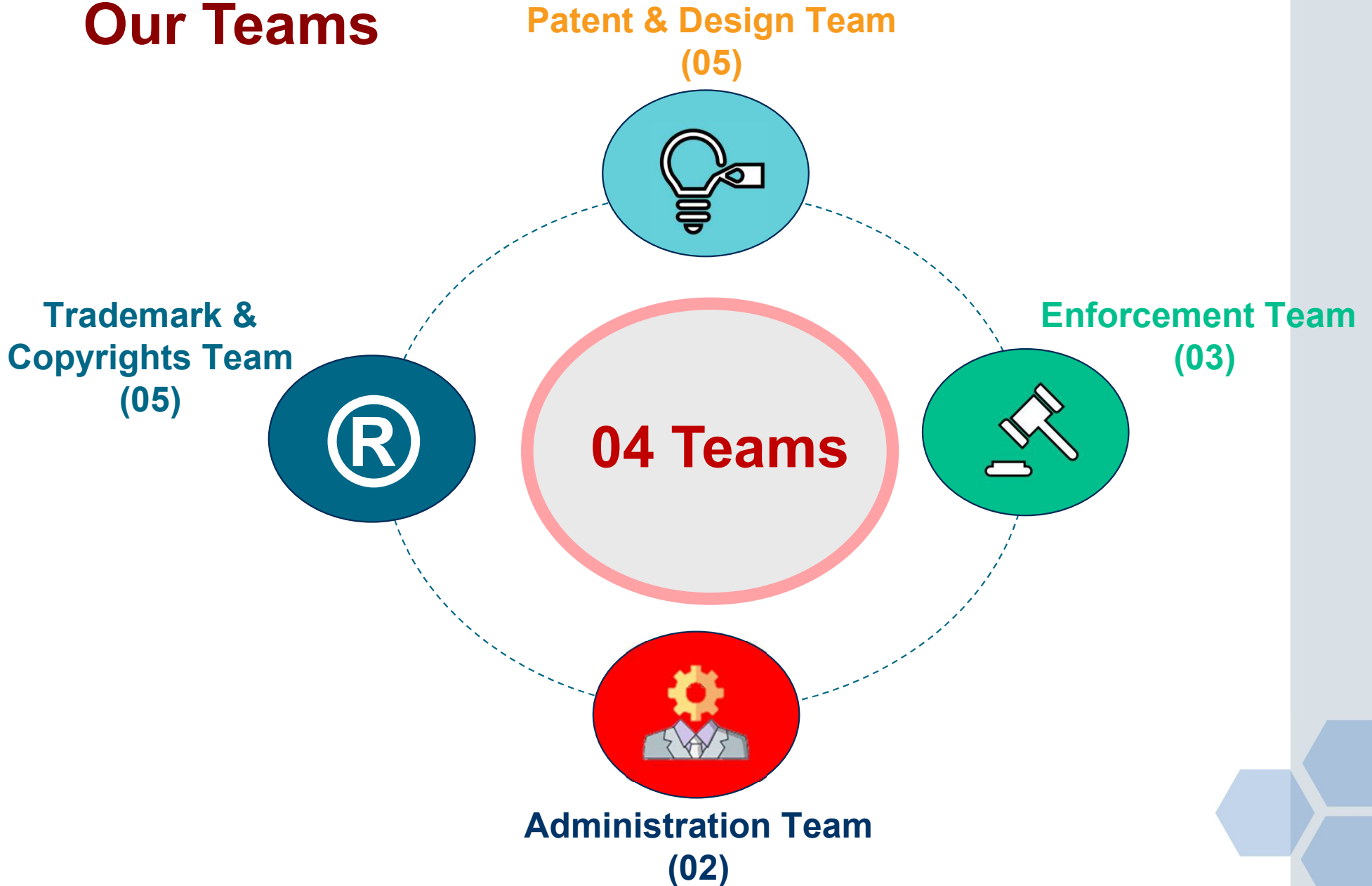
Our People





OUR ELITE LAW FIRM

Our Teams





OUR ELITE LAW FIRM

Some of Our valued Clients

LG CORP.

**THE WONDERFUL
COMPANY LLC**

**DONG-A PENCIL
CO., LTD.**

**LG ELECTRONICS
INC.**

ACCOR HOTELS

**SMILEGATE
ENTERTAINMENT, INC.**

**LG HOUSEHOLD &
HEALTH CARE LTD.**

M&K HOLDINGS INC.

HONG HA

**THE FACESHOP
CO. LTD.**

ROMANSON CO., LTD

TOMECO





OUR ELITE LAW FIRM



Protect Your Valued Brands
BẢO HỘ THƯƠNG HIỆU BỀN VỮNG

MONET, NGASON TOFU, VIETNAM COACHING HUB, THUY LIU, TOKYO MASK
 WHITE PORTLAND CEMENT, LG Household & Health Care, SON NaNo, Viet Creators, ON: THE BODY, DON'S HOUSE
 HUONG PHU, MIRACLE FINISH, FLAVOR, PETIMEX, SMILEGATE, THE FACE SHOP, FINHAY, ORGANIST, CHU THAP DO, MAD COW
 the Wonderful company, CALIFORNIA FITNESS & YOGA, helloBACSI
 ECO LIFE VIETNAM Sustainable Lifestyle Products, LG Life's Good, OoLong, FIJI WATER
 BARETT 100, LG Display, YOUNGSUN, KOMEKO
 GIA KHANH, TOKYO LIFE OLED, VIBHS
 20s FACTORY, BAMIBREAD, Toplist



NEW GENERATION FREE TRADE AGREEMENTS & DESIGN AGREEMENT IN VIETNAM

- **January 14, 2019:** The Comprehensive and Progressive agreement for Trans-pacific Partnership Preamble (**CPTPP**) came into force in Vietnam;
- **June 30, 2019:** The European Union (EU) and Vietnam signed Trade Agreement and an Investment Protection Agreement (EVFTA), which came into effect on **Aug. 01, 2020**.
- **September 30, 2019:** Viet Nam joined the Hague System concerning international registration of industrial designs, which entered into force in Viet Nam on and from **December 30, 2019**.





International IP Conventions & Treaties

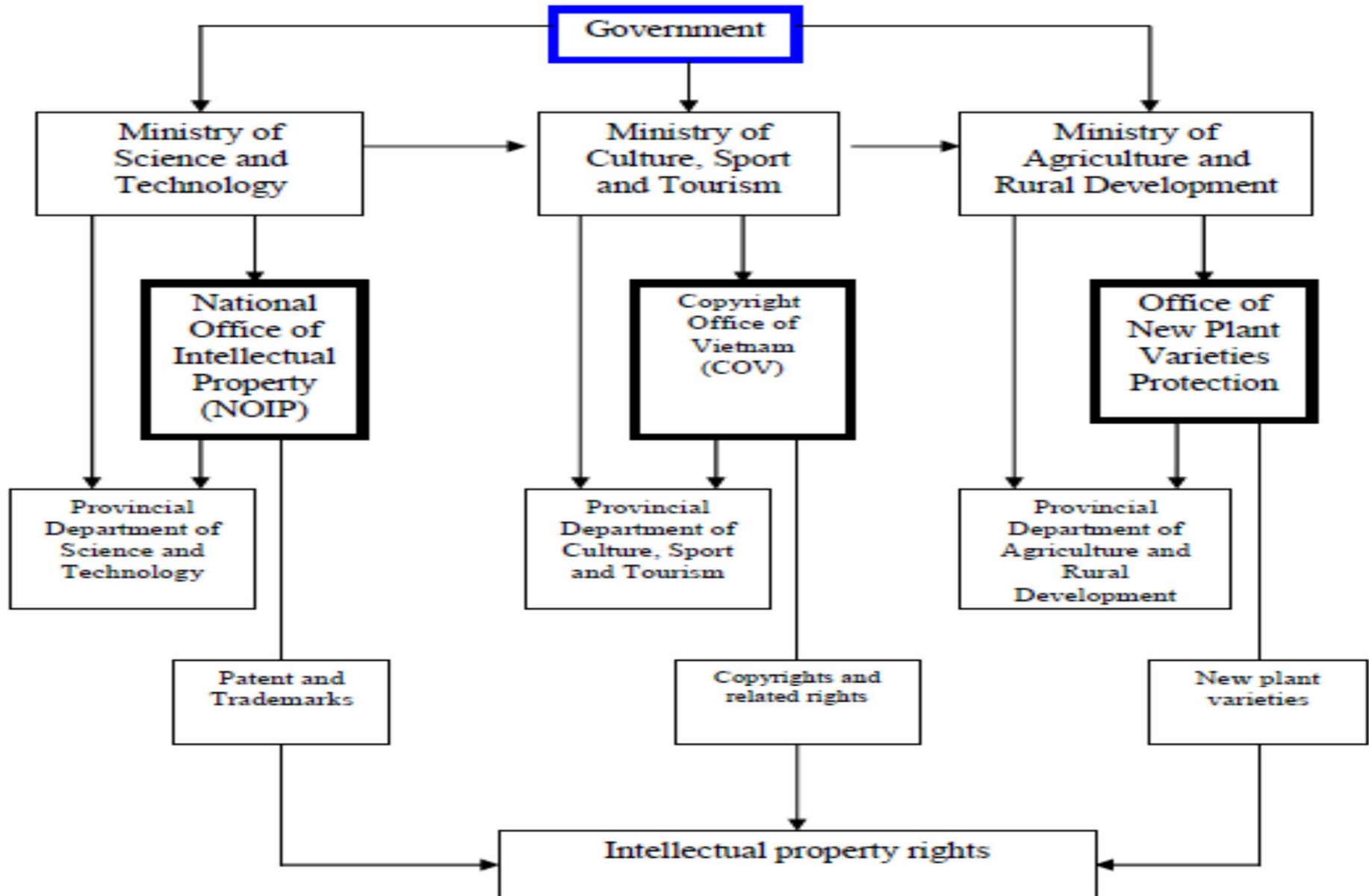
- Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (March 1, 2007)
- Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (July 11, 2006)
- Brussels Convention Relating to the Distribution of Program-Carrying Signals Transmitted by Satellite (January 12, 2006)
- Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms (July 6, 2005)
- Berne Convention for the Protection of Literary and Artistic Works (October 26, 2004)
- Patent Cooperation Treaty (PCT) (March 10, 1993)
- Convention Establishing the World Intellectual Property Organization (July 2, 1976)
- Paris Convention for the Protection of Industrial Property (March 8, 1949)
- Madrid Agreement Concerning the International Registration of Marks (June 25, 1939)
- Hague System concerning international registration of industrial designs (December 30, 2019)





Government Management Authorities of IP

The IP management organization system of Vietnam



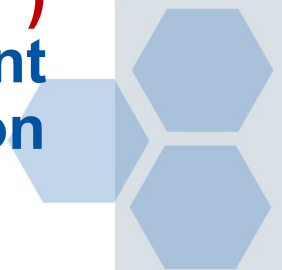


1. National Office Of Intellectual Property of Vietnam (NOIP) under Ministry of Science and Technologies (MOST):

- Registration required: inventions, trademark, geographical indication, layout design
- Automatic protection without registration: Trade name, Trade Secrets, Right to fight against unfair competition

2. The Copyright Office of Vietnam (COV) under Ministry of Culture, Sport and Tourism (MOCST): Copyrights and related rights (automatic protection, registration is favourable for enforcement)

3. Office of New Plant Varieties Protection (ONPVP) under Ministry of Agriculture and Rural Development (MARD): Protection of plant variety (registration required)





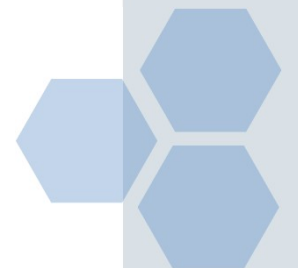
Vietnam IP Enforcement system

Available measures

- Civil Procedures;
- Administrative Procedures;
- Criminal Procedures;
- Customs Control Measures on IPR.

Acts of infringement

- Acts of IP infringement that cause loss and damage to consumers or society;
- Producing, importing, transporting or trading IP counterfeits;
- Producing, importing, transporting or trading items bearing a mark or geographical indication identical or confusingly similar to a protected mark or geographical indication.





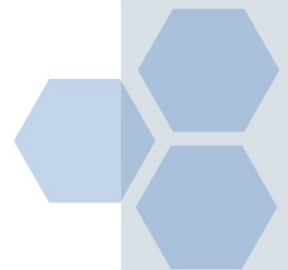
Authority

- Supreme People's Court;
- People's High Courts;
- People's Courts at Provincial level;
- People's Courts at District level.

Remedy

- Compelling termination of the act of IPR infringement;
- Compelling public rectification and apology;
- Compelling performance of civil obligations;
- **Compelling compensation for damages;**
- Compelling destruction or distribution or put to use for non-commercial purposes of goods.

Time of handling: 1-2 years or even longer.





Authority

- **IP Specialized Inspectorates** (on Science and Technology/Information/ Culture) (proposal plan: establishing a **New IP Specialized Inspectorates belonging to Vietnam IP Office** for carrying out/replacing the current work of the Inspectorate of Ministry of Science & Technology);
- Market Management Authorities;
- Customs Offices;
- Economic Polices;
- Competition Administration;
- People's Committees.

Remedy

- principle sanctions:
 - ✓ Warning order; or
 - ✓ Monetary fine (max. up to 500 million VND, about **US\$22,000 for an infringing company**; max. up to 250 million VND, about **US\$11,000 for an infringing person**).
- additional sanctions:
 - ✓ Confiscation and destruction of infringing goods;
 - ✓ Suspension for a definite period of time of the infringer's business license

Time of handling: 3-5 months





Vietnam IP Enforcement-Criminal Procedures

Authority

- People's High Courts;
- People's Courts at provincial level;
- People's Courts at district level.

Remedy (for serious infringement over copyrights or related rights or trademarks or geographical indications)

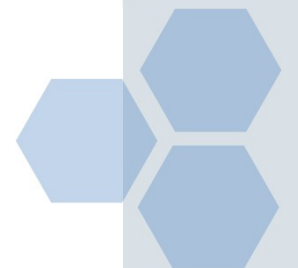
For individuals:

- Monetary fine (the maximum is of 1 billion VND, equivalent to **US\$42,854**), or;
- Non-detained re-education for up to 3 years, or;
- Imprisonment for a period of **6 months to 3 years** (in jail).

For commercial entities:

- Monetary fine (the maximum is of 5 billion VND, equivalent to US\$214,270), or;
- Suspension of operation for up to 2 years.

Time of handling: 1-2 years





Authority

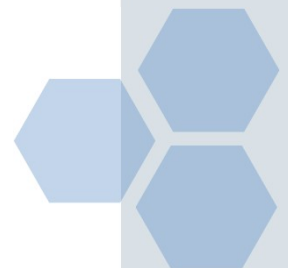
- Registration of Customs Supervision: Department of Customs Supervision and Management (under Vietnam Customs Office);
- Suspension of Customs procedures: Department of Anti-Smuggling and Investigation and Supervision Department (under Vietnam Customs Office) and Customs Branches (under Provincial Customs Departments).

Remedy

- Collecting evidence of IPR infringement to take legal actions against IP infringers under administrative procedures or civil procedures or criminal procedures.

Time of handling

- Customs registration for control and supervision of IPR in Vietnam with 2-year term.
- Suspension of customs procedures: 10 or 20 working days.



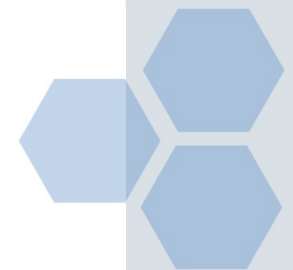


➤ Handling under administrative procedures

Year	Total	Money fine	Value of infringed goods
2015	3,255	23,057 billion VND	24,404 billion VND
2016	4,018	26,403 billion VND	38,767 billion VND
2017	4,521	34,659 billion VND	32,065 billion VND

Source: Vietnam Market Surveillance

- Handling under civil procedures: 43 cases
- Handling under criminal procedures: 12 cases
- ❑ Handled by administrative measure: about 98%
- ❑ Handled by Courts & Customs measures: about 2%





Vietnam IP Agents & Patent, Trademark Attorneys

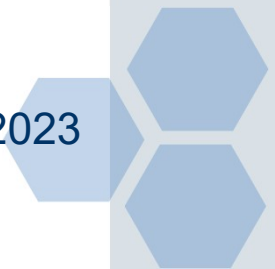
247

Total IP Firms in
Vietnam

350

Total Patent &
Trademarks
Attorneys in
Vietnam

Updated by VNIPO in April 2023





Vietnam IP Law amended 2022

(Effective: 01 Jan. 2023)

I. COPYRIGHTS, RELATED RIGHTS

1. THE ACT OF “REPRODUCTION” = *making of a copy of the whole or a part of a work by whatever means or in whatever form.*
2. DEFINITION OF AN AUTHOR: *The author is a (natural) person who directly created the work. Accordingly, the work created by an artificial intelligence (AI) system shall not be registered for protection.*
3. Transfer of the right to name a work’s title is allowed: *the rights to put a name and to publish the work are allowed and considered as the economic rights.*
4. The presumption of copyright and related rights owner: *Individuals and organizations named in a usual way as authors, performers, producers of phonograms and video recordings, broadcasting organizations, producers of cinematographic works, publishers shall be automatically considered as the right holder to such work, performance, phonogram, video recording or broadcast in dispute cases.*
5. Intermediary service providers (internet/telecommunication providers) has responsibility for the application of technical measure to protect copyrights and related rights in the internet/ telecommunication environment.



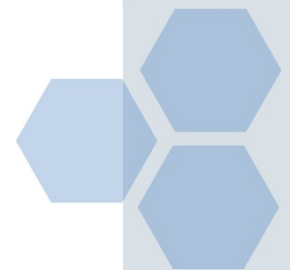


II. PATENTS

1. NOVELTY OF AN INVENTION IS CLEARER: an invention has novelty if it is not:

- being disclosed by use, writing description in any form before the first filing date; or
- being disclosed in another patent application having an early filing date but lately published.

2. AN OPPOSITION AGAINST GRANTING A PATENT: must be filed within 09 months from the publication date of the said patent application.





II. PATENTS

3. SECURITY CONTROL FOR INVENTIONS:

- belongs to technical fields impacting on national defense and security
- it is created in Vietnam; and
- the registration right belongs to a Vietnamese individual (VN citizen and permanently resides in Vietnam); an organization established under Vietnamese law.

4. Pharmaceutical invention: Compensation of the patent owners for delay in granting the drug circulation license.





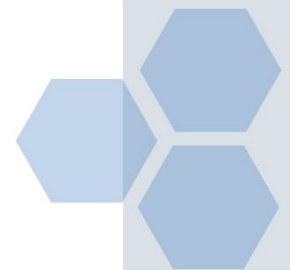
II. PATENTS

5. OBLIGATION TO PROTECT TEST DATA :

- For pharmaceuticals: within 5 years, if confidential data is used in the application, the later applications are not allowed to use the confidential data
- For agrochemical products: within 10 years, it is not allowed to issue a marketing authorization for a later application using confidential data of the previous application.

6. State-owned invention:

- Specifying what are State-owned inventions;
- Rights of the State for State-owned inventions;
- How to exploit State-owned inventions.





III. INDUSTRIAL DESIGNS

1. SCOPE OF PROTECTION FOR AN INDUSTRIAL DESIGN IS EXPANDED as for a part of a product, besides protection of a whole design of a product as before.
2. AN OPPOSITION AGAINST GRANTING A DESIGN PATENT: must be filed within 04 months from the publication date of the said design application.
3. AN INDUSTRIAL DESIGN APPLICATION MAY BE **LATELY PUBLISHED** up to 07 months from the filing date based on the applicant's request at the time of filing (04 months later than before)





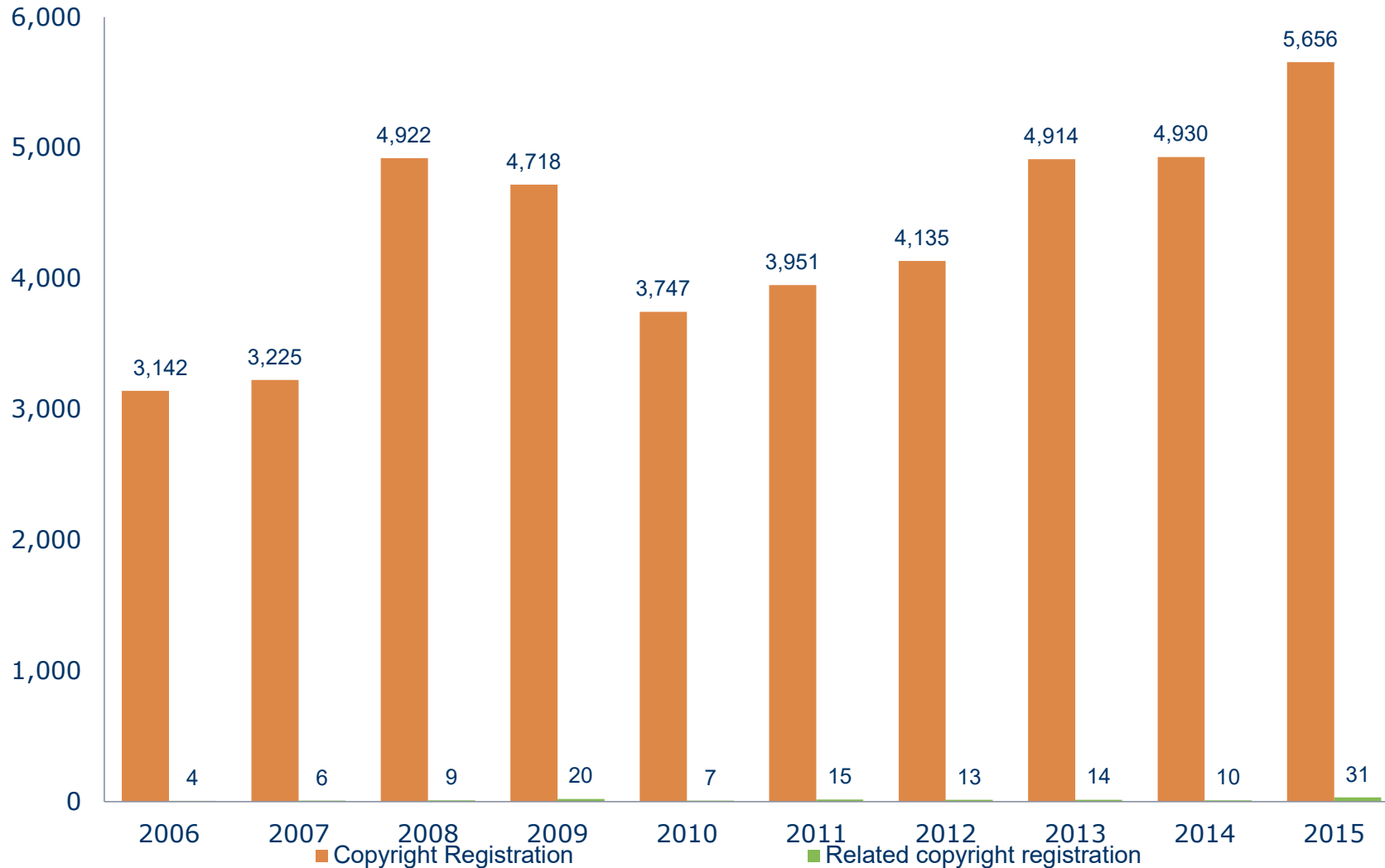
IV. TRADEMARKS

1. A **SOUND MARK** represented in graphic form shall be protected from 2023. However, up to now (Mar. 2023), they have not been filed with the Vietnam IP Office yet because of lacking application forms and guidelines.
2. Concept of a well-known trademark: *a mark widely known by a part of relevant consumers throughout the territory of Vietnam.*
3. An **OPPOSITION AGAINST GRANTING A TRADEMARK REGISTRATION CERTIFICATE**: must be filed within 05 months from the publication date of the said trademark application.
4. **CONCEPT OF AFFILIATED MARKS** has been removed.





Number of Copyright Registrations in Vietnam (2006 – 2015)



Source: Report of 10 years implementation of IP Law

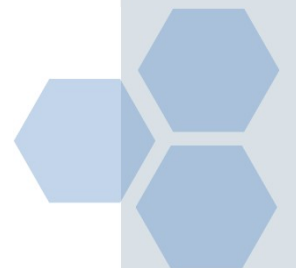




Patent applications filed from 2015 to 2022

Year	by the Vietnamese	by the foreigner	Total
2015	583	4,450	5,033
2016	560	4,668	5,228
2017	592	4,790	5,382
2018	646	5425	6,071
2019	720	6,800	7,520
2020	1,020	6,674	7,694
2021	1,526	7,605	9,131
2022	1,390	7,918	9,308

Source: VNIPO's statistic updated to December 31, 2022





Top ten countries by numbers of invention and utility solution applications filed directly with the NOIP in 2021

	Country/Territory of origin	Number of applications
1	Japan	1,635
2	Vietnam	1,515
3	China (CN)	1,480
4	The United States of America	1,266
5	Republic of Korea	1,236
6	Germany	295
7	Taiwan	294
8	Switzerland	170
9	Great Britain	128
10	France	115

Source: VNIPO's statistic updated to 2021





Industrial design applications filed from 2015 to 2022

Year	by the Vietnamese	by the foreigner	Total
2015	1,607	838	2,445
2016	1,861	1,007	2,868
2017	1,583	1,158	2,741
2018	1,694	1,179	2,873
2019	1,841	1,650	3,491
2020	1,999	1,214	3,213
2021	2,055	1,323	3,378
2022	1,992	1,000	2,992

Source: VNIPO's statistic updated to December 31, 2022





Appeals request against decisions on refusal of protection of IP applications

IP Subject matter	2015	2016	2017	2018	2019	2020	2021
Invention and Utility Solution	48	34	32	48	48	26	35
Industrial Design	19	29	19	42	05	31	36
Trademark	1,261	1,060	1,267	673	792	1,287	1,053
TOTAL	1,328	1,123	1,318	763	845	1,344	1,124

Source: VNIPO's statistic updated to December 31, 2021

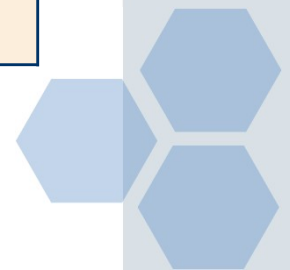




National trademark applications filed from 2015 to 2022

Year	by the Vietnamese	by the foreigner	Total
2015	30,476	6,807	37,283
2016	34,968	7,880	42,848
2017	35,520	8,450	43,970
2018	37,476	8,893	46,369
2019	43,647	10,154	53,801
2020	47,293	8,286	55,579
2021	44,638	8,288	52,926
2022	45,344	10,706	56,050

Source: VNIPO's statistic updated to December 31, 2022

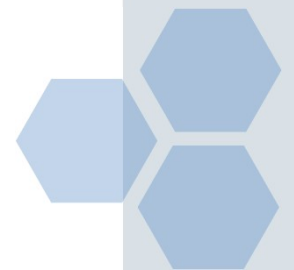




International trademark applications filed from 2015 to 2021

Year	Received	Handled	Grant	Refused
2015	6,620	5,627	4,089	1,538
2016	6,219	6,620	4,786	1,834
2017	7,508	6,219	4,745	1,474
2018	8,977	7,508	5,535	1,973
2019	10,191	8,977	6,791	2,186
2020	9,251	10,191	7,688	2,503
2021	9,495	9,243	6,707	2,536

Source: VNIPO's statistic updated to December 31, 2021





Geographical indication applications filed from 2015 to 2021

Year	by the Vietnamese	by the foreigner	Total
2015	4	3	7
2016	9	0	9
2017	7	2	9
2018	5	1	6
2019	11	3	14
2020	22	0	22
2021	11	0	11

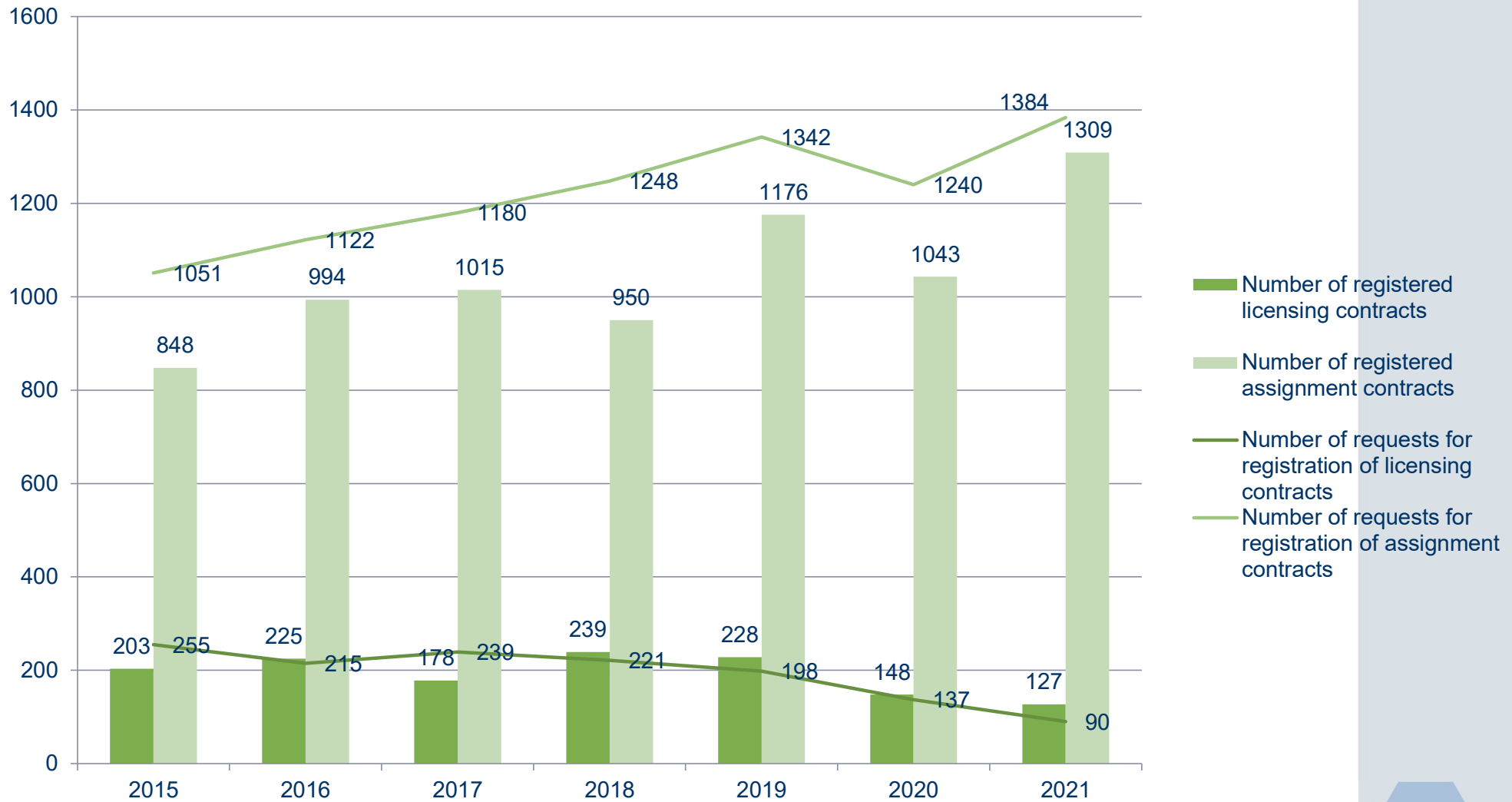
- Total Foreign GIs being protected in Vietnam (under EVFTA & UKFTA, up to 31 Dec. 2020): **173** (EVFTA: 169, UKFTA: 04)

- Total VN GIs being protected in Vietnam (up to 08 Jun. 2022): **116**

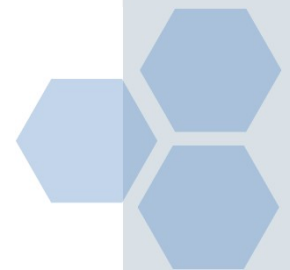




Transferring IP Rights from 2015 to 2021

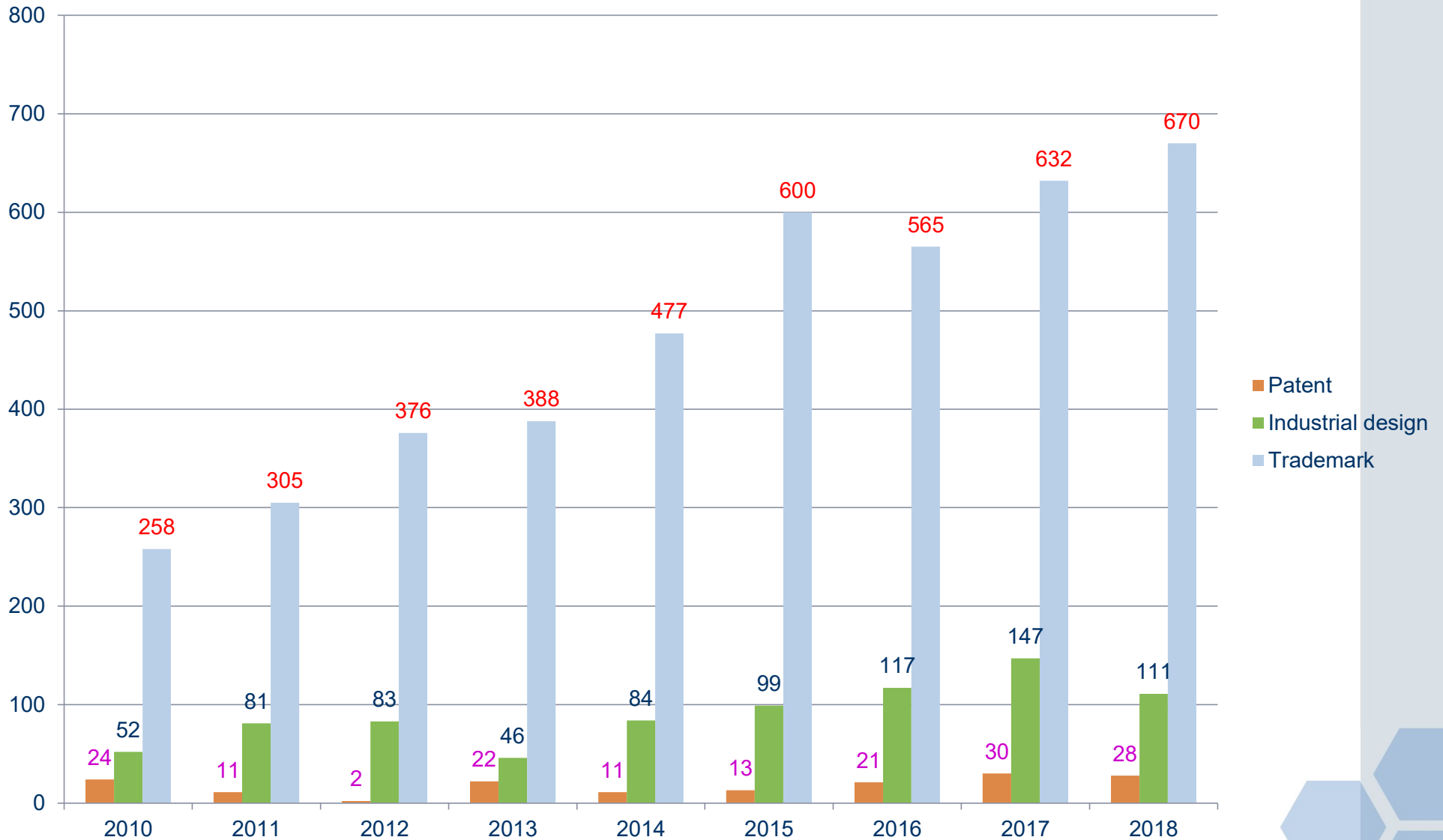


Source: VNIPO's statistic updated to December 31, 2021

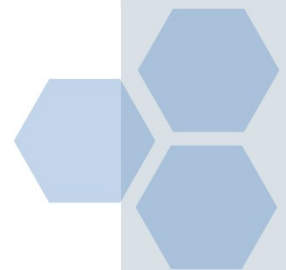




Activities of Assessment from 2010 to 2018



Source: Report on 10 years of implementation of IP Law





VIETNAM – Highlight Statistics

- Area: 331,212 km²(127,882 sq mi)
- Population: 99,460,000 (2022 estimated, World's 15th, urban: 37%, rural: 63%)
- Life expectancy: 73,6 years (men: 71,1 years, women: 76,4 years)
- GPD (nominal), 2022 estimated:
 - ✓ Total: US\$432.7 billion (World's 35th)
 - ✓ Per capita: US\$4,122 (World's 116th)
- Total provinces & cities: 63
- Capital: **Hanoi** (Area: 3.359,82 km² (12 urban Dist., 17 rural Dist., 01 District-level town), Population: 8.330.800 (2021), GDP 2022: US\$50.99 billion, Per capita: US\$6,093)
- Largest City: **Ho Chi Minh City** (Area: 2.095,39 km² (16 urban Dist., 05 rural Dist., 01 District-level City), Population: 9.166.800 (2021), GDP 2022: US\$63.07 billion, Per capita: US\$6.328)



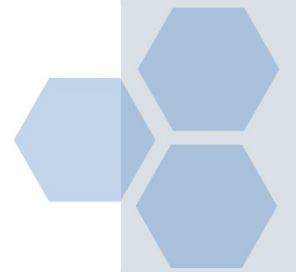


Places to discover our Vietnam – Ha Long Bay



Ha Long Bay (bay, caves, mountains, people & special foods)

Source: Jimmy Tran / shutterstock





Places to discover our Vietnam – Tam Coc – Bich Dong Cave



Tam Coc – Bich Dong (mountains, caves, fields, rivers, people & special foods)





Places to discover our Vietnam – SAPA



Protect Your Valued Brands
BẢO HỘ THƯƠNG HIỆU BỀN VỮNG



SAPA - terraces

Source: Pixabay





Places to discover our Vietnam – Hoi An old Town



Hoi An Ancient Town



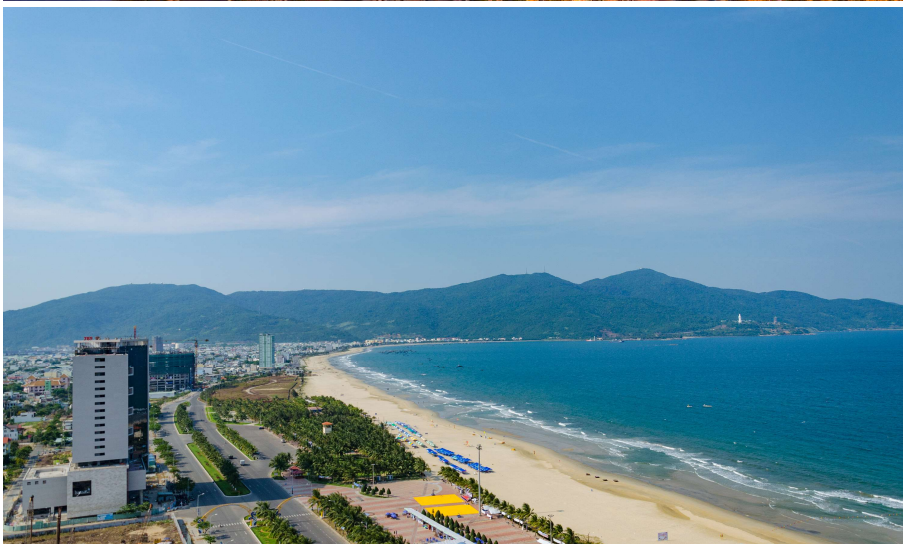


Places to discover our Vietnam

Da Nang City



Protect Your Valued Brands
BẢO HỘ THƯƠNG HIỆU BỀN VỮNG



Da Nang City (nice Beach, people & special seafoods)



Places to discover our Vietnam

Phu Quoc Island



Phu Quoc Island (nice Beach, people & special seafoods) - Source: Internet



Places to discover our Vietnam Hanoi popular & street Foods



Phở bò (beef noodle soup), Bún chả (roast pork noodle), Chả cá Lã Vọng (La Vong fried fish cake), Bún riêu cua Hà Nội (Hanoi Crab noodle soup) ... - Source: Internet





International
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Association



Thank You!

Nguyen Tran Tuyen
Managing Partner
Patent & Trademark Attorney

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