

TOPIC 20

**CURRENT PRACTICE AND STATISTICS
OF SUBMISSIONS AND REQUESTS
FOR CERTIFIED COPY
OF PRIORITY DOCUMENTS**

I. OVERVIEW

1. Rights to request grant copies of documents:

- ⦿ All relevant organizations and individuals have the right to request the IPVN to grant copies of documents issued or kept by the IPVN, including certification of true copies from the originals or archives. For documents related to unpublished applications, only the applicant has the right to request a copy. The person requesting the issue of copies must pay the prescribed fee.

2. Requests for copies of documents include:

- ⦿ A request for a copy of the document (02 copies);
- ⦿ The original document issued by the IPVN (if the document is not stored at the IPVN);
- ⦿ Fee payment documents.

3. Processing time:

- ⦿ Within 03 working days from the date of receipt the request for grant of copies, the IPVN shall grant copies or issue a notice of refusal, clearly stating the reasons therefor.

4. Processing department: *Post Registration Examination Center*

II. Status of receiving requests for certified copies of priority documents:

1. For an International Industrial Design Registration under the Hague system:

- ◎ The applicant can claim priority on the basis of the first application in one of the member countries of the Paris Convention or the WTO.

If this statement is available, the applicant should note that **some designated countries** (Japan, Mexico, South Korea, the Russian Federation, the United States of America) **will require** the applicant to ***submit a certified copy of the priority document in person to the national authority of that country***. Therefore, the priority document cannot be filed through WIPO **except in the case of Korea** (if filed with Appendix V in the international application).

- ◎ Thus, in fact, there will be no requirement to issue a certified copy of the priority document for an industrial design application originating in Vietnam, except for the case mentioned above.

II. Status of receiving requests for certified copies of priority documents:

2. For International Registration of Trademarks under the Madrid system

- ⦿ The applicant may claim the right of priority on the basis of the first application for a basic registration that has been submitted to the IPVN or has been granted a trademark registration certificate by the IPVN *within 6 months from the filing date of first application*.
- ⦿ In fact, the International Trademark Registrations originating in Vietnam filed under the Madrid system **can only claim priority on the basis of the first application for a basic registration** filed in Vietnam if meet the deadlines mentioned above.
- ⦿ For the International Trademark Registrations **on the basis of a Trademark Registration Certificate** issued by the IPVN, **enjoying the above priority will not be met** due to the **time limit for processing a trademark application for granting** according to the provisions of the Law on Intellectual Property of Vietnam **longer than the time limit for processing claim of the right of priority**.

One more example related to the content of the MM2 application form (for international registration of trademarks under the madrid system), in section 6 and section 13 of this form:

This section is for declaring the details of the priority claim on the basis of the first application.

6. PRIORITY CLAIMED

The applicant claims the priority of the earlier filing mentioned below:

Office of earlier filing:

Number of earlier filing (if available):

Date of earlier filing (dd/mm/yyyy):

If the earlier filing does not relate to all the goods and services listed in item 10, _____

⁸ You **must** indicate the name, address and e-mail address of the representative; otherwise, WIPO cannot record the appointment.

⁹ When a representative is appointed, WIPO will send all communications concerning this international application and the resulting international registration **only** to the e-mail address of the representative except for a few communications where the Regulations require that WIPO send a copy to the holder (see the Note for Filing Form MM2). The applicant and the representative must ensure that the e-mail address indicated here is accurate and kept up to date.

¹⁰ Indicating a phone number is not required, but it will allow WIPO to reach your representative if needed.

MM2 (E) – July 2022

Illustrated image extracted from the MM2 form



13. CERTIFICATION AND SIGNATURE OF THE INTERNATIONAL APPLICATION BY THE OFFICE OF ORIGIN

(a) **Certification.** The Office of origin certifies:

(i) That the request to present this application was received on (dd/mm/yyyy):

(ii) that the applicant named in item 2 is the same as the applicant named in the basic application or the holder named in the basic registration mentioned in item 5, as the case may be,

that any indication given in item 7(d), 9(d) or 9(e)(i) appears also in the basic application or the basic registration, as the case may be,

that the mark in item 7(a) is the same as in the basic application or the basic registration, as the case may be,

that, if color is claimed as a distinctive feature of the mark in the basic application or the basic registration, the same claim is included in item 8 or that, if color is claimed in item 8 without having been claimed in the basic application or basic registration, the mark in the basic application or basic registration is in fact in the color or combination of colors claimed, and

that the goods and services listed in item 10 are covered by the list of goods and services appearing in the basic application or basic registration, as the case may be.

Where the international application is based on two or more basic applications or basic registrations, the above declaration shall be deemed to apply to all those basic applications or basic registrations.

(b) **Name of the Office:**

(c) **Name and signature of the official signing on behalf of the Office:**

By signing this form, I declare that I am entitled to sign it under the applicable law.

(d) **E-mail address of the contact person in the Office:**

- ◉ To confirm the information in Section 6 will be **Section 13-CERTIFICATION AND SIGNATURE OF THE INTERNATIONAL APPLICATION BY THE OFFICE OF ORIGIN**
- ◉ Therefore, in practice, a Vietnamese applicant can claim priority on the basis of a first trademark application filed in Vietnam if the prescribed time limit is met and **there is no need to submit a request for a certified copy of the priority document for international registration of trademarks under the Madrid system.**

3. For International Patent Registrations under the PCT system

- ◉ The applicant has the right to claim priority on the basis of the first application within 12 months from the date of filing the first application.
- ◉ The applicant may request the IPVN to issue a copy of the patent application filed in Vietnam as a priority document to be submitted together with the application file for an International Patent Registration under the PCT system.
- ◉ **In fact**, with requests for certified copies of priority documents at present, IPVN does not charge fees for granting, and the processing time as prescribed is quite short (03 working days from the filing date). That so, when the number of PCT applications submitted is high within the short time will put pressure on the processing time of the request for a copy of the priority application to the examination center.

IMAGES OF CERTIFIED COPY OF PRIORITY APPLICATION

**BỘ KHOA HỌC VÀ CÔNG NGHỆ
CỤC SỞ HỮU TRÍ TUỆ**

**CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập - Tự do - Hạnh phúc**

Số: **428/2019** /SHTT-SCVB
V/v Xác nhận bản sao Đơn đầu tiên

Hà Nội, ngày **15** tháng **10** năm 2020

Kính gửi: Công ty TNHH Sở hữu trí tuệ PADEMARK
Số 355, tổ 17A, phường Định Công, quận Hoàng Mai,
thành phố Hà Nội

Cục Sở hữu trí tuệ xác nhận: Tài liệu kèm theo đây gồm 32 trang là bản sao
Hộ sơ yếu yêu cầu cấp Bằng độc quyền sáng chế:
Số đơn: 1-2020-01374 Ngày nộp đơn: 10/3/2020
Ngày sửa đổi, bổ sung: 27/7/2020
Tên sáng chế: Tuabin gió không trụ và hệ thống tuabin gió không trụ
Người nộp đơn: NGUYỄN VĂN KINH (VN)
Địa chỉ: 63/8 đường số 6, khu phố 5, phường Linh Tây, quận Thủ Đức, thành
phố Hồ Chí Minh

Lưu ý:
Các thông tin trên Hồ sơ đăng ký sáng chế này được cập nhật từ cơ sở dữ liệu
của Cục Sở hữu trí tuệ đến thời điểm xác nhận. /

Nơi nhận:
- Như trên;
- Lưu: VT, SCVB.

**TL. CỤC TRƯỞNG
CHÁNH VĂN PHÒNG**

**CỤC
SỞ HỮU
TRÍ TUỆ**

Nguyễn Văn Hiệp

Thy lục A - Mẫu số 01-SC

**TỜ KHAI
ĐĂNG KÝ SÁNG CHẾ**

Kính gửi: Cục Sở hữu trí tuệ
386 Nguyễn Trãi, Hà Nội

Chú đơn dưới đây yêu cầu Cục Sở hữu trí tuệ xem xét
đơn và cấp: Bằng độc quyền sáng chế
 Bằng độc quyền giải pháp hữu ích

BÁO NHẬN ĐƠN
CỤC SỞ HỮU TRÍ TUỆ
VIỆN THÔNG TIN ĐIỆN TỬ TẠI LỊCH

NGÀY DATE: **10-03-2020**

SỐ ĐƠN: **1-2020-01374**

Loại N

NGƯỜI GỐC ĐƠN

Đơn này được nộp theo số đơn PCT số: _____ Ngày nộp đơn (theo N): _____
Cộng bố quốc tế số: _____ ngày: _____ Ngày chọn Việt Nam (nếu có): _____
Có sửa đổi, bổ sung tại thời điểm vào phòng quốc gia (thuyết minh số) đang sửa đổi khai tại trang số (số): _____ Ngày nộp đơn: _____
Đơn tách: Đơn này được tách ra từ đơn số: _____ Ngày nộp đơn: _____
Đơn chuyển đổi: Đơn này được chuyển đổi từ đơn số: _____ Ngày nộp đơn: _____

TÊN SÁNG CHẾ
TUA BIN GIÓ KHÔNG TRỤ VÀ HỆ THỐNG SẢN XUẤT
BỀN GIÓ SỬ DỤNG TUA BIN NÀY

PHÂN LOẠI SÁNG CHẾ QUỐC TẾ (IPC)**
(cột từ đầu chi số hạng mã tài)

CHỦ ĐƠN
(Tổ chức, cá nhân yêu cầu cấp bằng độc quyền sáng chế/giải pháp hữu ích)

Tên đầy đủ: Nguyễn Văn Kinh
Địa chỉ: 63/8 đường số 6, khu phố 5, phường Linh Tây, quận Thủ Đức, TP Hồ Chí Minh
Điện thoại: 0778727444 Fax: _____ Email: nguyenvankinh.dh@gmail.com

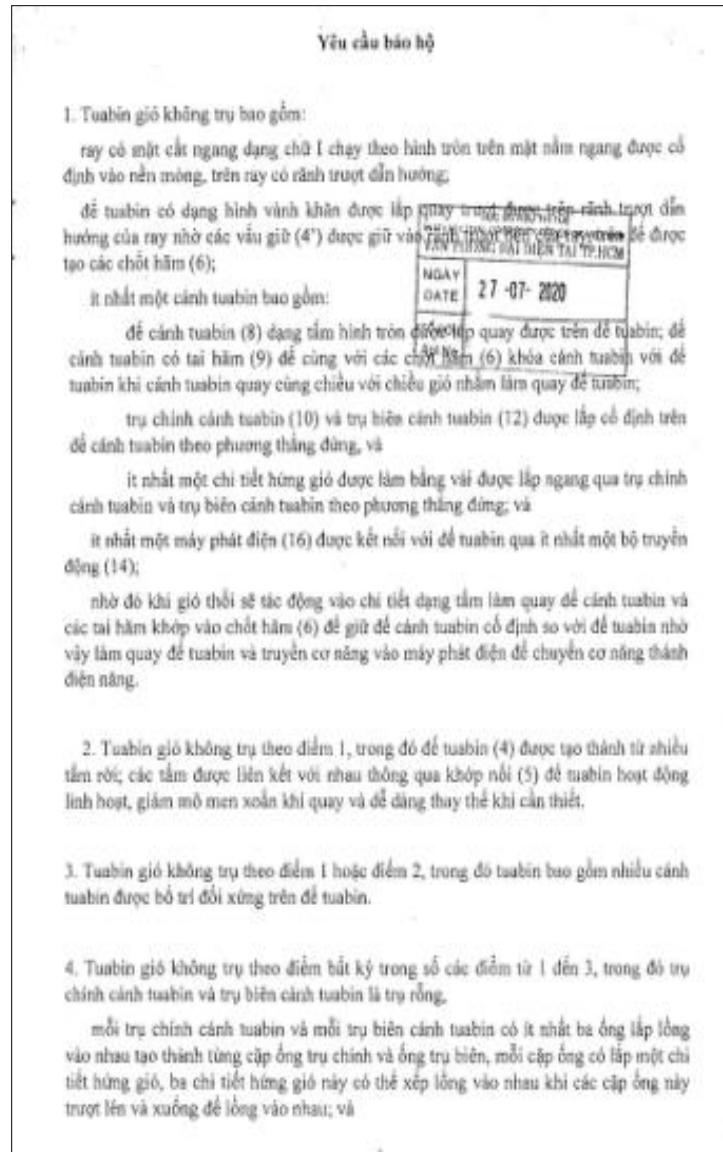
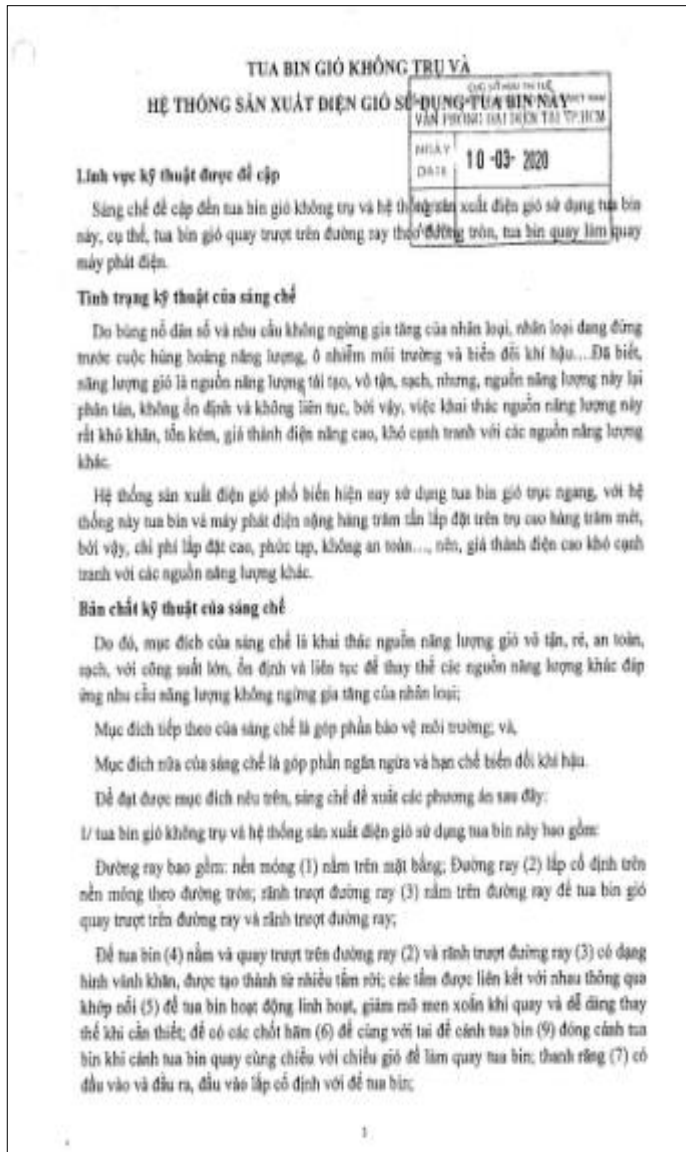
Chủ đơn đăng thời là tác giả sáng chế
Người chủ đơn khai tại mục này còn có những chế đơn khác khai tại trang bổ sung

Chú thích:
* Trong Tờ khai này, chỉ điền mã đầu của chế đơn (định mức "A") vào ô trống. Mã của bằng tin ghi vào các ô trống là ghi hạn.
** Nếu người nộp đơn không tự phân loại hoặc phân loại không chính xác thì Cục Sở hữu trí tuệ sẽ thực hiện việc này và người nộp đơn phải nộp phí phân loại theo quy định.

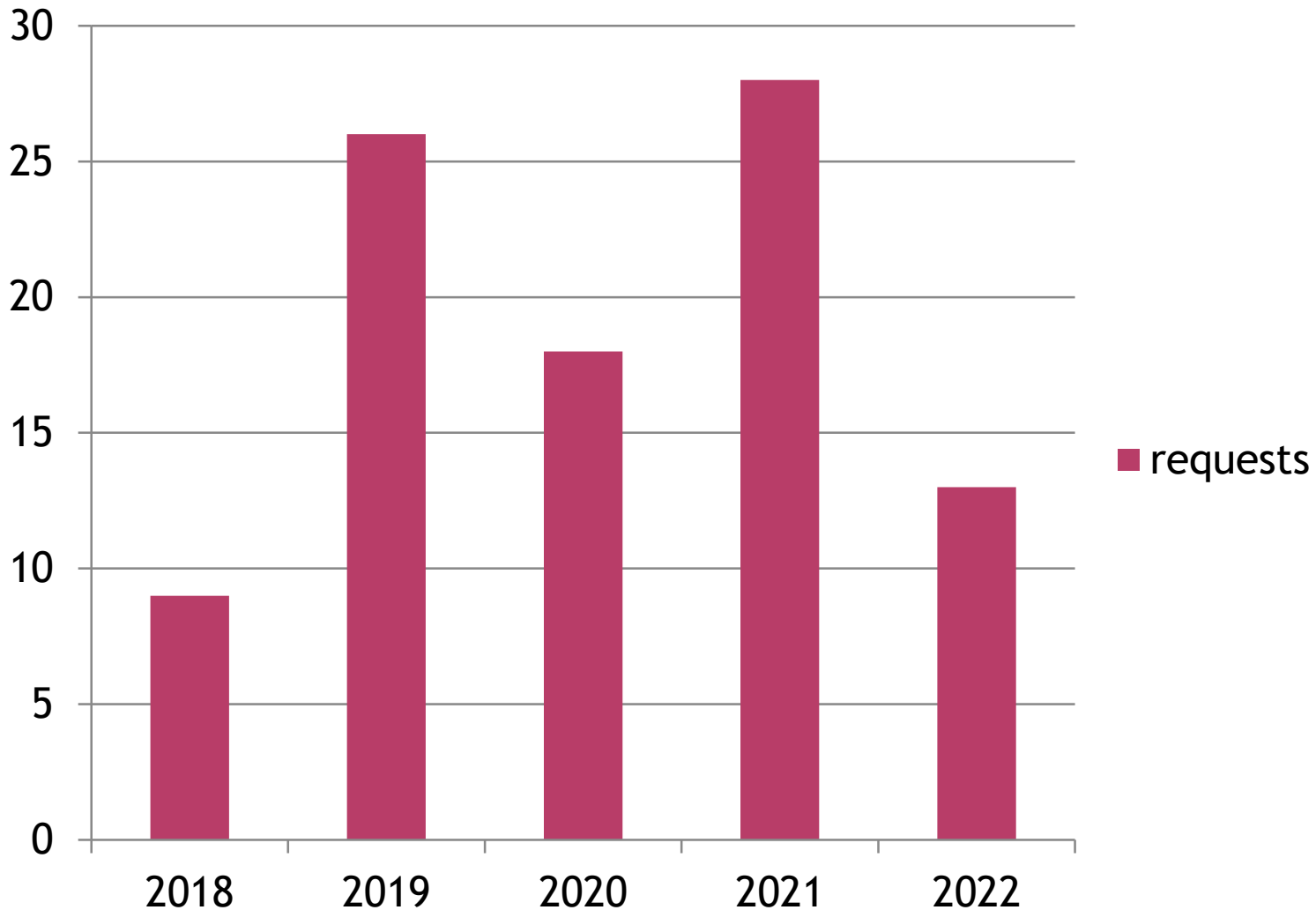
CỤC ĐƠN ĐĂNG KÝ SÁNG CHẾ

Scant

IMAGES OF CERTIFIED COPY OF PRIORITY APPLICATION



4. Statistics on the number of requests for certified copies of priority documents (for PCT application) received by IPVN in the recent 5 years:



- ◉ Compared with the data of PCT applications submitted at the same time on the previous Topic (regarding PCT application), it can be seen that **the number of requests for certified copies of priority applications corresponds to the number of PCT applications submitted and also the number of patent applications claiming priority** presented in each PCT application (may be more than 01 application if the prescribed time limit is met).
- ◉ In general, the request for certified copies of priority documents from 2018 to 2021 tends to increase and decrease in the period from January 1st to October 31st, 2022 with the reasons as analyzed in the Topic about Challenges in processing PCT applications.

III. CONCLUSION:

- ⦿ According to the current situation in Vietnam, the request for a certified copy of the priority document may arise for International Patent Registrations submitted under the PCT, not for International Trademark Registrations under the Madrid system and International Industrial Designs Registration under the Hague system.
- ⦿ In case of applying PCT application, the amount of requests for certified copies of priority documents will depend on the number of PCT applications filed and the number of patent applications claiming priority in each PCT application.
- ⦿ Besides, requests for copies of priority documents under the Paris Convention are made regularly by IP Viet Nam to confirm the validity of international registration in Vietnam.
- ⦿ IPVN currently only provides paper copies of priority documents and has not yet implemented the issuance of electronic copies of these documents.