CHALLENGES IN PROCESSING MADRID, HAGUE, AND PCT APPLICATIONS

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EXAMINER

TOTAL: 16

Original application: 2

Designation Application: 14
PROCESSING MADRID APPLICATION ORIGINATING FROM VIETNAM

Statistic

<table>
<thead>
<tr>
<th>Year</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>200</td>
</tr>
<tr>
<td>2019</td>
<td>250</td>
</tr>
<tr>
<td>2020</td>
<td>275</td>
</tr>
<tr>
<td>2021</td>
<td>225</td>
</tr>
<tr>
<td>2022</td>
<td>300</td>
</tr>
</tbody>
</table>
PROCESSING MADRID APPLICATION ORIGINATING FROM VIETNAM

Basic application

Formality Examination

OK

Notice fee payment

OK

Irregularity notification

NG

Send the completed application through MOP
- 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

#### Statistics

<table>
<thead>
<tr>
<th>Year</th>
<th>Receiving</th>
<th>Granted</th>
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</thead>
<tbody>
<tr>
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<td>2022</td>
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<td>6417</td>
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</tbody>
</table>

![Graph showing the statistics over years](image-url)
PROCESSING MADRID APPLICATIONS DESIGNATING VIETNAM

Get data from IB

Administration Assistant Assign applications to examiners

Examiner carries out substantive examination

Issue provisional refusal notification or grant of protection notification

Director/ Deputy Director of the Center approves

Deputy Director General of IPVN approves

Application dossier

Upload manually to MOP

Download and Print out notification

Administration tool: WIPO IPAS
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.
- About 6000 responses documents from applicants have been not digitized.
- 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.
- 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.
- 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.
As a result, all Hague applications lack a comprehensive description. Consequently, these applications have received provisional refusal notifications.
- 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.
THANK YOU