

WIPO Regional Workshop on Effective Use of the PCT System:  
The Experience of Asian Countries  
Bangkok, Thailand on May 16 and 17, 2012

Experiences and Future Plans for  
the Use of the PCT System

**VIETNAM**

# Outline

1. PCT role in Vietnam patent system;
2. PCT application originating from Vietnam;
3. PCT application entering Vietnam national phase;
4. Future plans.

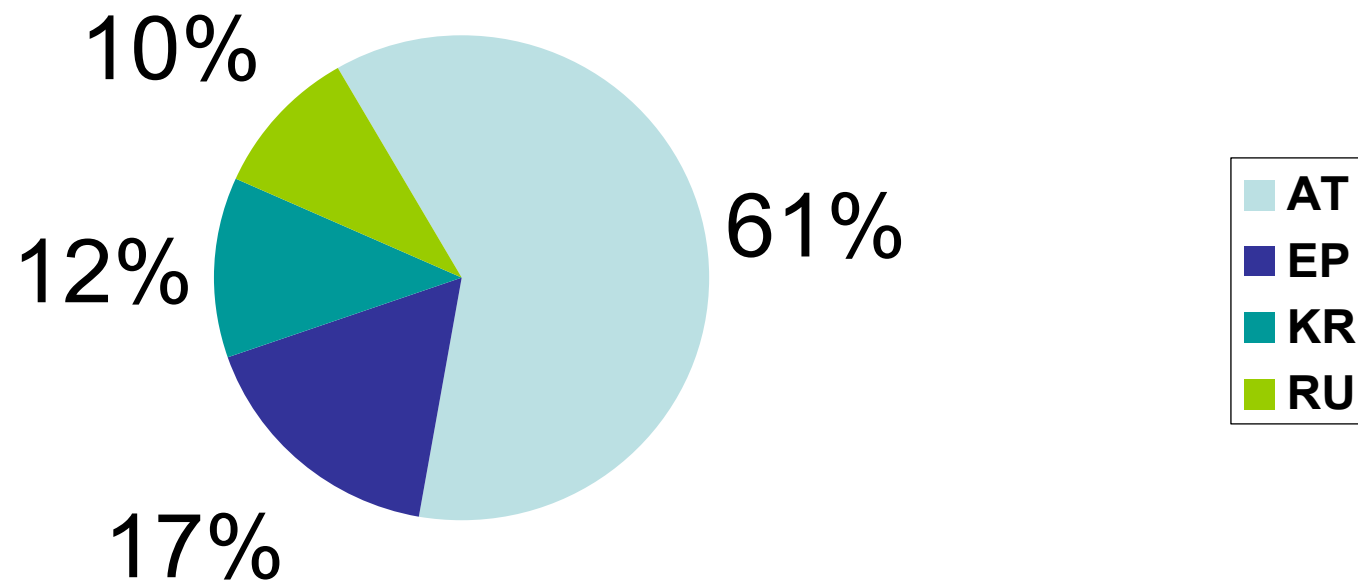
# PCT in Vietnam patent system

- Vietnam NOIP was established on 29.07.1982.
- Became PCT member on 10.12.1992 and became bound by the PCT on 10.03.1993.
- The first PCT application originating from Vietnam filed on 19.09.2000.
- 37 first PCT applications entered VN national phase in 1994;
- 3266 PCT applications entered VN national phase in 2011.

# PCT applications originating from Vietnam in 2000 - 2011

- Total: 41 applications (*from PATENTSCOPE database on WIPO website, 28.04.2012*)
- 80% filed in the name of natural person, 20% in the name of company
- 90% in mechanical field, 10% in chemical filed
- 70% filed via agent, 30% filed directly

# ISAs chosen by Vietnam PCT applicants in 2000 - 2011

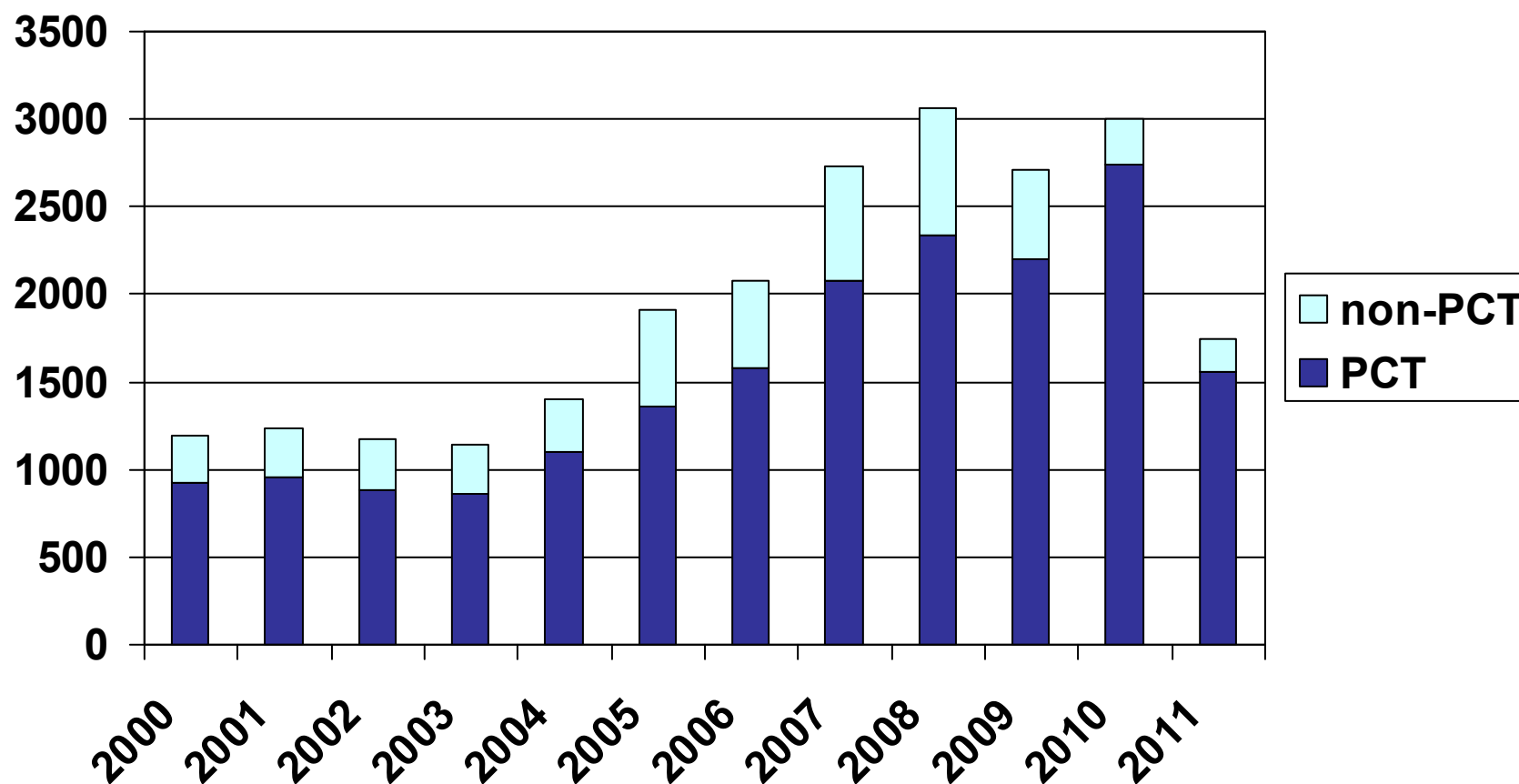


# PCT applications entering Vietnam national phase

More favorable conditions for entering the VN national phase:

- the time limit for entering the VN national phase is 31-month;
- such limit is extendible for a extra six-month period, since 2007;
- PoA/DoA may be filed within 34 months from the priority date.

# Number of patent applications in Vietnam in 2000 – 2011



# Prosecution of PCT-derived applications in Vietnam

- starts on the first day of the 32th month from the earliest priority date.
- the application is to be examined as to form; if the formalities are met, a Notice of the Acceptance as to complying with the formal conditions is issued to confirm the filing date and application number.
- formally accepted applications are published for opposition in the second month from the date of acceptance;



# Prosecution of PCT-derived applications in Vietnam (cont.)

- Request for examination as to substance must be submitted within 42 month period; since 2007, the period is extendible for six months if there is a reasonable excuse;
- The examination as to substance must be completed within 18 months counted from the date of the request for examination or the publication date, whichever is later;
- The first communication from NOIP usually copy ISR and/or IPER.

# Future plans

- Proposal to NOIP: to introduce an accelerated examination option in VN national phase for PCT-derived applications having positive IPRP
- Proposal to WIPO/ISA/IPEA: to provide further incentives to ensure that the system is accessible for natural person and small businesses from developing countries.

**Thank you for your attention**

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