



**RETRIEVING AND UTILIZING EXTERNAL RESULTS:
PRACTICE AND EXPERIENCE OF THE NATIONAL
OFFICE OF INTELLECTUAL PROPERTY OF VIETNAM
(NOIP)**

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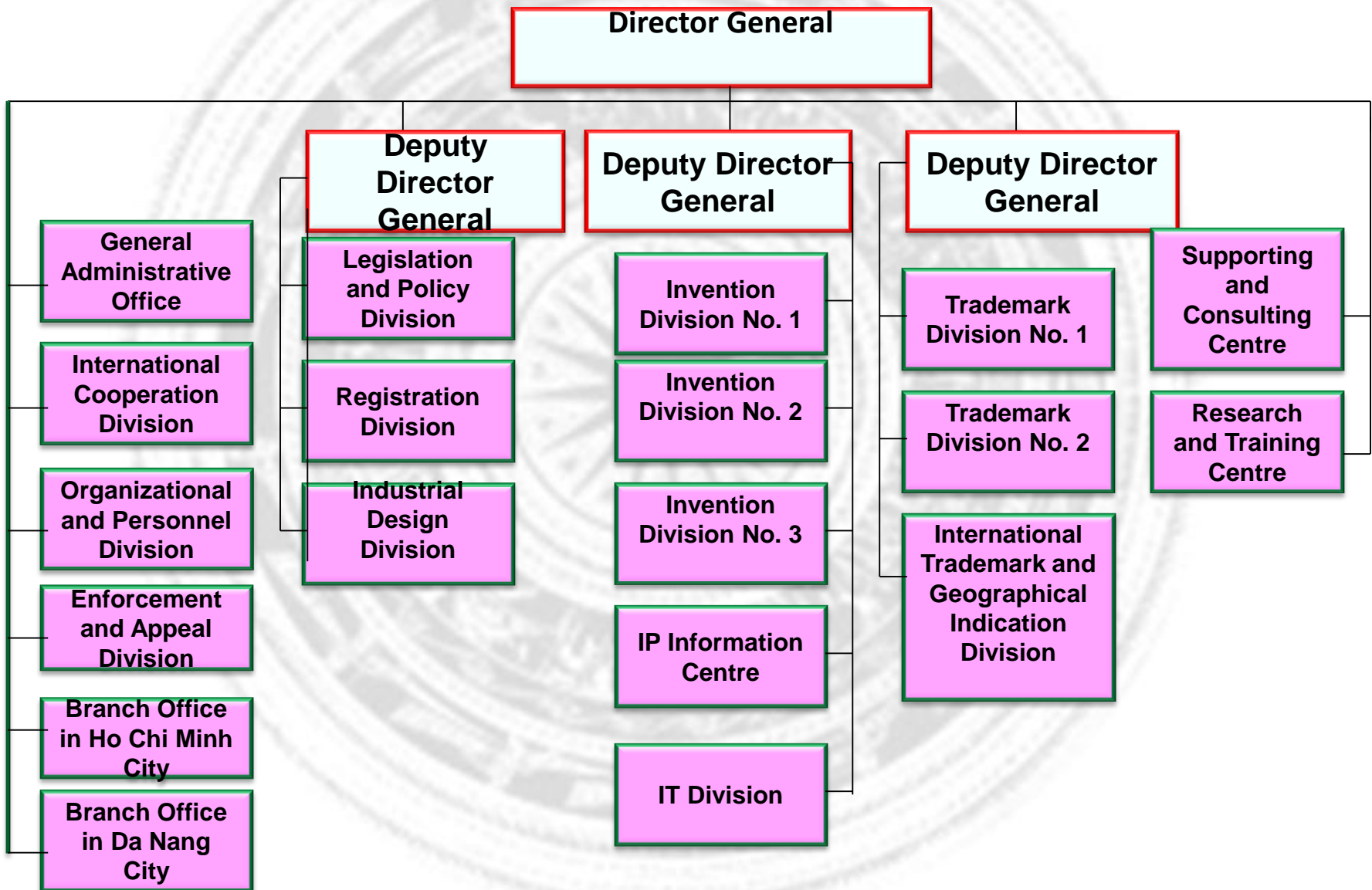
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1. OVERVIEW OF NOIP AND PATENT DIVISIONS

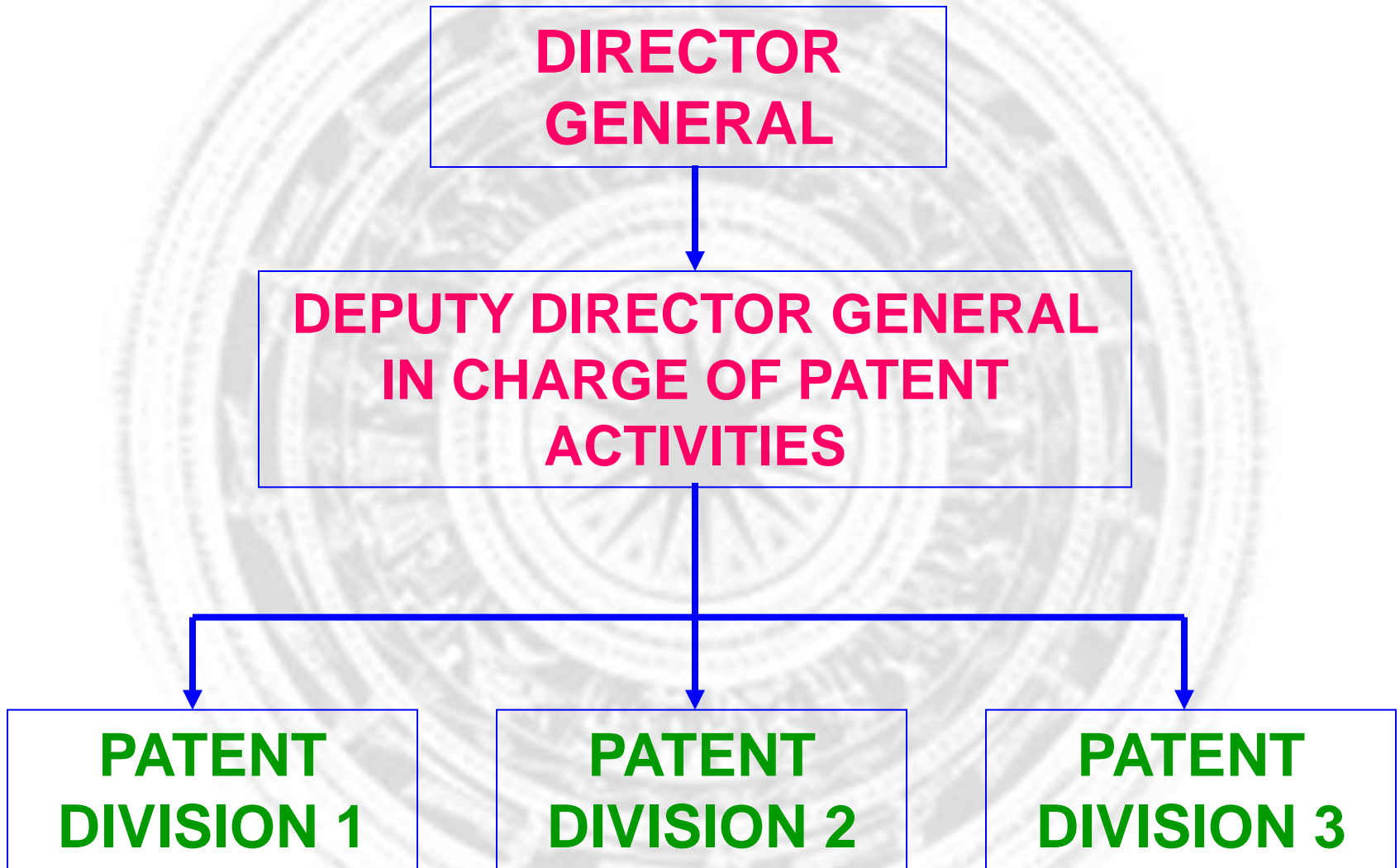
1.1 ORGANIZATION OF NOIP



1.2 STAFF OF NOIP

- ✓ **Staff of NOIP: Increasing from 130 persons in 2003 to 304 in 2012 (nearly 133% in the last 9 years);**
- ✓ **High rate of young staffs;**
- ✓ **High number of untrained young staffs in the field of IP, especially industrial property (nearly 50% of NOIP staff).**

1.3 ACTIVITIES IN ESTABLISHING RIGHTS TO INVENTION



1.4 PATENT DIVISION 1



23
persons

Patents in the field of
mechanics, electricity,
electronics, transportation,
construction, physics etc.

1.5 PATENT DIVISION 2



12
persons

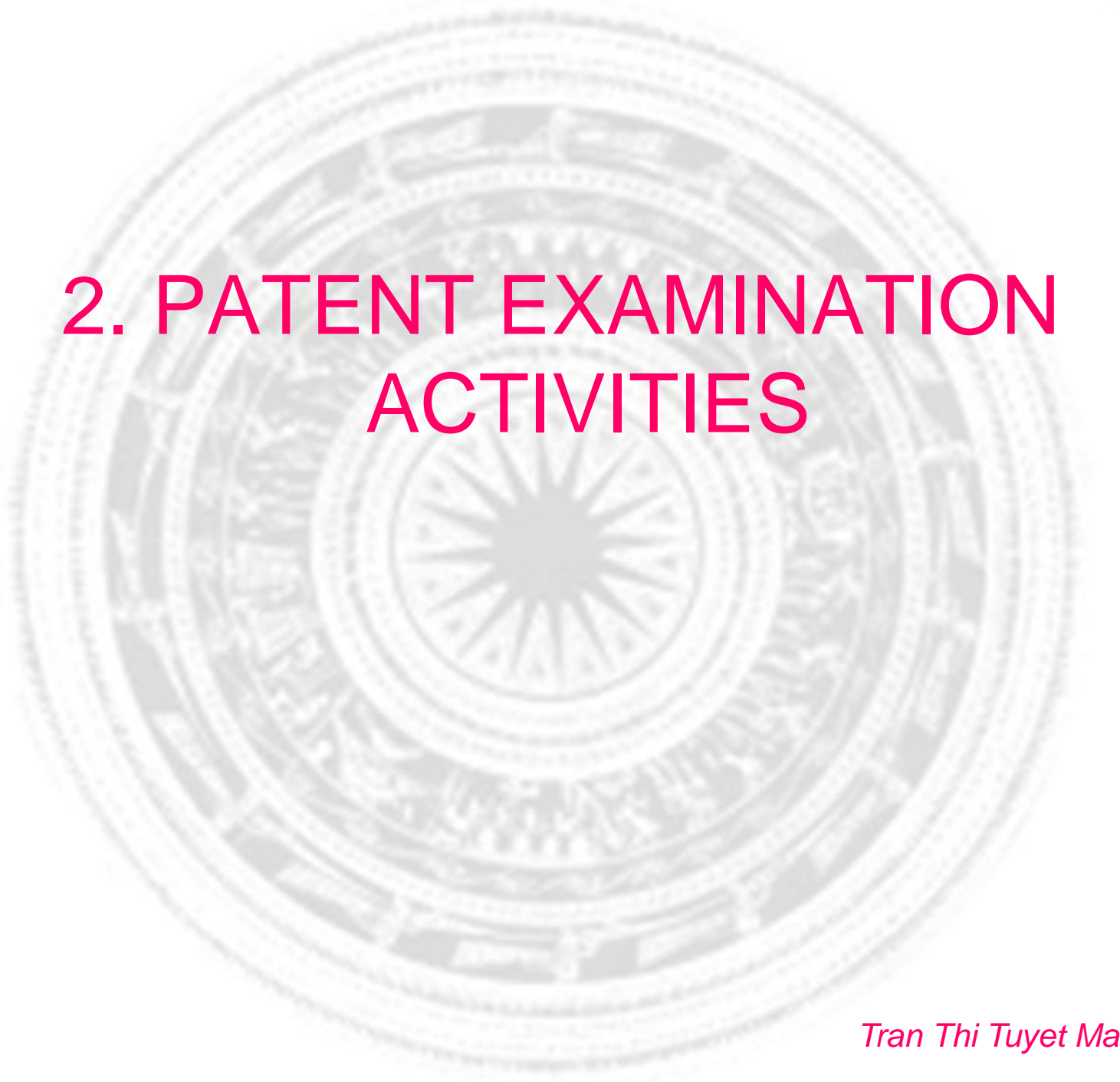
Patents in the field of medicine, pharmacy, organic chemistry, cosmetic, bleach and lubricant agents, textile and paper technology etc.

1.6 PATENT DIVISION 3



19
persons

Patents in the field of chemical technology, bio-technology, agriculture, foods etc.

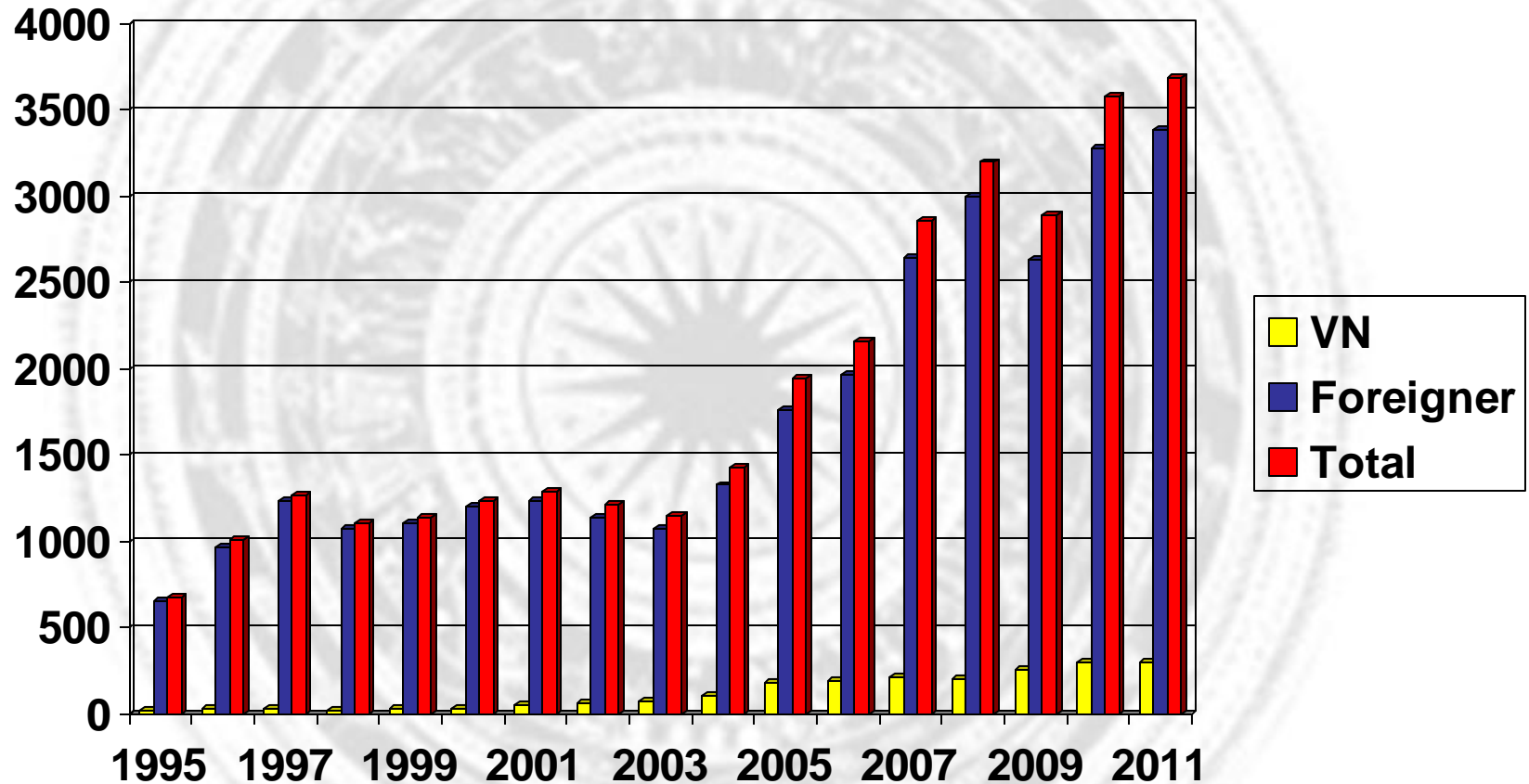


2. PATENT EXAMINATION ACTIVITIES

2.1 ACTIVITIES OF PATENT DIVISIONS

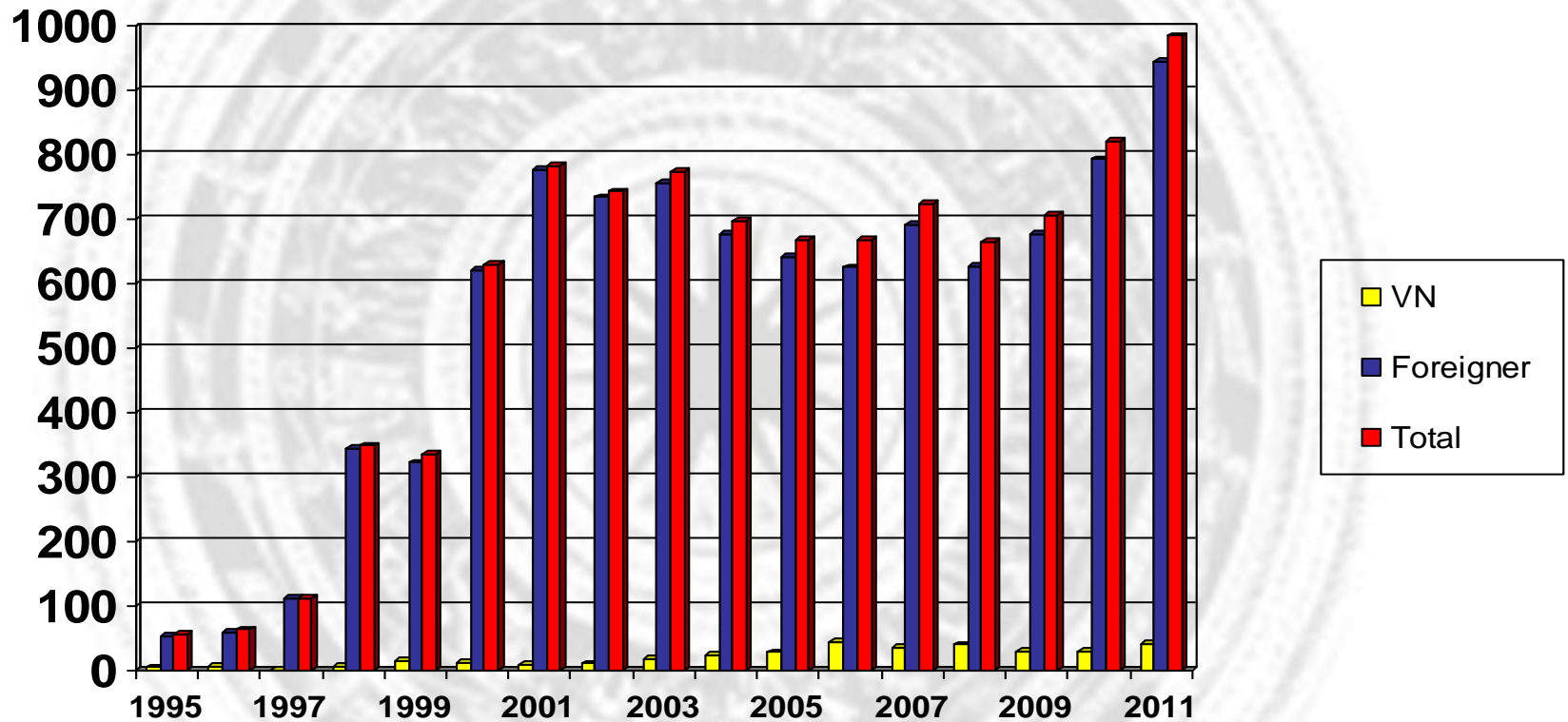
- ✓ **Examination of patent applications;**
- ✓ **Participation in drafting IP normative acts, in the field of patent in particular;**
- ✓ **Assistance in dealing with appeals against decisions on granting patent protection titles;**
- ✓ **Participation in writing and redacting patent specialized curriculums and materials;**
- ✓ **Other activities by NOIP DG's assignments.**

2.2 NUMBER OF PATENT APPLICATIONS FROM 1995 TO 2011

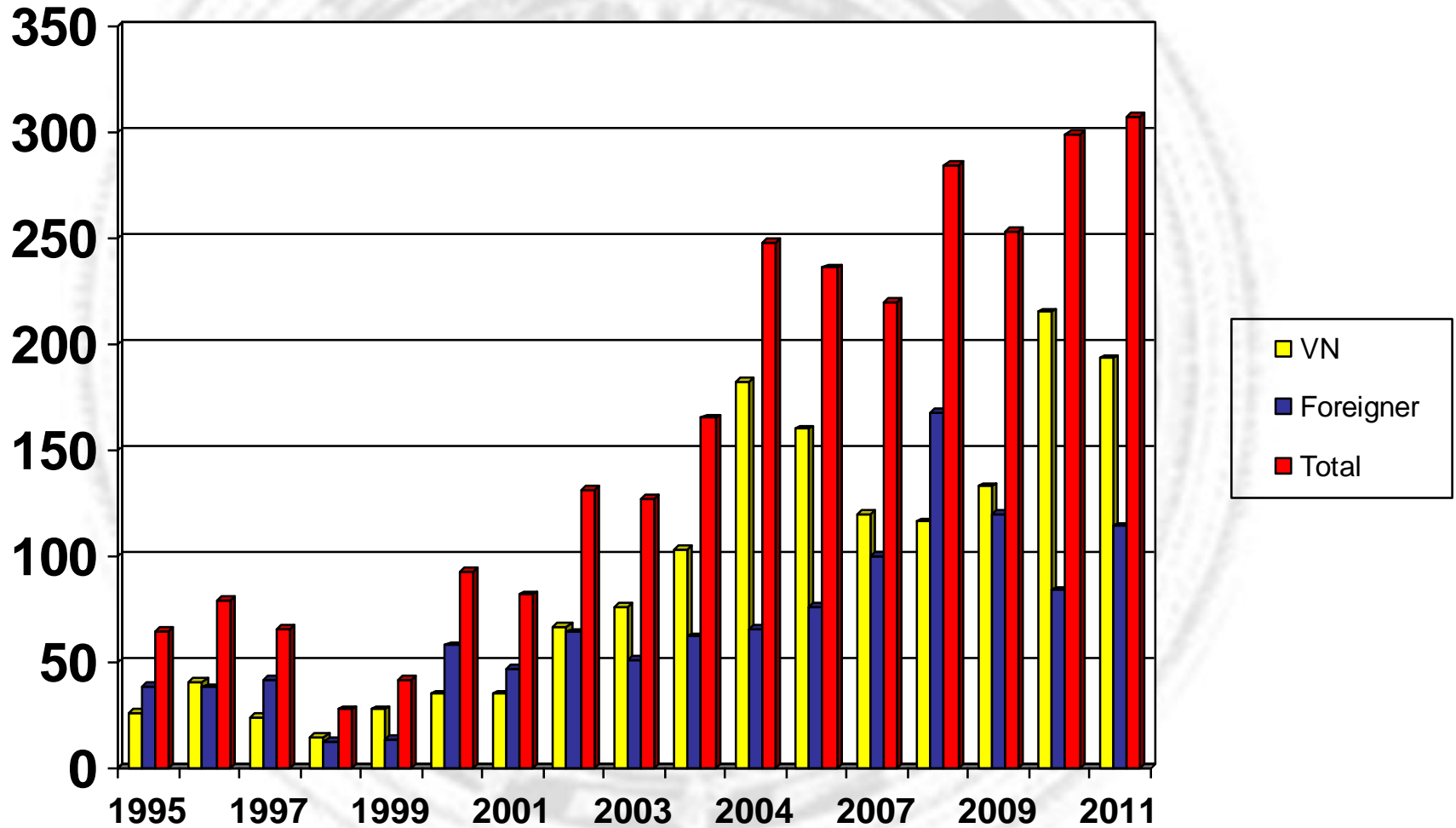


➤ Number of patent applications is gradually increasing.

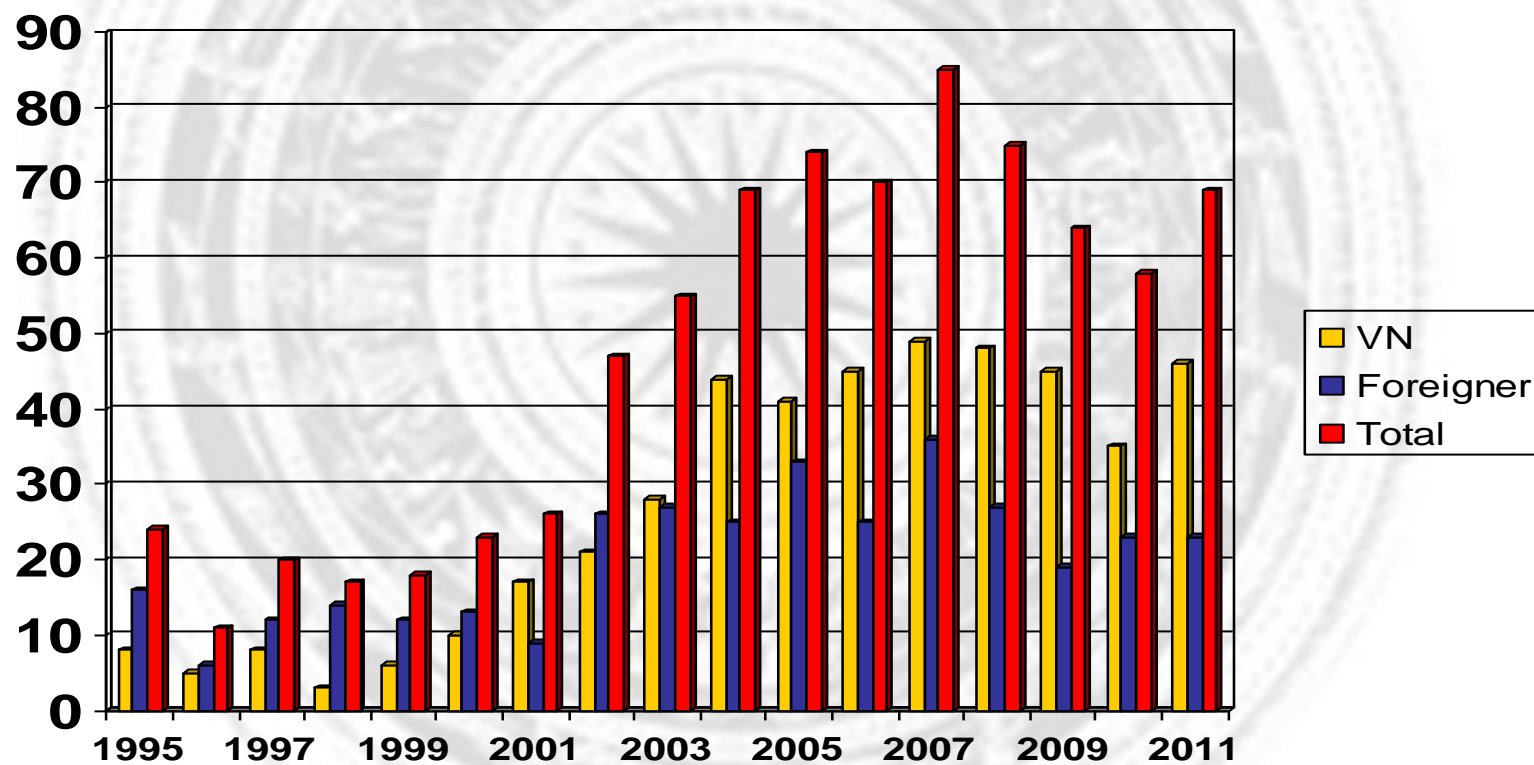
2.3 NUMBER OF GRANTED PATENTS FROM 1995 TO 2011



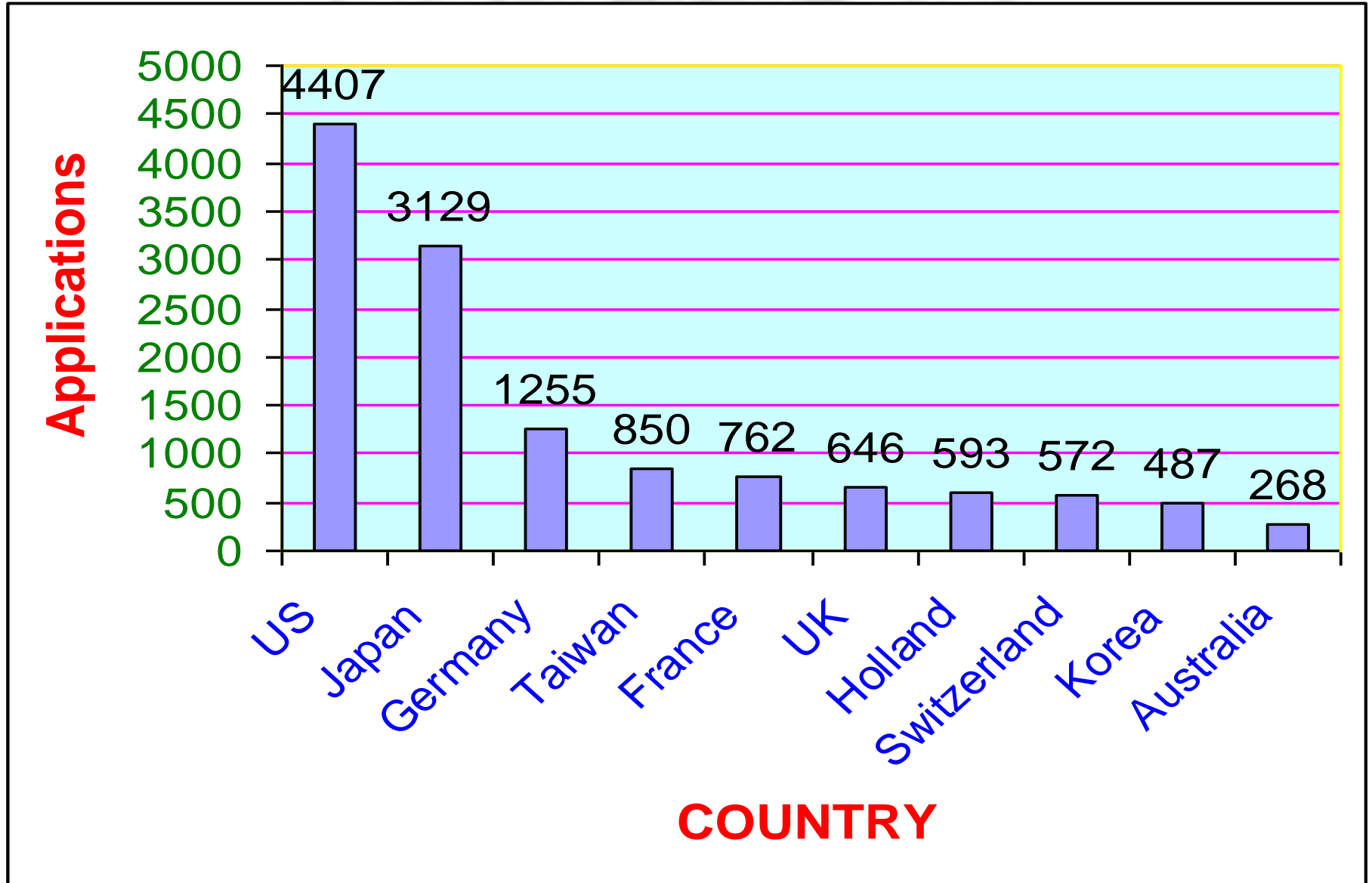
2.4 NUMBER OF UTILITY APPLICATIONS FROM 1995 TO 2011



2.5 NUMBER OF GRANTED UTILITY SOLUTION PATENTS FROM 1995 TO 2011



2.7 COUNTRIES HAVING MOST PATENT/UTILITY SOLUTION APPLICATIONS





3. OVERVIEW OF SEARCH TOOLS IN NOIP

3.1 SEARCH TOOLS FROM 1982 TO 2000

- ✓ By hands
 - Patent documents in paper form imported from DD patent office (East Germany);
 - Patent documents in microfiche form provided by Australian Patent Office;
 - Patent documents in CD-room form provided by EPO;
 - Scientific books and journals;
 - Opinion of scientific specialists.
- ✓ Patent family searches provided by the INPADOC system (from 1998);
- ✓ Internet was not available in this period.

3.2 SEARCH TOOLS FROM 2001 TO 2012

- Uncharged Internet is available
 - www.google.com
 - www.google.com/patents
 - [https://world.espacenet.com/number Search?locale=en_EP](https://world.espacenet.com/number%20Search?locale=en_EP)
 - www.wipo.int.
(especially, <https://patentscope.wipo.int/search/en/search.jsf>)
 - <https://register.epo.org/espacenet/reviewer?lng=en>
 - www.portal.uspto.gov/external/portal/pair
- <https://aipn.ipdl.inpit.go.jp> (password and user name are necessary)
- <https://orbit.com> (password and user name are necessary)
- Transfer search requests to WIPO (especially for domestic applications)



4. RETRIEVING AND UTILIZING EXTERNAL (FOREIGN) SEARCH AND EXAMINATION RESULTS

4.1 LAW FRAMEWORK OF UTILIZATION OF EXTERNAL SEARCH AND EXAMINATION RESULTS

- ✓ Period from 1982-2/2007
 - No regulation is assigned by the Law but from 1998 NOIP started to accept the external results provided by INPADOC system.
- ✓ Period from 2/2007 up to now
 - Utilization of external (foreign) search/examination results is permitted by Article 15.2 of Circular 01/2007/TT-BKHCHN and Rule 25.2 of Patent Examination Regulation.

4.2 UTILIZATION OF EXTERNAL SEARCH AND EXAMINATION RESULTS

- ✓ Rule 25.2 of Patent Examination Regulation (10/2010) assigned that NOIP can grant patents based on patents of International Search and Examination Authorities, United States of America, Canada, Japan, Russia, Spain, United Kingdom, Sweden, Austria, China, Australia, Korea, Germany, EPO and Asian-European (EAPO).

4.3 UTILIZATION OF SEARCH AND EXAMINATION RESULTS OF JPO

- ✓ <https://aipn.ipdl.inpit.go.jp> (password is necessary);
- ✓ Legal status of Japanese patent applications
- ✓ Full text of granted patent and its English translation;
- ✓ Cited documents in search report.

4.4 UTILIZATION OF SEARCH AND EXAMINATION RESULTS OF USPTO

✓ www.portal.uspto.gov/external/portal/pair

(No password)

- ✓ Legal status of US patent applications
 - Decision to grant a patent;
 - Notification of reasons for refusal/Decision of refusal;
 - Cited documents in the search reports.

4.5 UTILIZATION OF SEARCH AND EXAMINATION OF EPO

- ✓ https://world.espacenet.com/numberSearch?locale=en_EP
- Providing all patent families for respective patent application.
- ✓ <https://register.epo.org/espacenet/regviewer?lng=en>
- Legal status of EPO applications
 - Decision to grant a patent;
 - Notification of reasons for refusal/Decision of refusal;
 - Withdrawal of patent applications;
 - Opposition of third party;
 - Cited documents in the search reports.

4.6 ADVANTAGES OF UTILIZATION OF SEARCH AND EXAMINATION RESULTS

- ✓ Promoting examination process (from ~15 applications/examiner/year in 1996 to ~90 applications/examiner/year in 2011);
- ✓ Enhancing examination quality;
- ✓ Improving examination skills by learning from examination reports made by highly qualified patent examiners;
- ✓ Reducing workload for patent examiners;
- ✓ Saving time and labor; and
- ✓ Reducing application's backlog.

4.7 DISADVANTAGES OF UTILIZATION OF SEARCH AND EXAMINATION RESULTS

- ✓ Inexact judgment because of incorrect translation from foreign languages into Vietnamese, especially from Japanese, Chinese; German, Russian etc.
- ✓ No unique examination approach for patent examiner's decisions because of different results of different patent offices on the same cases;
- ✓ Bringing troublesome to patent applicants by different decisions during examination process, especially in case of a foreign patent written in a language other than English;
- ✓ Limited searching ability and passive dependence.

5. FUTURE CHALLENGES

- **Increasing demand of protection for patent and limited capacity of NOIP in terms of search tools and human resources;**
- **Backlog of unhandled patent applications;**
- **Patent protection requirements by international obligations exceed Vietnam's recent level of development;**
- **Paradox between satisfaction of society's demand and necessary conditions for improving capacity of NOIP's staffs.**
- **Limitation of technical and material conditions**

6. ACTIVE POLICY OF NOIP FOR OVERCOMING APPLICATION BACKLOG

- Recruitment of new patent examiners;
- Training new patent examiners;
- Improvement of working equipment;
- Utilizing external search and examination results (promotion of work-sharing in patent search and examination)
- Encouraging retired patent examiners to engage in patent search and examination.

**THANK YOU
FOR YOUR ATTENTION**



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