



IP VIETNAM

CHALLENGES IN PROCESSING MADRID, HAGUE, AND PCT APPLICATIONS

Le Thi Thanh Nga – Geographical Indication and International
Trademark Examination Center, IP Vietnam

MADRID APPLICATIONS



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EXAMINER

TOTAL: 16

Original application: 2

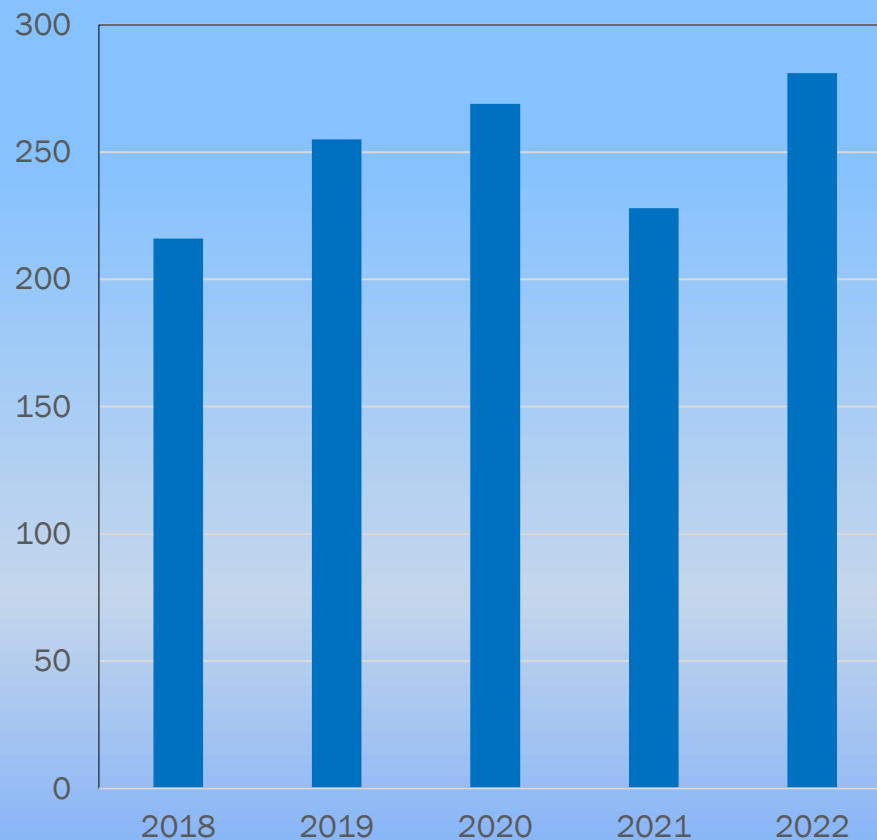
Designation Application: 14

PROCESSING MADRID APPLICATION ORIGINATING FROM VIETNAM



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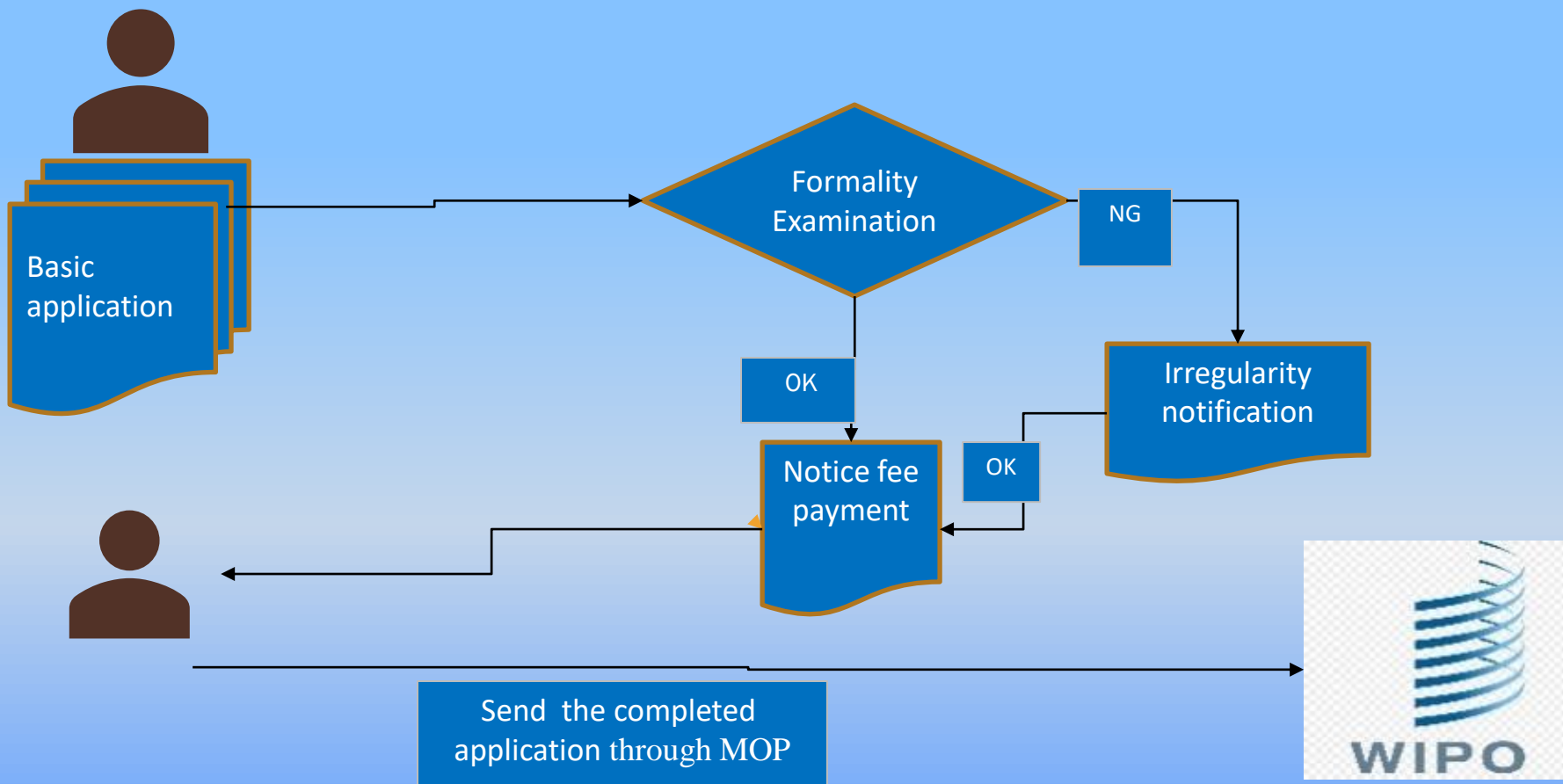
Statistic



PROCESSING MADRID APPLICATION ORIGINATING FROM VIETNAM



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CHALLENGES

- No system yet

No system to process applications originating from Vietnam.

Therefore examiner manage applications using Excel and creating notifications on Microsoft Word.

- Sending the notification to applicants through post office.
- Sending application to IB through MOP.

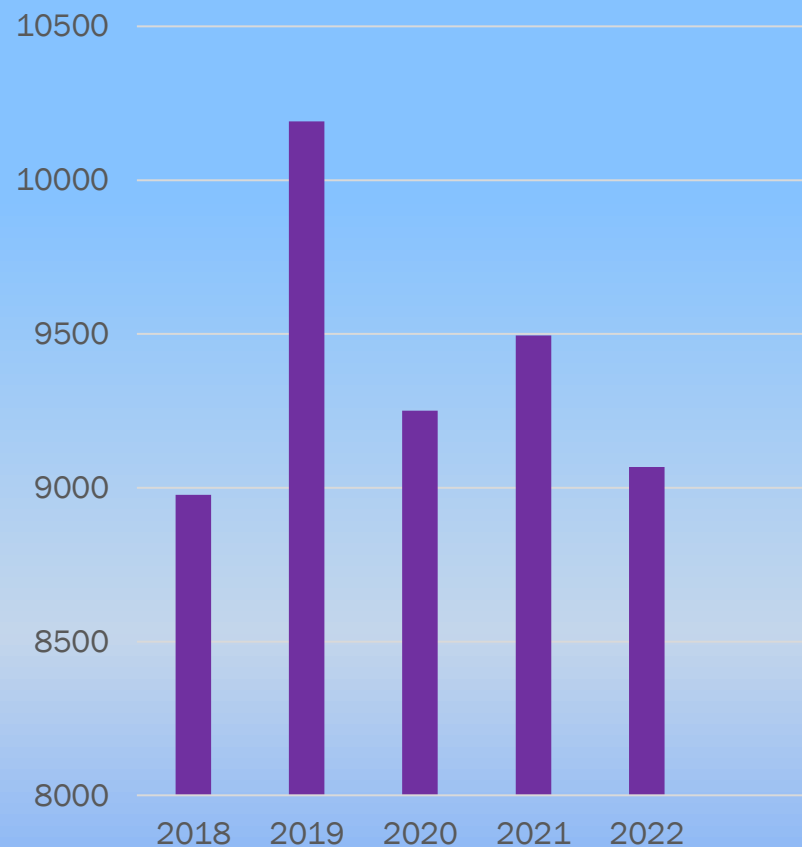
PROCESSING MADRID APPLICATIONS DESIGNATING VIETNAM



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Statistics

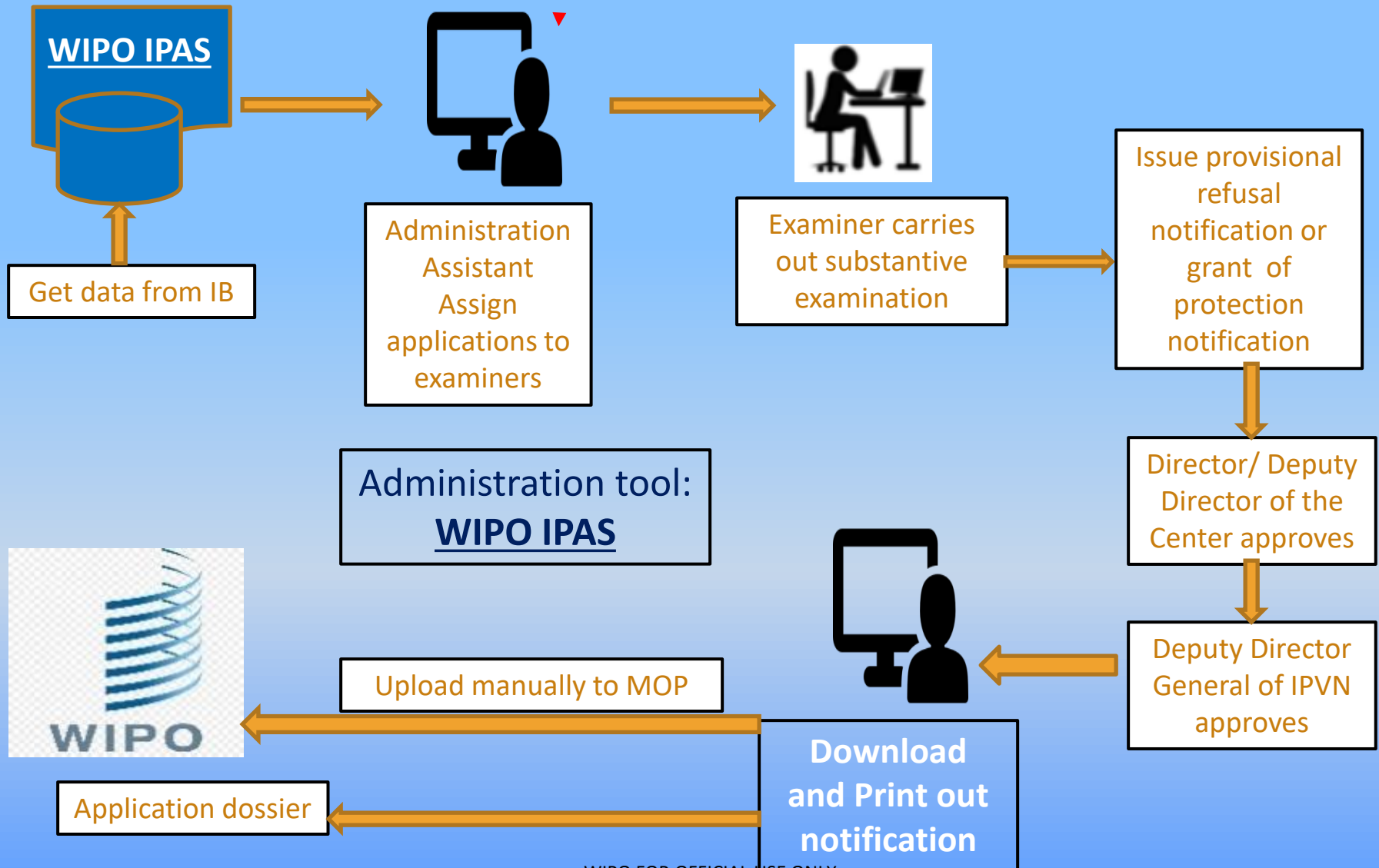
| Year | Receiving | Granted |
|-------------|-------------|-------------|
| 2018 | 8977 | 5535 |
| 2019 | 10191 | 6791 |
| 2020 | 9251 | 7688 |
| 2021 | 9495 | 6707 |
| 2022 | 9068 | 6417 |



PROCESSING MADRID APPLICATIONS DESIGNATING VIETNAM



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CHALLENGES



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Using WIPO IPAS but sending of notifications not integrated yet.

Support staff download provisional refusal notifications, make the list of mark which is granted in VN and then send to IB via MOP


LIST OF MARKS OF INTERNATIONAL REGISTRATION
 Published in WIPO Gazette of International Marks N° 2022/44
TO WHICH PROTECTION IN VIETNAM IS GRANTED

| N° | IRN | MARK | HOLDER | DISCLAIMER | NUMBER OF DECISION | DATE OF DECISION |
|-----|---------|------------------------------------|---|-------------------------------|--------------------|-------------------|
| 1 | 1564084 | goeco | Sears (Shenzhen) Technology Co., Ltd | | 98182 | November 15, 2023 |
| 2 | 1620978 | | NOVARTIS AG | | 98183 | November 15, 2023 |
| 3 | 1632635 | MIIGO | ZHEJIANG KANGSUO FITNESS EQUIPMENT CO., LTD | | 98181 | November 15, 2023 |
| 4 | 1639360 | XGS SUSPENSION BY TJM | Aeroklas Asia Pacific Group Pty Ltd | "SUSPENSION BY" | 98184 | November 15, 2023 |
| 5 | 1648643 | GBRacing | Lewis Banks Ltd | "GB", "Racing" | 98185 | November 15, 2023 |
| 6 | 1679031 | DRYSHIELD | SHIMANO INC. | | 98186 | November 15, 2023 |
| 7 | 1695631 | New Japan Chemical | New Japan Chemical Co., Ltd. | "New Japan Chemical" | 98187 | November 15, 2023 |
| 8 | 1695642 | MAXIMA ONLY FOR REAL PROFESSIONALS | MAXIMA SPA | "ONLY FOR REAL PROFESSIONALS" | 98188 | November 15, 2023 |
| 9 | 1695666 | Royale Maxsteel | Shenzhen Bosaidong Technology Co., Ltd. | | 98189 | November 15, 2023 |
| 10 | 1695685 | HYSPEC | Castrol Limited | | 98190 | November 15, 2023 |
| 11 | 1695716 | PLUM PLUMP | ARAMARA BEAUTY, LLC | | 98191 | November 15, 2023 |
| 12 | 1695718 | MOTHER SCIENCE | Small Molecules Inc. | "SCIENCE" | 98192 | November 15, 2023 |
| 13 | 1695738 | | TOMIZAWA SHOTEN INC. | | 98193 | November 15, 2023 |
| 14 | 1695771 | HaaveBricks | ESSENLUÉ CO., LTD. | | 98194 | November 15, 2023 |
| 15 | 1695781 | LONGONI | NORDITALIA RICAMBI S.R.L. | | 98195 | November 15, 2023 |
| ... | | | Tineco Intelligent | | | |



CHALLENGES

- About 6000 responses documents from applicants have been not digitized.

Chi tiết

File: MD/5/0/1546569 - KISS NEW YORK - Kiss Nail Products, Inc. - (M) Nhận trả lời của Người nộp đơn

| Type | Ngày | Action By | Description | Ghi chú | Action 1 | Action 2 |
|-----------|---------------------|-----------------|--|---|----------|----------|
| User Doc. | 02/07/2020 12:00:00 | | Userdoc:Madrid Birth (Doc 4/1546569) File:1546569 - KISS NEW YORK - Kiss Nail Products, Inc. | Pending (MB) Received (02/07/2020). | | PDF |
| Action | 02/07/2020 12:00:00 | IP/W1 | (M-Special) Birth | | Details | |
| Note | 02/07/2020 12:00:00 | IP/W1 | Notification | Công văn từ chối lần 1; Từ chối toàn phần | Details | |
| e-doc | 02/07/2020 12:00:01 | | Madrid Chỉ định VN | No content yet | | PDF |
| Note | 15/07/2021 09:52:09 | LTN160/L8 Thi T | Exam Report | Registered /Migrated (15/07/2021). Phiếu thẩm định lần 1; Bảo hộ | Details | PDF |
| Note | 04/08/2021 12:00:00 | IP/W1 | Thông báo đơn Madrid Cục đi Scan gửi IB | Registered /Migrated (04/08/2021). MFS.Từ chối tạm thời | Details | PDF |
| User Doc. | 26/10/2021 12:00:00 | | Userdoc:5143 Trả lời thông báo kết quả thẩm định nội dung (Doc 1/13386) (TLB55 2021/1341) | Pending (UDoc) Chờ quét tài liệu bổ sung đơn XLQ (26/10/2021). | | |
| User Doc. | 04/02/2022 12:00:00 | | Userdoc:Madrid NewName (Doc 1/1552023601) | Pending Pending (04/02/2022). | | |

Chi tiết

Userdoc:5143 Trả lời thông báo kết quả thẩm định nội dung (Doc 1/13386) (TLB55 2021/1341) - (UDoc) Chờ quét tài liệu bổ sung đơn XLQ

| Type | Ngày | Action By | Description | Ghi chú | Action 1 | Action 2 |
|-------|---------------------|-----------|---|----------------|----------|----------|
| e-doc | 26/10/2021 12:00:01 | | 5143 Trả lời thông báo kết quả thẩm định nội dung | No content yet | | PDF |



CHALLENGES

- Data input is sometimes missing/inaccurate and needed updating manually (example: missing priority information, status of priority information is not correct).
- Search system have only basic search functions.
- Lack of IT staff to focus on Madrid issues: IPVN have only one IT staff is responsible for Madrid issues.

CHALLENGES WITH HAGUE APPLICATION PROCESSING



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-Vietnam is not participating in the WIPO Digital Access Service (DAS). Therefore, Hague applicants must submit certified paper copies of priority documents directly to IP Vietnam.

- 63% Hague applications designating Vietnam has priority claim. So, in order to engage with IP Vietnam, the majority of applications typically need to go through domestic IP Attorneys, thereby diminishing the benefits of the Hague system.

CHALLENGES WITH HAGUE APPLICATION PROCESSING



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- A description of the design is necessary to secure the filing date of a design application in Vietnam. Consequently, upon joining the Hague, Vietnam made the declaration that all Hague applications designating Vietnam must include a description.

Nevertheless, within the Hague system, an additional fee of CHF 2 is imposed for each word beyond the first 100 words for descriptions exceeding 100 words.

CHALLENGES WITH HAGUE APPLICATION PROCESSING



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As a result, all Hague applications lack a comprehensive description. Consequently, these applications have received provisional refusal notifications.

CHALLENGES IN PROCESSING PCT APPLICATIONS



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- Vietnamese translation of the PCT application is sometime not good quality so it hard to exam.
- Examiner meet difficulties in searching legal status of patent family.
- Some databases have limited access user so patent examiners meet difficulties in accessing the information.
- WIPO Publish does not have a mobile version.



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THANK YOU