



Experience on accession to
THE MADRID SYSTEM
and the current situation in Vietnam

Tokyo, August 2009



Outlines OF currentATION

1. Accession experience

- Member status
- Considerations for accession
- Accession Procedures
- Implementation

2. Current situation

- NOIP as Receiving Office
- NOIP as Designated Office



1. Accession experience

- ❑ **Member status**
 - ❑ **Madrid Agreement**
 - ❑ **Madrid Protocol**



1. Accession experience: Member status

- ❑ **Madrid Agreement**
 - ❑ **Accession 1949 by RV (the South)**
 - ❑ **Take over 1976 by SRV (the Unified)**
- ❑ **Madrid Protocol**
 - ❑ **Accession 11 April 2006**
 - ❑ **Effective from 11 July 2006**



1. Accession experience

□ Considerations

- For applicants
- For TM Agents
- For NOIP



1. Accession experience: Considerations

□ For the applicants

- **Vietnamese: Facilitate obtaining the protection abroad**
 - **Available regime: Limited to Agreement**
 - **Actual needs: Not much**
- **Foreigners: Facilitate obtaining the protection in VN**
 - **Available regime: Limited to Agreement**
 - **Actual needs: Remarkable applications from non-members of Agreement**



1. Accession experience: Considerations

□ For trademark agents

- **Disadvantage: Lost of easiest work**
 - Filings to VN from M. Syst. members
 - Filings abroad to M. syst members
- **Advantage: Gain more experience**
 - Concentrate to work of more substantive nature: Appeals
 - Get involved in more professional environment: International regime



1. Accession experience: Considerations

□ For NOIP

- **Advantages:**
 - Share work results of the syst: Formality examination; Database; Publication
 - **Reduce application backlog:**
 - Omit certain work: Pre-grant oppsition notice to and hear from the applicants (delay to Appeal procedures)
 - Prolong examination time limit: Comparable to pending time
 - Get involved in more professional environment: International regime
- **Disadvantage:**
 - Working language

1. Accession experience

Accession Procedures

- ❑ Choice of language
- ❑ Construction of fees
- ❑ Instrument submission

1. Accession experience: Accession procedures

- ❑ **Choice of language**
 - ❑ French and English
- ❑ **Construction of fees**
 - ❑ Principles
 - ❑ Cover expenses
 - ❑ Comparable to fees for national applications
 - ❑ Consultation with WIPO
- ❑ **Submission of Gov.Instrument**



1. Accession experience: Accession procedures

Implementation

- Promulgation of implementation laws and regulations
 - IP Law
 - Gov. Decree 103/2006/ND-CP
 - Ministerial Circular 01/2007/TT-BKHCN
- Administration of the syst in NOIP

2. Current situation



NOIP as Receiving Office

- Receiving applications
- Support
- Statistics



2. Current situation: NOIP as Receiving Office

Receiving Int. applications

- Application form
 - English/French + Vietnamese
- Formality check
 - Form
 - Basic application/registrations
 - Fees
- Transmit to Int. Bureau
 - Transmit of application
 - Notification of invalidation of basic application/registration



2. Current situation: NOIP as Receiving Office

Support

- Guidance
- Assistance
- Statistics (2) (3)

2. Current situation

□ NOIP as Designated Office

- Data processing
- Examination
- Communication with Int. Bureau
- Appeal
- Internal Procedures
- Administration
- Statistics

2. Current situation: NOIP as Designated Office

□ Data processing

- Data sources of the Mad. Syst.
 - ☒ Gazette
 - ☒ Romarin CD-ROM
 - Romarin DVD-ROM
 - Romarin online <http://www.wipo.int/romarin>
 - Madrid Express Database <http://www.wipo.int/ipdl>

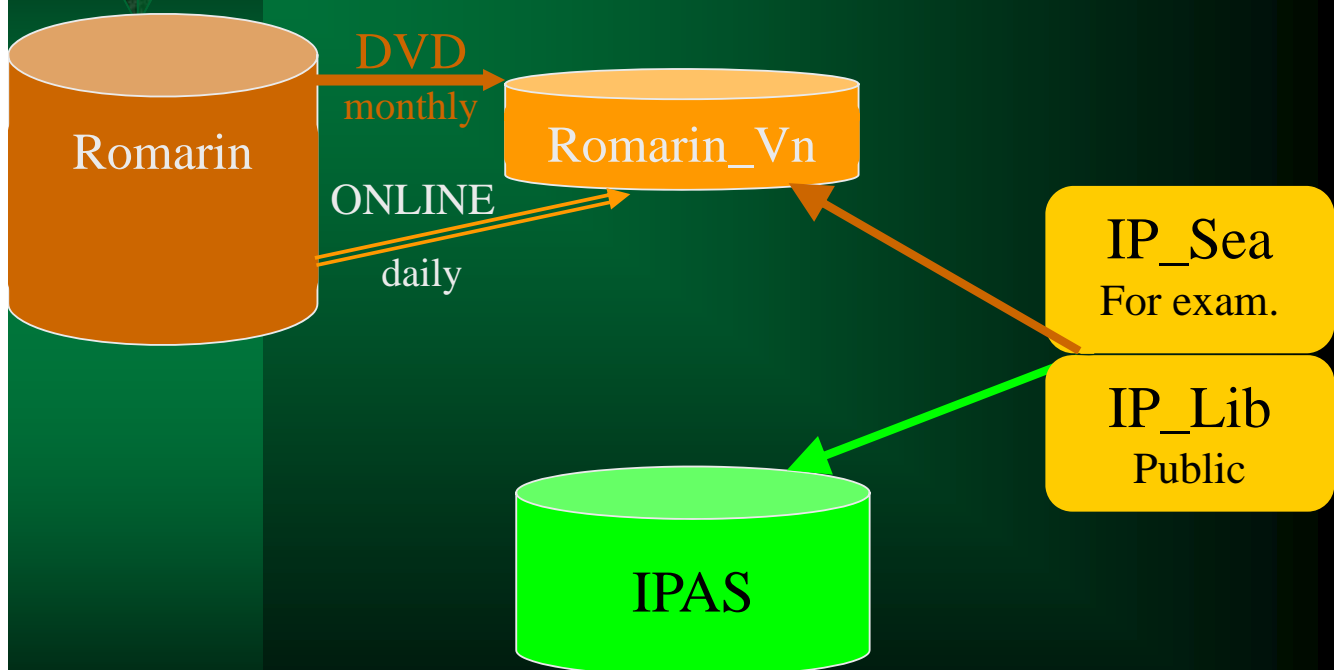
2. Current situation: NOIP as Designated Office

□ Data processing (cont.)

- VN's Databases
 - ☒ NOIP (Mix of National and Int. Filings)
 - IPAS (National Filings)
 - MADRID_Vn (VN designations Extracted from Romarin)
- VN's Search tools
 - ☒ NOIP (Database and Search)
 - ☒ EZ_search (NOIP + IPAS)
 - IP_Sea (NOIP + MADRID) – Exam.
 - IP_Lib (NOIP + MADRID) – public

2. Current situation: NOIP as Designated Office

□ Data processing (cont.)



2. Current situation: NOIP as Designated Office

Examination

- Formality check**
 - Taken for granted:**
Done by receiving office & the Int. Bureau
 - Vienna Classification:**
Additional classification for searching & examination

2. Current situation: NOIP as Designated Office

Examination

- Search:**
 - The same as for national applications
- Substance examination**
 - The same as for national applications
 - SHORTEN:**
 - No pre-grant publication and less oppositions
 - Refusal: Without prior notice to, and hearing from, the applicant
 - Language:**
 - Examination: French and English
 - Notice: French

2. Current situation: NOIP as Designated Office

❑ **Communication with the Int. Bureau**

- ❑ **Time limit: 12/18 months, comparable with average pending time of national applications;**
- ❑ **Language: French**
- ❑ **Statistics (4), (5)**
- ❑ **Appeal**
 - ❑ **Appeal Procedures:**
 - ❑ **Beyond the Mad. Syst.**
 - ❑ **The same as for national applications**
 - ❑ **Local Agent required**
 - ❑ **Statistics (6)**

2. Current situation: NOIP as Designated Office

❑ **Internal Procedures**

- ❑ **Official Publication (IP Gazette):**
 - ❑ **Registration N°; Holder;**
 - ❑ **Mark recurentation;**
 - ❑ **Class Index (without list of goods & services)**
- ❑ **National Registration: No Entry**
 - ❑ **Intern. Registration: the only official source**
 - ❑ **Language problem for the public**
- ❑ **Certification: At request**

2. Current situation: NOIP as Designated Office



- Administration

- IPAS

- IP Admin. Syst. for national applications

- MADRID

- Modified IPAS for Madrid applications

- Statistics



Thanks for your attention!