



WINCO

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FILING GUIDANCE TO OBTAIN PATENT FOR INVENTION & UTILITY SOLUTION IN VIETNAM

REQUIRED INFORMATION

1. Full name, address and nationality of the applicant;
2. Full name, address and nationality of the inventor;
3. Title of the invention/utility solution;
4. Country, application number and filing date of the original foreign application from which priority is claimed (if priority is claimed);
5. International filing number and publication number (in case of PCT applications entering the Vietnam National Phase).

REQUIRED DOCUMENTS

1. Specification consisting of the title, description, Claims and abstract (English version) - 02 copies;
2. Drawings (if any) - 02 copies;
3. Power of Attorney (notarization is not required).
*A copy of Power of Attorney can be accepted at the filing time but the original one must be submitted later within **01 month** from the Vietnamese filing date. In case Power of Attorney (original or copy) is not available at the filing time, the fee for late submitting the document will be incurred;*
4. Certified copy of priority documents (only for applications claiming priority under the Paris Convention), which can be submitted later within **01 month** from the Vietnamese filing date;
5. As to PCT applications entering the Vietnam National Phase, apart from the above documents, the following PCT documents are required: PCT publication, International Preliminary Examination Report (PCT/IPER/409) (if any), Notification of the Recording of a Change (PCT/IB/306) (if any), International Search Report (PCT/ISA/210)...

Notes:

- *As to all patent applications to be filed in Vietnam, the Vietnamese version of the specification is required **right at the filing time**. Thus, instruction letter and English specification need to be provided as soon as possible (preferably **03 months** before filing deadline) for translation work;*
- *As to PCT applications: The original Power of Attorney can be submitted within **34 months** from the priority date. If sending the specification causes any inconvenience, PCT application number or publication number should be early informed for downloading the specification from the WIPO database.*

GENERAL INFORMATION

1. Term for PCT applications to enter the Vietnam National Phase is **31 months** from the priority date;
2. Deed of Assignment and the Vietnamese translation of the priority document may be required by the Vietnamese Patent Office in necessary cases;
3. Request for substantive examination must be filed within **42 months** (as to applications to obtain Invention Patent) or **36 months** (as to applications to obtain Utility Solution Patent) from the first priority date;
4. Time for formality examination is **01 month** from the filing date and for substantive examination is **12 months** from the publishing date (if the request for substantive examination is filed before the publishing date) or from the request date (if the request is filed after the publishing date);
5. Valid patent applications are published in the **19th month** computed from priority date or Vietnamese filing date (if no priority is claimed), or within **02 months** computed from the date of official acceptance of applications, depending on which date comes later. Thus, for the examination process to be shortened, it is advised that a request of early publication should be made. Then, the fee for the request of early publication will be incurred;
6. The validity term of an Invention Patent is **20 years** and of a Utility Solution Patent is **10 years** from the regular filing date and the Patent is effective from the granting date;
7. Annuity is required to be paid only after a Patent is granted.