

MINISTRY OF SCIENCE,  
TECHNOLOGY AND  
ENVIRONMENT

SOCIALIST REPUBLIC OF VIETNAM  
Independent - Freedom - Happiness

No. 3055-TT-SHCN

Hanoi, 31 December 1996

**CIRCULAR  
ON IMPLEMENTATION OF  
PROCEDURES FOR ESTABLISHMENT OF  
INDUSTRIAL PROPERTY RIGHTS AND  
OTHER PROCEDURES STIPULATED IN  
DECREE 63-CP DATED 24 OCTOBER 1996  
OF THE GOVERNMENT MAKING  
DETAILED PROVISIONS ON  
INDUSTRIAL PROPERTY**

Pursuant to Decree 63-CP dated 24 October 1996 of the Government making detailed provisions on industrial property;

The Ministry of Science, Technology and Environment promulgates this Circular to make detailed provisions on and guide the implementation of the procedures for establishment, filing and examination of applications for certificates of protection, procedures for approval and registration of contracts for transfer of industrial property rights, procedures for consideration of applications for compulsory licensing, procedures for amendment and extension of validity of certificates of protection, procedures for

## CHAPTER 1

**General Provisions****1. Terms:**

- 1.1 The terms in this Circular shall have the meanings ascribed to them hereunder:

*Decree* refers to Decree 63-CP dated 24 October 1996 of the Government making detailed provisions on industrial property;

*Application* refers to an application for issuance of a certificate of protection;

*Application for invention, application for utility solution, application for industrial design, application for trademark, application for appellation of origin of goods* respectively refer to an application for issuance of a certificate of exclusive right to an invention, an application for issuance of a certificate of exclusive right to an utility solution, an application for issuance of a certificate of exclusive right to an industrial design, an application for issuance of a certificate of trademark registration and an application for issuance of a certificate of right to use an appellation of origin of goods;

*International application* refers to an international application in respect of an invention or utility solution filed in accordance with the PCT Treaty;

*Application for international registration* refers to an application for international registration of a trademark filed in accordance with the Madrid Agreement on international registration of trademarks;

*Mark* refers to trademark in accordance with article 2 of the Decree;

*Underwriter of a document* is the individual, legal person or organization preparing, issuing or certifying the validity of the document.

- 1.2 Other terms shall have the same meanings as in the Decree.

## 2. Certification of documents:

### 2.1 Verification of signatures:

During the implementation of the procedures for establishment, maintenance, extension, exercise, transfer, and so forth, of industrial property rights as stipulated in this Circular, the signature of the underwriter of a document in correspondence with competent authorities must be verified to be the true signature of the underwriter of the document; in the case where the signatory is the representative of the underwriter of the document, the former must be certified to be the authorized representative of the underwriter of the document in accordance with the following provisions:

- (i) Where the underwriter has a legal seal, the verification of signatures shall be done by sealing over the signatures;
- (ii) Where the underwriter is Vietnamese and does not have a legal seal, the verification of signatures must be carried out by a State public notary or by the local authority where the underwriter of the document or his or her or its office is based;

- (iii) Where the underwriter does not have a legal seal, the verification of signatures shall be done by sealing over the signatures;

### 2.3 Certification of translations:

- (a) All Vietnamese translations of documents must be certified to be correctly translated from the original as stipulated in paragraph (b) below prior to use as official documents during the implementation of the procedures relating to industrial property at competent authorities.
- (b) Certification of translations may be carried out by one of the following methods: (i) notarization, (ii) certification by the underwriter of the original, (iii) certification by all parties to the contract or agreement (if the original is a contract or agreement); (iv) recognition by the body authorized to use the translation during the process of implementing the related procedures.

### 3. **Persons implementing procedures relating to industrial property in the name of the underwriter:**

- 3.1 Only the persons stipulated in clauses 3.2 and 3.3 below shall be permitted to file an application, to supplement or amend application documents; to receive and reply to the opinions relating to the application from the Department of Industrial Property; to decide on the continuation or suspension of the protection process; to receive the certificate of protection; to carry out the maintenance, amendment and extension of validity of the certificate of protection as well as other procedures relating to industrial property at the Department of Industrial Property and competent authorities in the name of the underwriter.

The Department of Industrial Property may only transact with the above persons and such transactions shall be considered to be official transactions with underwriters.

- 3.2 Where underwriters are entitled to file applications and carry out the related procedures directly as stipulated in clauses 2 and 3(a) of article 15 of the Decree, the following persons shall be permitted to carry out the tasks referred to in clause 3.1 above in the name of the underwriter:
- (i) the individual or the legal representative of the individual (if the underwriter is an individual);
  - (ii) the legal representative of the underwriter; an individual who is a member of the underwriter and entrusted with representation by the legal representative of the underwriter; the head of the representative office or branch office of the underwriter entrusted



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the four edges, except for additional documents included in the application for purposes of supplementation or illustration which were not originally intended to be included and therefore may be presented in other forms;

- (iv) for documents required to be made in accordance with forms, the appropriate spaces of the specified forms shall be completed;

- 6.1 Applications must include the following documents:
- (i) three copies of the declaration for issuance of a certificate of exclusive right to an invention or utility solution, prepared in accordance with the form issued by the Department of Industrial Property;
  - (ii) three copies of the description of the invention or utility solution (hereinafter referred to as *the description*);
  - (iii) three copies of the request for protection;
  - (iv) three copies of the drawings, diagrams, calculations, and so forth, (if necessary) to clarify the nature of the technical solution stated in the description;
  - (v) three copies of the summary of the invention or utility solution;
  - (vi) document certifying the lawful right to file an application if the applicant has received the right to file the application from another person (certificate of right of inheritance, certificate or agreement of transfer of right to file an application; contract for work assignment or labour agreement, and so forth), in single copy;
  - (vii) power of attorney (if necessary), in single copy;
  - (viii) a copy of the first application or document certifying the exhibition display if the application requests enjoyment of priority right in accordance with an international treaty, in single copy;
  - (ix) document proving payment of application filing fee and application declaration fee, in single copy.
- 6.2 The documents stated in clause 6.1 above shall be submitted at the same time. The following particular documents may be submitted within three months of the filing of an application:
- (i) the Vietnamese version of the documents stated in clauses 6.1(ii), (iii) and (v) where the English, French or Russian version of such documents has been included in the application;
  - (ii) the original of the document stated in clause 6.1(vii), if a copy has been included in the application;



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and

- 6.6 The requirements with respect to form and contents of the description, drawings, request for protection, summary of invention or utility solution and other application documents in respect of inventions or utility solutions shall be stipulated by the Department of Industrial Property.

**7. Requirements for applications in respect of industrial designs:**

In addition to the general requirements stipulated in clause 5 of this Circular, applications in respect of industrial designs must satisfy the requirements in this clause.

7.1 Applications must include the following documents:

- (i) three copies of the declaration for issuance of a certificate of exclusive right to an industrial design, prepared in accordance with the form issued by the Department of Industrial Property;
- (ii) three copies of the description of the industrial design;
- (iii) six sets of photos or drawings of the industrial design;
- (iv) document certifying the lawful right to file an application if the applicant has received the right to file the application from another person (certificate of right of inheritance, certificate or agreement of transfer of right to file an application; contract for work assignment or labour agreement), in single copy;
- (v) document certifying ownership rights with respect to trademark if the industrial design bears a trademark, in single copy;
- (vi) power of attorney (if necessary);
- (vii) a copy of the first application or document certifying the exhibition display if the application requests enjoyment of priority right in accordance with an international treaty, in single copy;
- (viii) document evidencing payment of application filing fee and application declaration fee, in single copy.



All photos and drawings shall be prepared to the same scale. The dimensions of each photo shall not be less than ninety (90) millimetres by (x) one hundred and twenty (120) millimetres and shall not exceed two hundred and ten (210) millimetres by (x) two hundred and ninety seven (297) millimetres.

- (viii) documents certifying origins, prizes, or medals, if the trademark bears such information, in single copy;
  - (ix) licence from the competent authorities, if the trademark bears the symbols, names, and so forth, stipulated in clause 2(g) of article 6 of the Decree, in single copy;
  - (x) document proving payment of application filing fee, in single copy.
- 8.2 The above documents shall be submitted at the same time. The following particular documents may be submitted within three months from the date of filing applications:
- (i) the original of the document in clause 8.1(vi), if a copy has been included in the application;
  - (ii) the document in clause 8.1(vii), including the Vietnamese translation.

- 8.3 The description of the trademark in the declaration must express clearly the distinction of the trademark and state clearly each component of the trademark as well as the overall meaning of the trademark. If the trademark bears words in languages other than Vietnamese, their pronunciations must be indicated (with transcription in Vietnamese) and, if such words have meanings, they must be translated into Vietnamese.

If the letters and words for which protection is requested are presented in graphic form as a means for identification of the trademark, the graphic form of those letters and words must be described.

If the trademark contains numbers which are not arabic or roman numbers, they must be translated into arabic numbers.

If the trademark consists of many separate parts which are used on the same product, the location of each part of the trademark on the product or the packaging of the product must be indicated.

- 8.4 The list of products and services bearing the trademark in the declaration must conform with or be of the same kind as the products and services permitted to be traded in accordance with the business licence or certificate of business registration and must be classified in accordance with the Table of International Classification of Products and Services (in accordance with the Nice Agreement).

- 8.5 The sample of the trademark affixed to the declaration as well as other samples of trademarks must be presented clearly with dimensions not exceeding eighty (80) millimetres by (x) eighty (80) millimetres and the distance between the two nearest points not less than fifteen (15) millimetres.

If protection is requested for colour, the sample of the trademark must be represented in the colour to be protected.

If protection is not requested for colour, all samples of the trademarks must be represented in black and white.

**9. Requirements for applications in respect of appellations of origin of goods:**

In addition to the general requirements stipulated in clause 5 of this Circular, applications in respect of appellations of origin of goods must satisfy the requirements in this clause.

- 9.1 Applications must incl



applicant a declaration which has been sealed with certification of the date of receipt of the application, the number of the application and the result of checking the list of documents with the full name and signature of the person receiving the application; (the above declaration shall replace the receipt for the application).

11.2 The Department of Industrial Property shall not accept applications if applications have one of the following shortcomings:

- (i) Applications lack one of the following compulsory documents: the declaration which must include a sample of the trademark and the list of products and services (for applications in respect of trademarks), the appellation of origin of goods and kind of goods (for applications in respect of appellations of origin of goods), the description of the invention or utility solution, the request for protection (for applications in respect of inventions or utility solutions), the description of the industrial design and set of photos and drawings of the industrial design (for applications in respect of industrial designs), the power of attorney (for applications requiring a power of attorney), documents proving payment of fees;
- (ii) The form of protection (kind of certificate of protection requested to be issued) does not conform with the object of industrial property stated in the application;
- (iii) The declaration does not have signatures and/or has been substantially erased or changed.

11.3 In cases where applications are not accepted, the Department of Industrial Property shall notify the applicant of the reason therefor. For applications filed by post, the Department of Industrial Property shall notify in writing within fifteen (15) days from the date of receipt of applications; the Department of Industrial Property shall not return application documents to the applicant but shall refund the fees paid with the unaccepted applications after deducting expenses from that refund.

## 12. Dealing with accepted application documents:

After acceptance, applications shall be dealt with as follows:

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The remaining documents shall form sets of documents used for examination in accordance with the provisions in this Circular.

**13. Examination of form:**

- 13.1 After being dealt with in accordance with clause 12 of this Circular, applications shall be examined with respect to form as stipulated in this clause.
- 13.2 An application shall be considered as improper if it has one of the following shortcomings:
- (i) The application is made in languages other than Vietnamese, except for the cases stipulated in clause 5.3 of this Circular.
  - (ii) There is insufficient information in the declaration about the author (in the case of inventions, utility solutions, industrial designs) or about the applicant, the applicant does not sign, or the signature is not certified, or the information about the representative is erased or changed.
  - (iii) There is evidence to confirm that the applicant does not have the right to file the application.
  - (iv) The application is filed inconsistently with the provisions in article 15 of the Decree.
  - (v) Within the period stipulated in clauses 6.2 and 7.2 of this Circular, the applicant fails to submit the Vietnamese version of the description, the summary, the request for protection of inventions or utility solutions or the description of industrial designs made in English, French or Russian.
  - (vi) Only copies of the power of attorney are submitted without the original within the periods stipulated in clauses 6.2, 7.2, 8.2 and 9.2 of this Circular.
  - (vii) The application has the shortcomings stated in clause 13.3 below which affect the appropriateness of the application and which, despite the request of the Department of Industrial Property, are not corrected or are not satisfactorily corrected.
  - (viii) The object stated in the application is not an object to be protected by the State as stipulated in articles 4.4, 5.3, 6.2 and 7.2 of the Decree.

13.3 Dealing with shortcomings of applications at the stage of examination of form:

If an application has the following shortcomings, the Department of Industrial Property shall notify the applicant and, within two months from the date of notification, the applicant must correct these shortcomings:

- (i) one of the documents is submitted in insufficient number of copies;
- (ii) the application lacks uniformity;
- (iii) the form of the application is not satisfactory;
- (iv) the application in respect of a trademark does not indicate the type of trademark to be registered or does not include the



form of application, which clearly indicates the name and address of the applicant; the name of the industrial property representation service organization (if the application is filed through such organization); the date on which the application reached the Department of Industrial Property, the name of the object stated in the application, the shortcomings to be corrected and the time period fixed for the applicant to correct such shortcomings.

- 13.8 The time period for examination of form shall be three months from the date on which applications reach the Department of Industrial Property as indicated by the receipt seal. In respect of applications with documents filed late as stipulated in clauses 6.2, 7.2, 8.2 and 9.2, the time period for examination of form shall be three months from the date on which those documents are fully submitted. Prior to the expiry of the above time period, the Department of Industrial Property shall complete the examination of form and shall notify the applicant as stipulated in clause 13.7 above.

#### **14. Announcement of proper applications:**

- 14.1 Any application in respect of inventions, utility solutions or industrial designs which has been accepted as proper shall be announced by the Department of Industrial Property in the Official Industrial Property Gazette within the time periods stipulated as follows:
- (a) Applications in respect of inventions or utility solutions shall be announced in the nineteenth month from the priority date, except for the cases stipulated in items (b), (c), and (d) below;
  - (b) Where there is a request for early announcement, applications shall be announced within one month from the date on which the Department of Industrial Property receives the request for early announcement or within the later time period stated in the request;
  - (c) For applications in respect of inventions or utility solutions, if



contents of inventions or utility solutions must be made in writing,

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period for examination of contents may be extended by the time period used for the purpose of amendment and supplementation of documents.

Prior to expiry of the time period for examination of contents, the Department of Industrial property must send a notice of results of examination of contents to applicants and the person requesting examination as stipulated in clause 16.3 above.

## CHAPTER 3

### **Transfer of Industrial Property Rights**

#### **17. Contracts for transfer of industrial property rights:**

17.1 A contract for transfer of industrial property right is a contract for transfer of the ownership of an object of industrial property or a contract for transfer of the right to use an object of industrial property.

17.2 A contract for transfer of owners



signatures of parties or authorized representatives of parties with full names and positions of signatories and certification of signatures.







refuse the approval of the contract for transfer of industrial property rights:

- (i) the applicant in the approval documentation does not correct the shortcomings within the time period notified by the Department of Industrial Property;
- (ii) the applicant in the approval documentation is not the person stipulated in clause 19.1(i) above;
- (iii) the transferor is not the owner of the certificate of protection (in cases of transfer of ownership of objects of industrial property); or is neither the owner of the certificate of protection nor the person to whom the exclusive licence is transferred and who is entitled to transfer a secondary licence in respect of the object of industrial property (in cases of transfer of the right to use objects of industrial property);
- (iv) the transferee does not have a business licence for the goods and services in conformity with the trademark registration certificate (in cases of transfer of the industrial property right with respect to trademarks);
- (v) the industrial property right is no longer in the period of validity for protection or the object of industrial property is under dispute;
- (vi) there are bases to confirm that the transfer will infringe the industrial property rights of a third party;
- (vii) the contents of the contract are not in compliance with the regulations on conditions restricting the transfer and/or lack the compulsory contents stipulated in article 38 of the Decree and clauses 17.2, 17.3 and 17.4 of this Circular;
- (viii) there is no term on price in the contract or the price of transfer falls outside the range between the minimum and maximum rates specified;
- (ix) the contract does not have the signatures of the transferee and transferor and/or the signatures are not duly certified;
- (x) the signatories of the contract are not authorized to so sign.



- (vii) documents evidencing payment of the fees for registration of the contract;

ownership with respect to objects of industrial property or a registration certificate of the licensing contract;

- (v) to announce the decision on issuance of the registration certificate in the Official Gazette of Industrial Property.
- (b) In cases where the shortcomings of documentation are able to be corrected (except for the cases stipulated in paragraph (c) below), the Department of Industrial Property shall notify and request the applicant to correct these shortcomings within an appropriate time period.

The time period for the applicant to correct the shortcomings of the documentation shall not be included in the stipulated time



- (vi) There is evidence to confirm that the transfer of the industrial property right will infringe the industrial property rights of a third party;
  - (vii) The contract has contents which are not in compliance with the regulations on conditions restricting transfer as stipulated in clause 38 of the Decree and/or lacks the compulsory contents as specified in clauses 17.2, 17.3 and 17.4 of this Circular;
  - (viii) The contract does not have the signatures of the transferee and transferor and/or the signatures are not duly certified;
  - (ix) The signatories of the contract are not authorized to sign;
  - (x) There is no decision on contract approval (where the contract is subject to compulsory approval).
- (d) Prior to officially refusing to register the contract, the Department of Industrial Property shall notify the applicant of the results of examination of registration documentation, the intention to refuse, and the reasons for refusal and shall stipulate an appropriate time period for the applicant to make comments. If the applicant does not have any objection after that stipulated time period or has implausible objections, the Department of Industrial Property shall issue the notice of refusal of registration of the contract for transfer of industrial property rights, stating clearly the reasons therefor.

## **21. Examination of applications for issuance of compulsory licences:**

21.1 Documentation for issuance of compulsory licences shall consist of the following documents:

- (i) An application for issuance of compulsory licence, prepared in accordance with the form stipulated by the Department of Industrial Property;

extent which is not satisfactory to the requirements of national security and defence, people's health care or environmental protection;

- (iii) Documents evidencing the capability to use the invention, utility solution or industrial design of the applicant and the conditions deemed by the applicant as reasonable which have been set forth but have not been accepted by the owner of industrial property (or the transferee of the whole right to use the object of industrial property) without reasonable cause;
- (iv) Documents evidencing the payment of the fee for issuance of compulsory licence;
- (v) Power of attorney (if necessary).

21.2 Documentation for issuance of a compulsory licence shall be submitted to the Department of Industrial Property.

21.3 After acceptance of documentation for issuance of a compulsory licence, the Department of Industrial Property shall carry out the examination of documentation as stipulated in article 51.5 of the Decree. The procedures for examination of documentation for issuance of a compulsory licence shall be similar to those for approval of contracts for transfer of industrial property rights (clause 19 of this Circular).

#### CHAPTER 4

### **Dealing with International Applications in Respect of Inventions and Utility Solutions and Applications in Respect of International Registration of Trademarks**

#### **22. Procedures prior to submission to the Department of Industrial Property:**

The provisions on filing applications and implementation of other related procedures at the Department of Industr

### 23.1 Body receiving applications:

The body authorized to receive international applications in Vietnam shall be the Department of Industrial Property.

The Department of Industrial Property shall have the responsibility:

- (i) to receive international applications originating from Vietnam;
- (ii) to collect fees and transfer the corresponding fees to the International Office and the International Reference Agency as stipulated in the Treaty;
- (iii) to verify timely payment of specified fees;
- (iv) to check and deal with international applications originating from Vietnam as stipulated in the Treaty;
- (v) to determine the object to be protected: if the object to be protected in an application is a national secret, the following procedures shall not be carried out and fees shall be refunded to the applicant, except for the fees for filing and copying international applications;
- (vi) to send one set of international applications originating from Vietnam to the International Office and one copy (for reference) to the International Reference Agency;
- (vii) to send and receive correspondence from the applicant and the international agencies.

### 23.2 Languages:

International applications originating from Vietnam submitted to the Department of Industrial Property shall be made in English and Russian. Each application shall be made in three copies.

In cases where the number of copies is not sufficient as specified, the Department of Industrial Property shall make more copies as necessary and the applicant shall pay the fee for duplication of international applications.

23.3 International Reference Agency and International Preliminary Examination Agency:

For international applications originating from Vietnam, the competent International Reference Agencies and International Preliminary Examination Agencies shall be the Patent Agencies of Australia, Austria, Russian Federation, Sweden and Europe.

23.4 International applications appointing Vietnam:

If Vietnam is appointed in an international application, the Department of Industrial Property shall be the appointed agency. In this case, in order to enter the National Stage, within twenty one (21) months from the priority date, the applicant must submit to the Department of Industrial Property

prepared in accordance with the form issued by the Department of Industrial Property;

- (ii) three copies of the Vietnamese translation of the international application (including: the description, request for protection (the original already filed, the amendment and the explanatory statement in accordance with article 19 of the PCT Treaty), the summary, notes to drawings);
- (iii) three copies of the Vietnamese translation of the appendices to the report on international preliminary examination;
- (iv) the national fees.

23.6 Application documents for the priority right:

In order to enjoy the priority right, the applicant of an international application must submit to the International Office the necessary documents stipulated in Rule 17.1(a) of the Regulations on Implementation of the Treaty and must submit to the Department of Industrial Property three copies of the Vietnamese translations of those documents within the time period stipulated in clauses 23.4 and 23.5 above.

first day of the twenty second month from the priority date if Vietnam is the appointed country, or of the thirty second month from the priority date if Vietnam is the selected country and such selection is made prior to expiry of the nineteen (19) month period from the priority date and if the applicant does not request to enter the National Stage earlier than the above period.

23.9 Examination of international applications:

International applications shall be examined with respect to form and content in accordance with the procedures stipulated for national applications.

23.10 International applications deemed to be withdrawn:

In addition to the cases of being deemed to be withdrawn as stipulated in the PCT Treaty and the Regulations on Implementation of the Treaty, international applications appointing Vietnam shall be deemed to be withdrawn where the national fee is not paid to the Department of Industrial Property or there is no Vietnamese translation after the expiry of the time periods stipulated in clauses 23.4 and 23.5 above respectively.

23.11 Fees:

The applicant in international applications originating from Vietnam must pay the fees in accordance with the rates and the procedures specified in the Regulations on Implementation of the Treaty and the Regulations of Inter-ministries of Finance and Science, Technology and Environment.

**24. Making and filing applications for international registration of trademarks originating from Vietnam to foreign countries in accordance with the Madrid Agreement:**

24.1 All individuals, legal persons or other entities shall have the right to file applications for international registration of trademarks in accordance with the Madrid Agreement provided that such trademarks have been registered in Vietnam.

24.2 Applications for registration:

Applications for international registration of trademarks shall be made in French in accordance with the form supplied free of charge by the Department of Industrial Property by completing the sections specified for the applicant (except those for the Department of Industrial

Property and the International Office) and enclosing samples of trademarks. Applications should indicate the member countries of the Madrid Agreement in which the applicant wants the trademark to be protected. The applicant must estimate the total fees to be paid to the International Office in accordance with the Fee Tariff printed in application forms. If the applicant is certain that the fees estimated are correct or after being notified by the Department of Industrial Property of the exact fees to be paid, the applicant must pay such fees to the International Office. In addition, the applicant must pay fees as stipulated to the Department of Industrial Property.

#### 24.3 Body receiving applications:

Applications for international registration of trademarks shall be submitted to the International Office through the Department of Industrial Property.

The date on which the Department of Industrial Property receives applications shall be deemed to be the date of receipt of applications at the International Office if the International Office receives the applications within two months from that date.

#### 24.4 Submission of applications to the International Office:

After applications have been submitted to the International Office, all transactions between the applicant and the International Office must be carried out through the .Offic0.39m (2(ai)6at d1ce)-5.9( )61603 TD05.2(ons b)50.3 D0 the carr6hA

If the Department of Industrial Property does not issue the notice of refusal within the above time period, the trademark shall be accepted for protection in Vietnam.

- 25.2 Within three months from the date on which the Department of Industrial Property sends the notice of refusal, the applicant shall have the right to complain against the decision of the Department of Industrial Property. The procedures for com.8(m0.0579 Tw)63 Twp for



protection to the Department of Industrial Property. Applications for amendments shall be made in accordance with the form stipulated by the Department of Industrial Property and must include: (i) the original certificate of protection; (ii) the document certifying the amendment of the name and address of the owner of the certificate of protection; (iii) two sets of photos or drawings of the industrial design alternatives to be excluded; (iv) ten (10) samples of the corrected trademark; (v) the document evidencing payment of the fee for amendment of the certificate of protection; (vi) the power of attorney (if necessary).

- 26.4 The Department of Industrial Property shall examine applications for amendment of certificates of protection within two months of receipt of applications. If applications are considered as proper and the amendments do not increase the scope (quantity) of protection or change the nature of the object to

28.2 The documentation for extension of validity of certificates of protection shall include the following documents:

- (i) two copies of the application for extension of validity of the certificate of protection, prepared in accordance with the form issued by the Department of Industrial Property;
- (ii) the original certificate of protection;
- (iii) the document evidencing payment of fees for extension;
- (iv) the power of attorney (if necessary).

28.3 The Department of Industrial Property shall consider applications for extension within two months of receipt of applications. The Department of Industrial Property shall issue the decision on extension, certify the certificate of protection, and register and announce in the Official Gazette of Industrial Property provided that applications do not fall in the following cases:

applications for extension are improper or are not filed in compliance with the specified procedures;

there is evidence that the owner of a certificate of trademark registration or of a certificate of the right to use an appellation of origin of goods has not used that trademark or appellation of origin of goods for the five consecutive years preceding the expiry of the certificate of protection without reasonable cause;

the person requesting extension is not the owner of the certificate of protection for the trademark, appellation of origin of goods or industrial design.

## CHAPTER 6

### Procedures for Issuance of Representation Licences

#### 29. Documentation for issuance of representation licences:

29.1 Representation licences shall be issued by the Department of Industrial Property on the basis of examining documentation for issuance of representation licences stipulated in clauses 29.2 and 29.3 below. The person requesting the issuance of a representation licence must pay fees as stipulated.

29.2 Documentation for issuance of a certificate of industrial property representation service organization shall include:

Application for issuance of a certificate of industrial property representation service organization, including the recommended list of industrial property representation persons of the organization;

Copy of the charter and the business registration certificate;

Copy of the decision on appointment of the leadership of the organization or the authorization of representation for the organization, which is signed by the head of the organization, of one of the members in the list recommended above;

Fee tariff for industrial property representation services of the organization after fulfilling the procedures for registration in accordance with provisions on control of fees and charges;



**32. Dealing with applications filed from 1 July 1996 to the effective date of this Circular:**

For applications filed from 1 July 1996 to the effective date of this Circular, the document forms stipulated in Circular 1134-SC dated 17 October 1991 of the Ministry of Science, Technology and Environment guiding the implementation of Decree 84-HDBT dated 20 March 1990 of the Council of

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