



Possible Roadmap for Accession of Viet Nam to the Hague Agreement

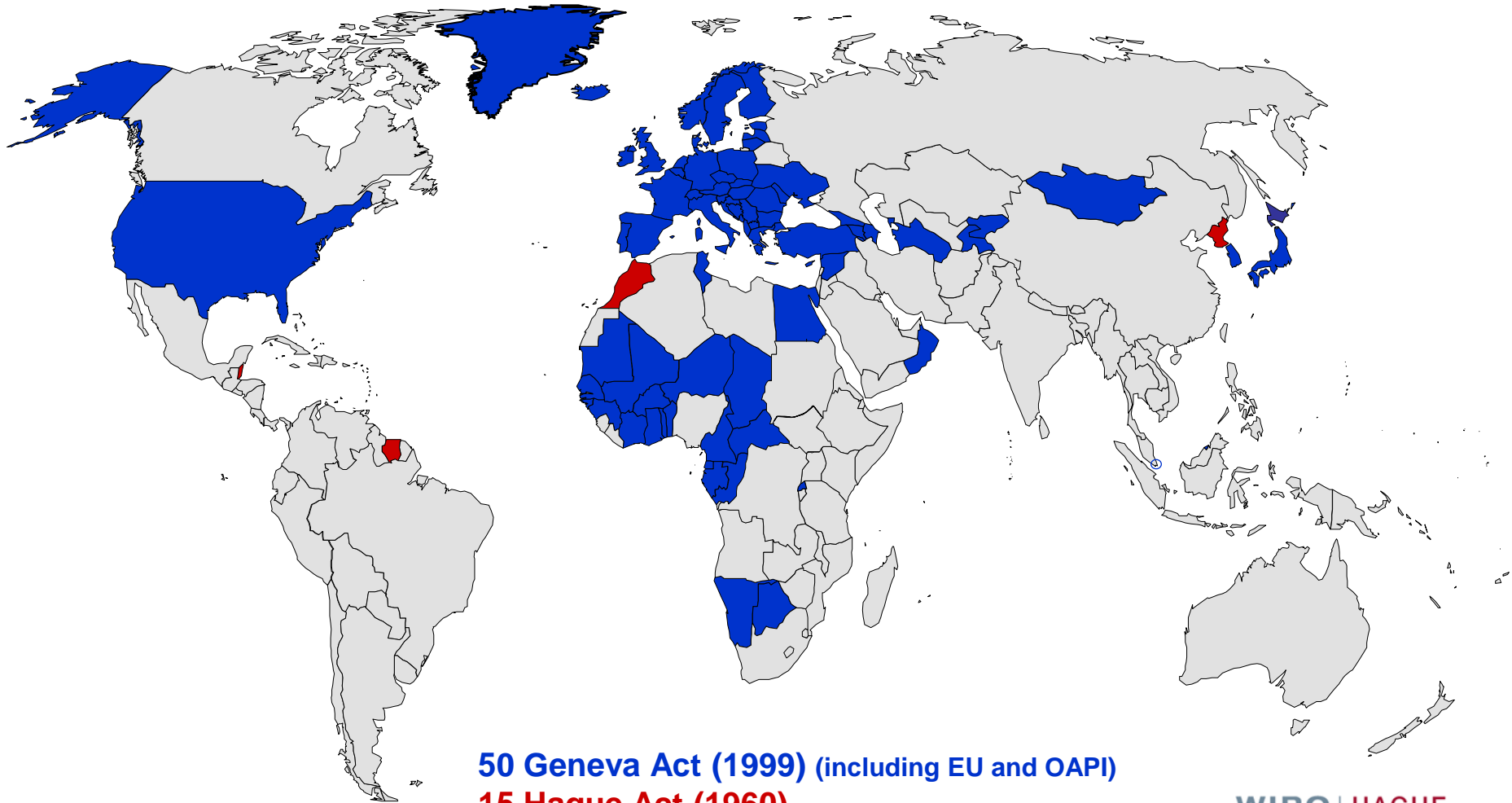
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The Hague Registry
World Intellectual Property
Organization

Hanoi
March 2, 2016



Going Global – Geographical Scope of the Hague System

Hague Union



50 Geneva Act (1999) (including EU and OAPI)

15 Hague Act (1960)

65 Contracting Parties

WIPO | HAGUE
The International
Design System

Hague Union Members according to the most recent applicable Act

Geneva Act (1999)

- African Intellectual Property Organization, Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Croatia, Denmark, Egypt, Estonia, European Union, Finland, France, Georgia, Germany, Ghana, Hungary, Iceland, Japan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Monaco, Mongolia, Montenegro, Namibia, Norway, Oman, Poland, Republic of Korea, Republic of Moldova, Romania, Rwanda, Sao Tome and Principe, Serbia, Singapore, Slovenia, Spain, Syrian Arab Republic, Switzerland, Tajikistan, the former Y.R. of Macedonia, Tunisia, Turkey, Turkmenistan, Ukraine and the United States of America

Hague Act (1960)

- Belgium, Belize, Benin, Côte d'Ivoire, D.P.R. of Korea, Gabon, Greece, Italy, Luxembourg, Mali, Morocco, Netherlands, Niger, Senegal and Suriname

Geneva Act (1999)

Recent Accessions



Turkmenistan
(as from March 16, 2016)



United States of America
(May, 2015)



Japan
(May, 2015)



Republic of Korea
(July 2014)

Potential accessions



China



Russian Federation



Morocco



ASEAN countries



Israel



Belize

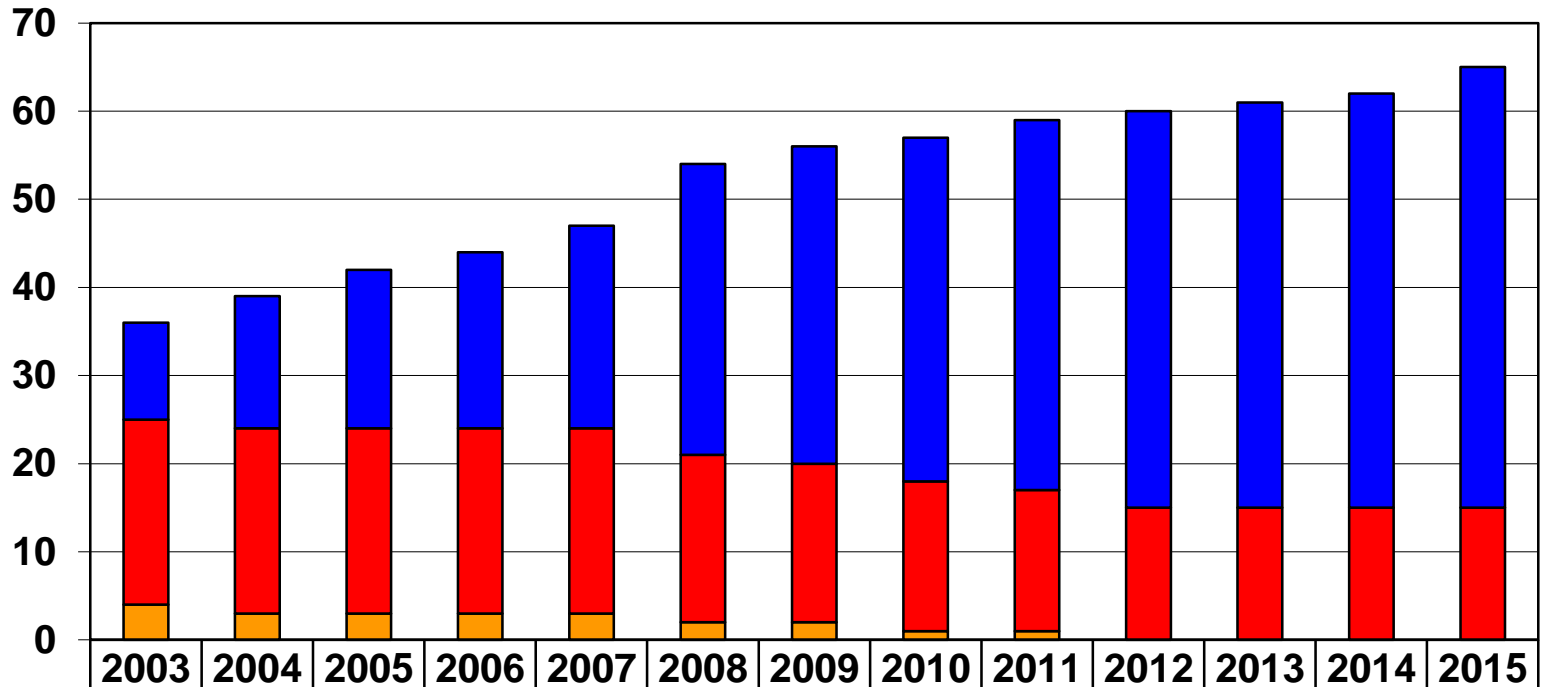


Mexico



Madagascar

Hague Membership Status as of December 2015 (by most recent Act)



■ 1999 Act	11	15	18	20	23	33	36	39	42	45	46	47	50
■ 1960 Act	21	21	21	21	21	19	18	17	16	15	15	15	15
■ 1934 Act	4	3	3	3	3	2	2	1	1	0	0	0	0



POSSIBLE ROADMAP TO THE HAGUE AGREEMENT

ASEAN: IP Eco System

■ ASEAN ECONOMIC COMMUNITY BLUEPRINT, 2025

- Strengthening IP Offices and build IP infrastructure:
 - Accession to International Treaties: Patent Cooperation Treaty (PCT), Madrid Protocol, Hague Agreement and Singapore Treaty on the Law of Trademarks (STLT)

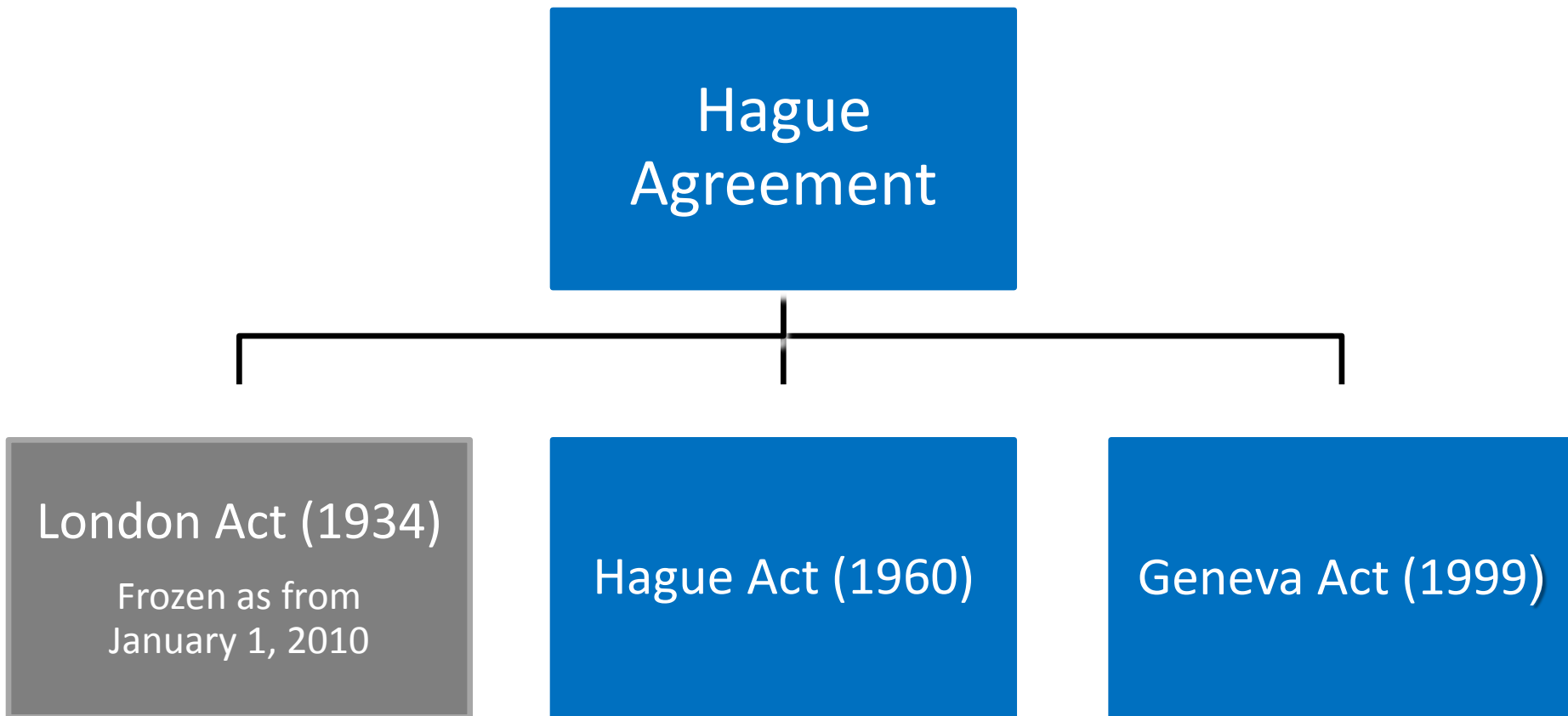
■ Launch of ASEAN Designview (August 25, 2015)

- More than 100,000 design registrations having effects in the participating ASEAN countries (Brunei Darussalam, Cambodia, Lao PDR, Malaysia, Philippines, Singapore, Thailand and Viet Nam)
 - Indonesia and Myanmar expected to join soon

Viet Nam: Legal Framework

- IP Law (adopted in 2005 and amended in 2009);
- Decree No 103/2006/ND-CP dated 22 September 2006 of the Government on detail regulations concerning industrial property;
- Circular No 01/2007/TT-BKHHCN dated 14 February 2007 of Ministry of Science and Technology on guidance of the procedures for IP right establishment to industrial property objects (amended in 2010 and 2011);
- The Guidelines dated of 8 December 2009 of the NOIP on examination of design applications.

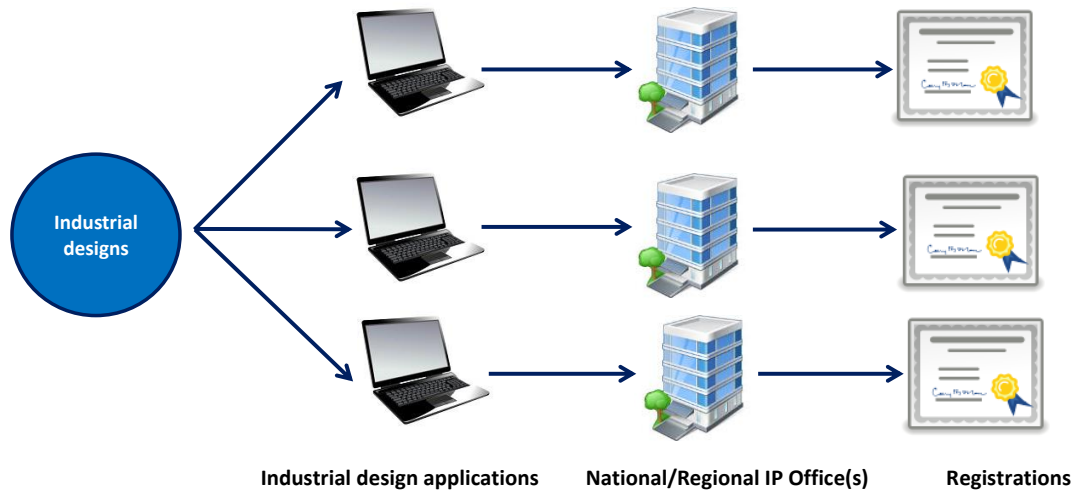
Hague System: Legal Framework



- **Common Regulations (1996), last revised: January 1, 2015**
- **Administrative Instructions (2002), last revised: July 1, 2014**
- **National Laws and Regulations**

Independent filings vs. Hague Route

Direct/Paris Route



The Hague System



Steps for accession...

■ Implementation and Operating the Hague System

- Regulations concerning internal procedures as the Office of a Designated Contracting Party (and as the Office of Indirect Filing);
- The Office shall be technically ready to support the said procedures;
- Form of communication with the International Bureau shall be agreed before accession.

■ Consultation with Stakeholders; Raising Public Awareness

■ Legislative Procedure to Accede to the 1999 Act

- Possible amendments to the national design law
- Enforcement of IP rights

Instrument of Accession; Declarations under the 1999 Act

- The 1999 Act comes into force in respect of Viet Nam three months after the deposit of its instrument of accession with the Director General of WIPO, or at any later date as indicated in the instrument of accession
- Contracting Parties may make certain declarations in order to comply with their national laws concerning industrial design protection
 - Declarations may be made either simultaneously with the deposit of the instrument of accession, or after the deposit (for example, following amendments to the national law)

Accession of Viet Nam to the 1999 Act

- Article 6.1 of Law on Signing, Joining and Implementing International Treaties:

«In cases where a legal document and a treaty to which the Socialist Republic of Vietnam is a party, contains different provisions on the same matter, the provisions of the treaty shall prevail.»

- Amendments to the national law to be made after the accession to the 1999 Act of the Hague Agreement

- Implementing Regulations to be amended to refer to international procedures

Foreseen Declarations by Viet Nam

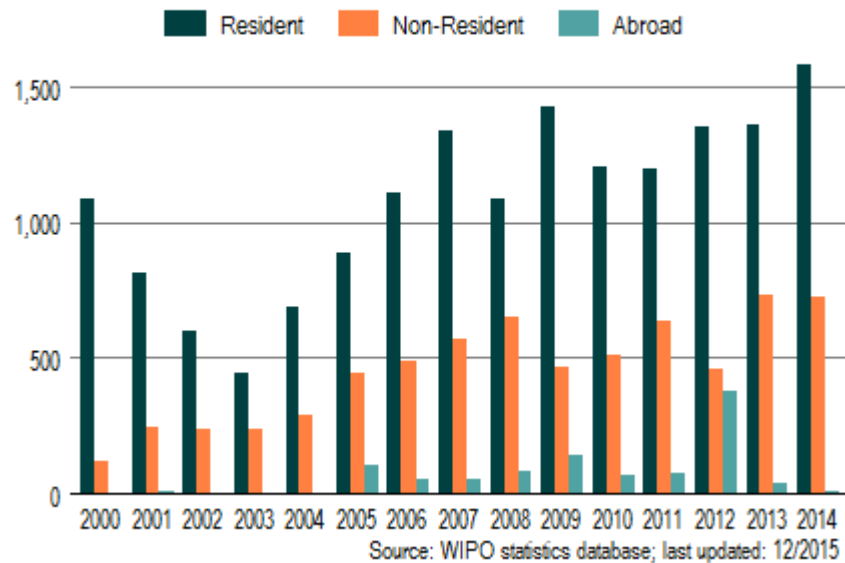
- **Mandatory declaration**
 - Maximum duration of protection (Article 17(3)(c))
- **Other possible declarations (to be confirmed)**
 - Designation fees (Article 7(2) or Rule 12(1))
 - No deferment of publication (Article 11(1)(b))
 - Unity of design (Article 13(1))



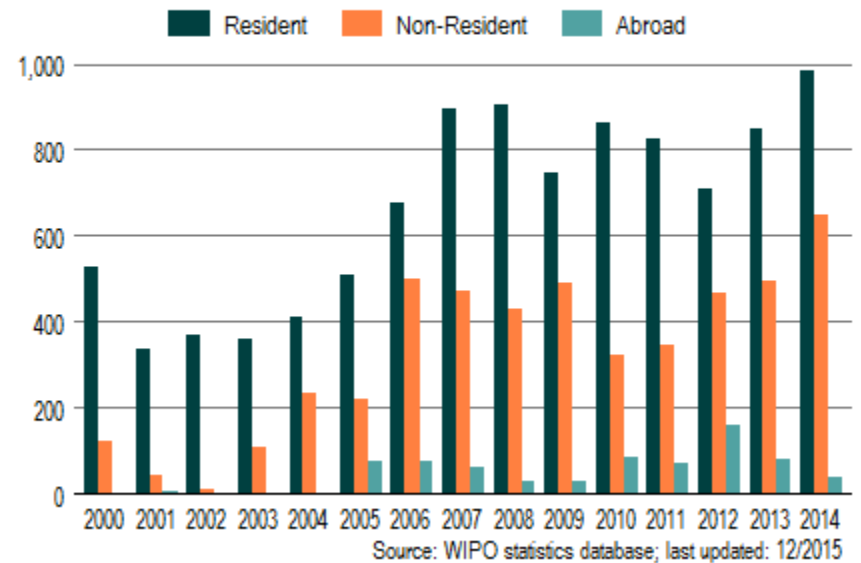
Some Statistics

Viet Nam: Applications / Registrations at NOIP and Abroad

Industrial Design Applications



Industrial Design Registrations



Applications Filed Abroad 2010-2014

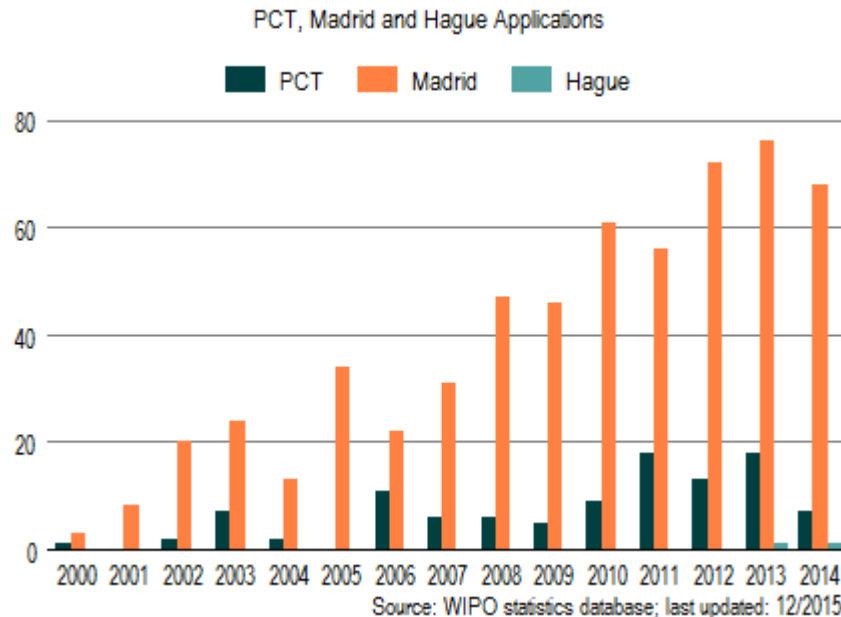
	Origin		Applications filed abroad	Designs contained in applications filed abroad
2010	Viet Nam		13	338
2011	Viet Nam		24	187
2012	Viet Nam		68	318
2013	Viet Nam		36	74
2014	Viet Nam		8	107

Filings Abroad by Country / Design

IP Office	Office code	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Argentina	AR								1	2	
Australia	AU							4	10	2	
Brazil	BR							1	3	2	
Canada	CA								1	1	
China	CN							5	14	8	3
China, Hong Kong SAR	HK								1		
Colombia	CO									2	
Germany	DE						307	111	153	38	100
India	IN							2	3	2	
Indonesia	ID									2	
Japan	JP							2	1	1	
Malaysia	MY				1		2	2			
Mexico	MX								1	2	
OHIM	EM	14	3	2	7	11	16	6	13		
Republic of Korea	KR								5	3	
Russian Federation	RU								1	2	
Singapore	SG								3	2	
South Africa	ZA									1	
Switzerland	CH							51	99		
Thailand	TH									2	
Turkey	TR								2	1	
Ukraine	UA				0		13				
United States of America	US	1	1			1		3	7	1	4
Total Designs in applications		15	4	2	8	12	338	187	318	74	107

Viet Nam: Hague applications

(In 2013 and 2014: one international design application)



International registrations

DM/081905 and DM/084509

(11) DM/081 905 (15) 01.09.2013

(22) 01.09.2013 (73) CESARI SANDRA, 353/7A Binh Quoi St. Binh Thanh District, HO CHI MINH CITY (VN) (86) FR, EM (87) n/a (88) n/a (85) -- (89) EM (72) N° 1-22: Sandra Cesari, DAT PHU SA RESORT, 353/7A Binh Quoi street, Ward 28, Binh Thanh District, HO CHI MINH CITY, Viet Nam (28) 22 (51) Cl. 06-04 (54) 1.-22. Urnes funéraires / 1.-22. Crematory urns / 1.-22. Urnas funerarias (57) Urnes funéraires en laque sur une base en fibre de verre et résine dont la finition est laquée ou sablée / Crematory urns of lacquer on a fiberglass and resin base with lacquered or sandblasted finish / Urnas funerarias de laca sobre una base de fibra de vidrio y resina, con acabado lacado o granulado (81) III. EM, SG

(11) DM/084 509 (15) 29.09.2014

(22) 29.09.2014 (73) CESARI SANDRA, 353/7A Binh Quoi St. Binh Thanh District, HO CHI MINH CITY (VN) (86) FR, EM (87) n/a (88) n/a (85) -- (89) EM (72) Sandra Cesari, DAT PHU SA RESORT, 353/7A Binh Quoi street, Ward 28, Binh Thanh District., HO CHI MINH CITY, Viet Nam (28) 6 (51) Cl. 06-04 (54) 1.-6. Urnes funéraires / 1.-6. Crematory urns / 1.-6. Urnas funerarias (57) Urnes funéraires en laque sur une base en fibre de verre et résine dont la finition est laquée ou sablée / Crematory urns of lacquer on a fiberglass and resin base with lacquered or sandblasted finish / Urnas funerarias de laca sobre una base de fibra de vidrio y resina, con acabado lacado o granulado (81) III. EM, SG, UA (55) 1.1) Face / 1.1) Front / 1.1) Frente

Non-resident share (%) of Applications Filed at NOIP (2010 to 2014)

Year	Office	code	Resident applications	Non-resident applications	Total applications	Non-resident share (%)
2010	Viet Nam	VN	1,206	511	1,717	29.8
2011	Viet Nam	VN	1,197	636	1,833	34.7
2012	Viet Nam	VN	1,351	461	1,812	25.4
2013	Viet Nam	VN	1,362	733	2,095	35
2014	Viet Nam	VN	1,584	727	2,311	31.5

Share of designs in non-resident applications (%) at NOIP (2010 to 2014)

Designs contained in resident applications	Designs contained in non-resident applications	Total designs contained in applications	Share of designs contained in non-resident applications (%)
1,346	618	1,964	31.5
1,367	737	2,104	35
1,512	595	2,107	28.2
1,556	873	2,429	35.9
1,736	873	2,609	33.5

Non-Resident Filers TOP 20

Origin	2010	2011	2012	2013	2014
Total non-resident	618	737	595	873	873
Japan	183	376	233	252	347
United States of America	134	123		180	117
Republic of Korea	40	35	51	89	97
Unknown					54
France	31	14	31	18	33
Switzerland	16		101	22	29
Italy	37	10	16	34	25
Netherlands	61	41	41	29	25
China	14	32	9	17	23
Germany	10	20	22	30	19
Finland					19
Singapore	5			28	15
United Kingdom	18		9	28	8
Malaysia	16	21	13	12	8
Norway	6		9		8
India	2		1	4	6
Sweden			10	84	6
China, Hong Kong SAR	4	3	15	10	5
Slovakia					5
Philippines				2	4

TOP 20 Non-resident filers

Out of the TOP 20 Non-resident filers, 14 are party to the Hague Agreement, namely:

- Japan, United States of America, Republic of Korea, France, Switzerland, Italy, Netherlands, Germany, Finland, Singapore, United Kingdom, Norway, Sweden, Slovakia
- China: ongoing preparations for accession

2015: International Applications



4,111 international applications were received containing 16,435 designs (max. 100 designs / application)



40.59% growth compared to 2014 in the number of applications



13.80% growth compared to 2014 in the number of designs

2015: International Registrations



3,581 international registrations were inscribed containing 14,484 designs

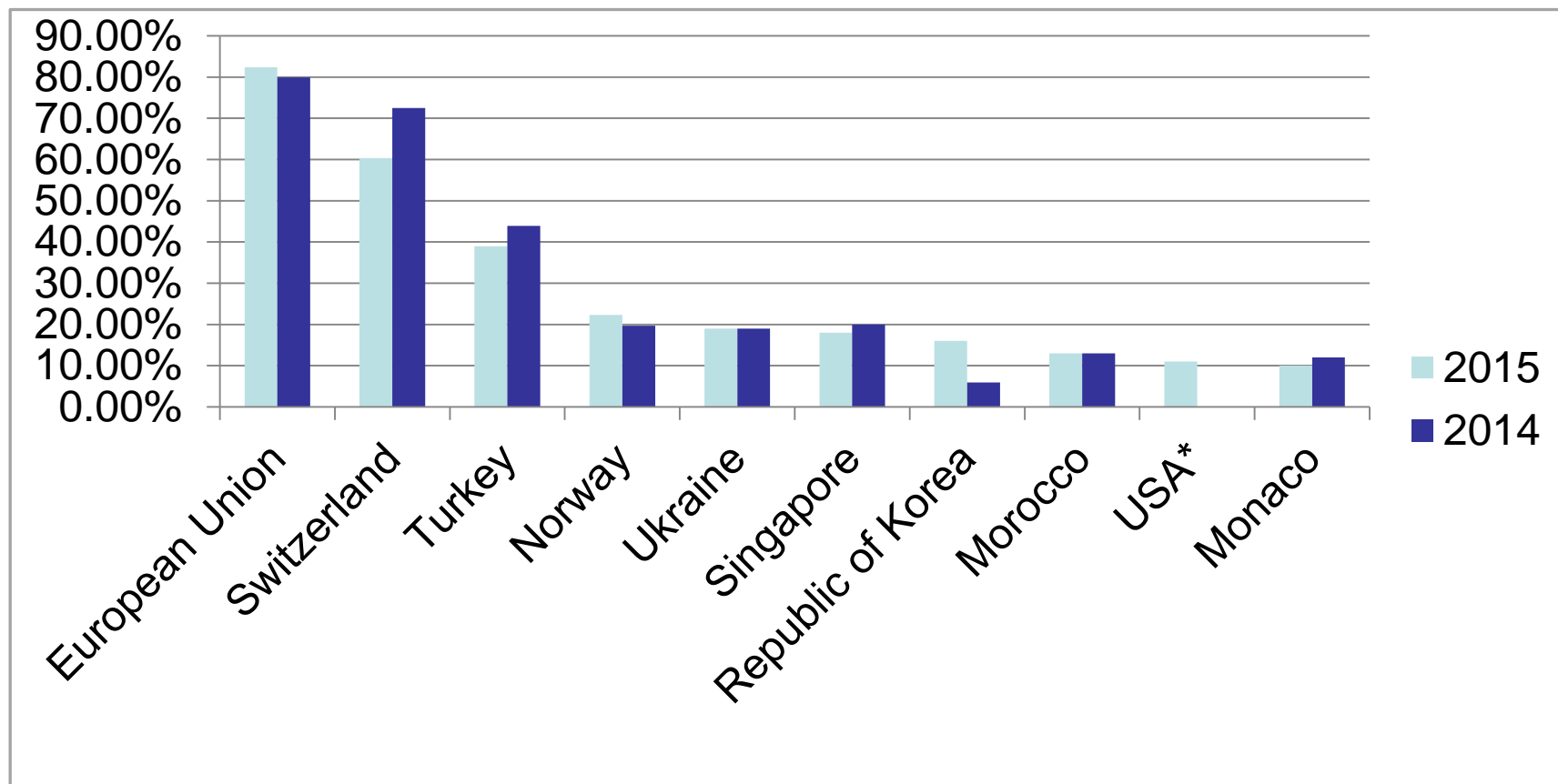


32.48% growth compared to 2014 in the number of registrations



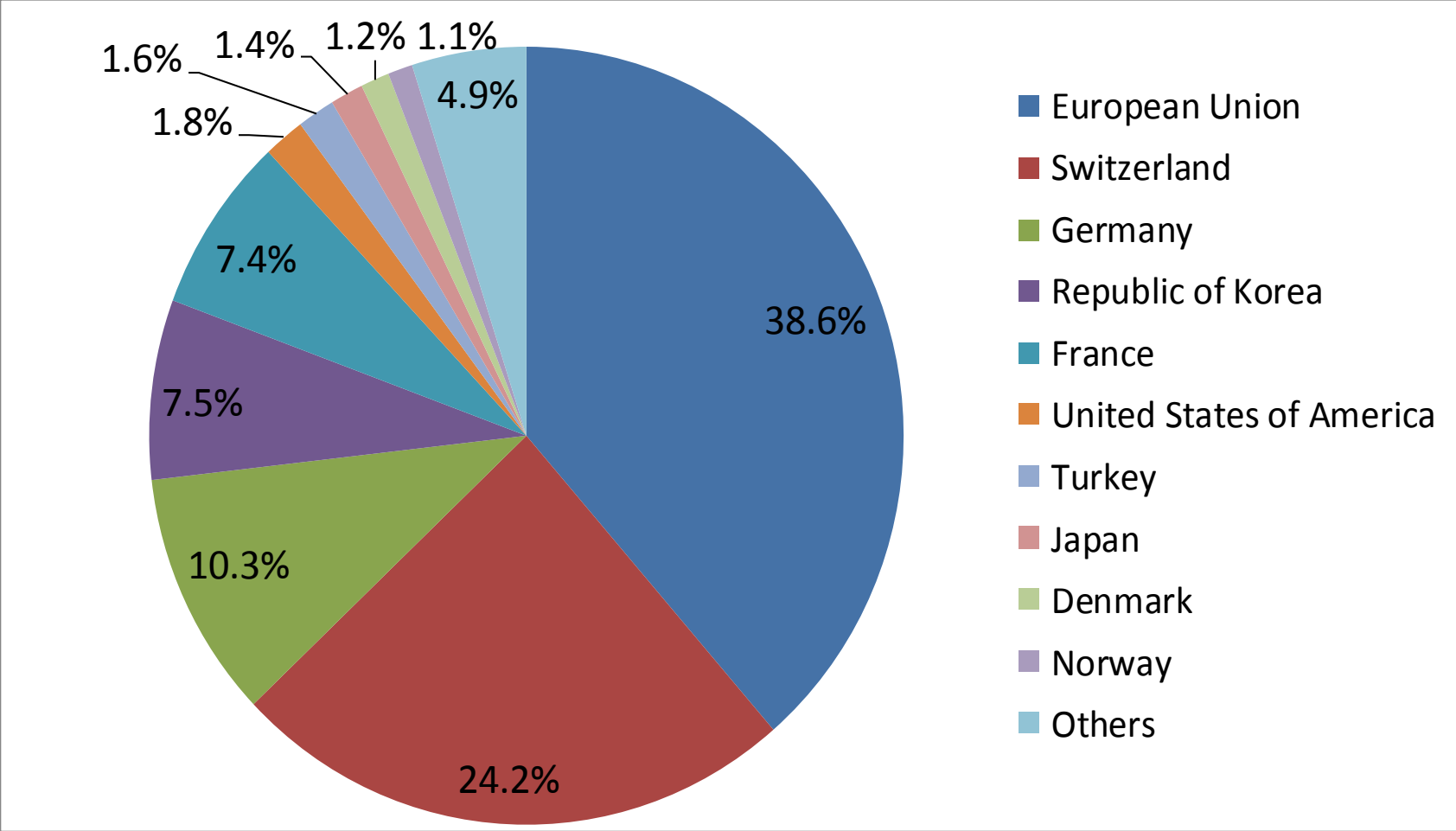
7.25% growth compared to 2014 in the number of designs

Most designated Contracting Parties in 2015 (number of designs recorded)

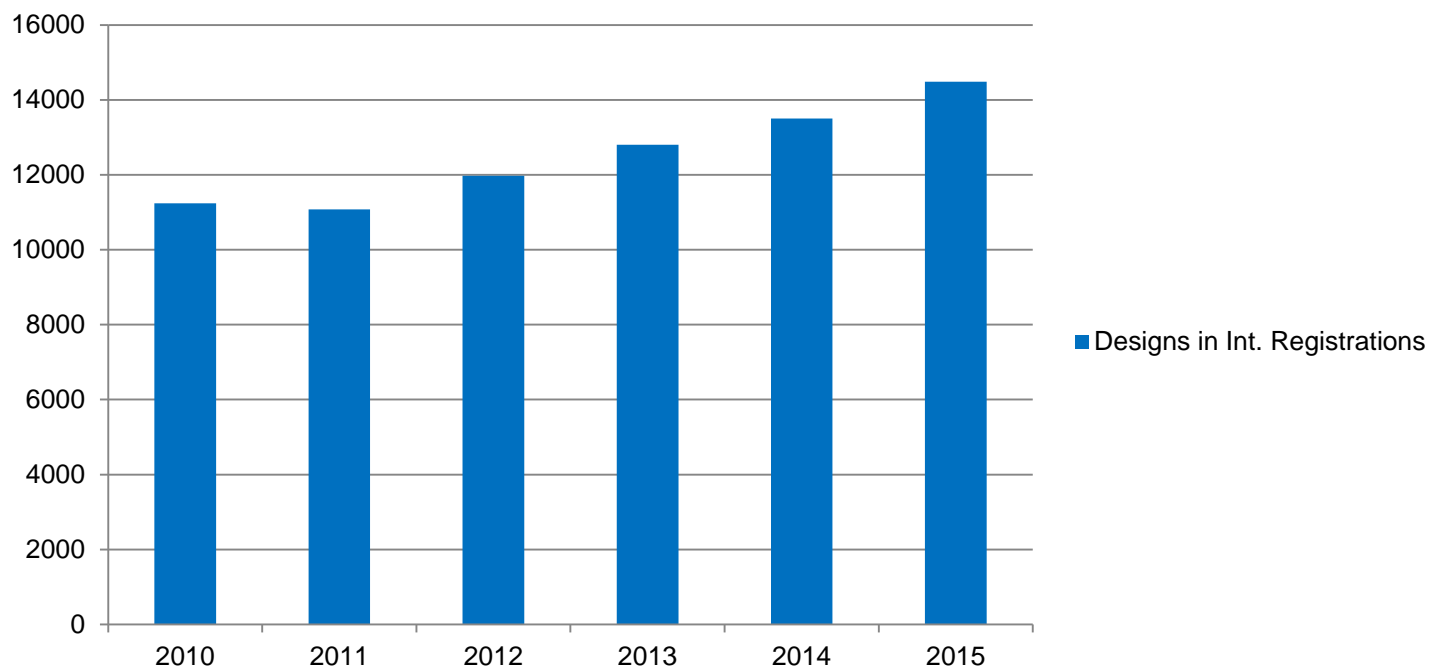


* Since May 13, 2015

Origins of Holders of Designs in International Registrations: 2015

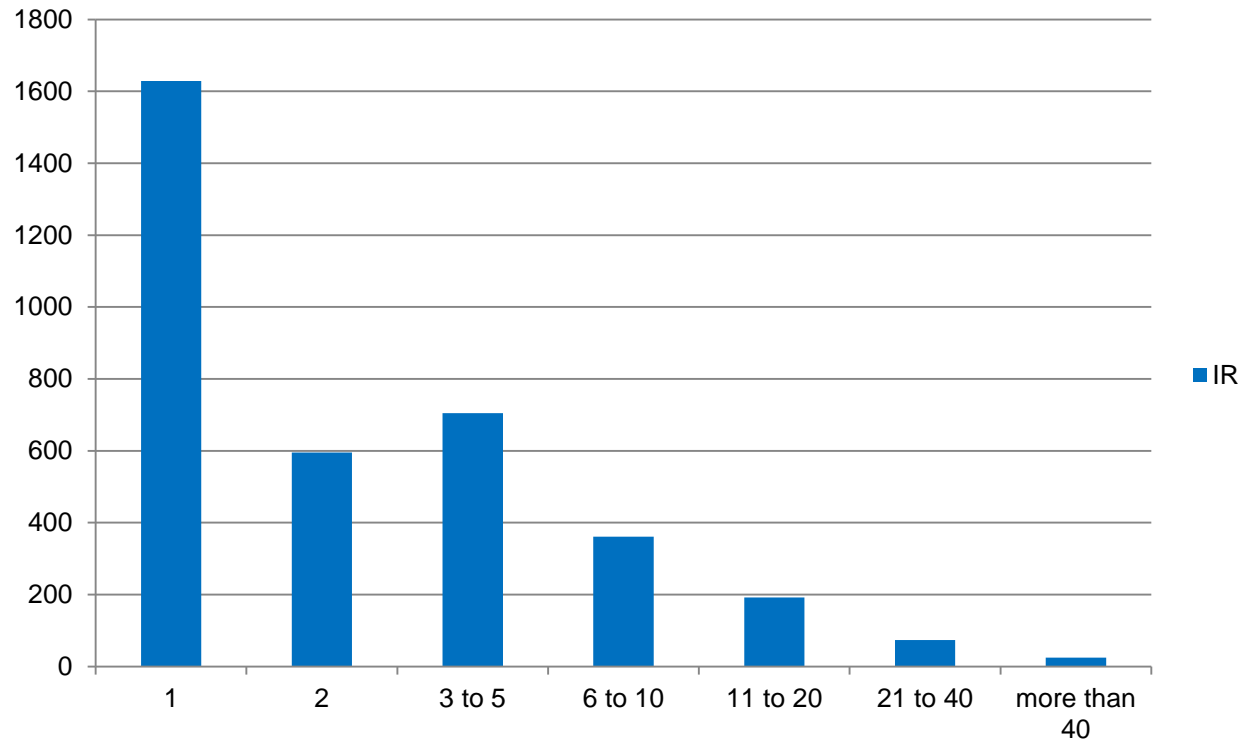


Designs in International Registrations 2010-2015



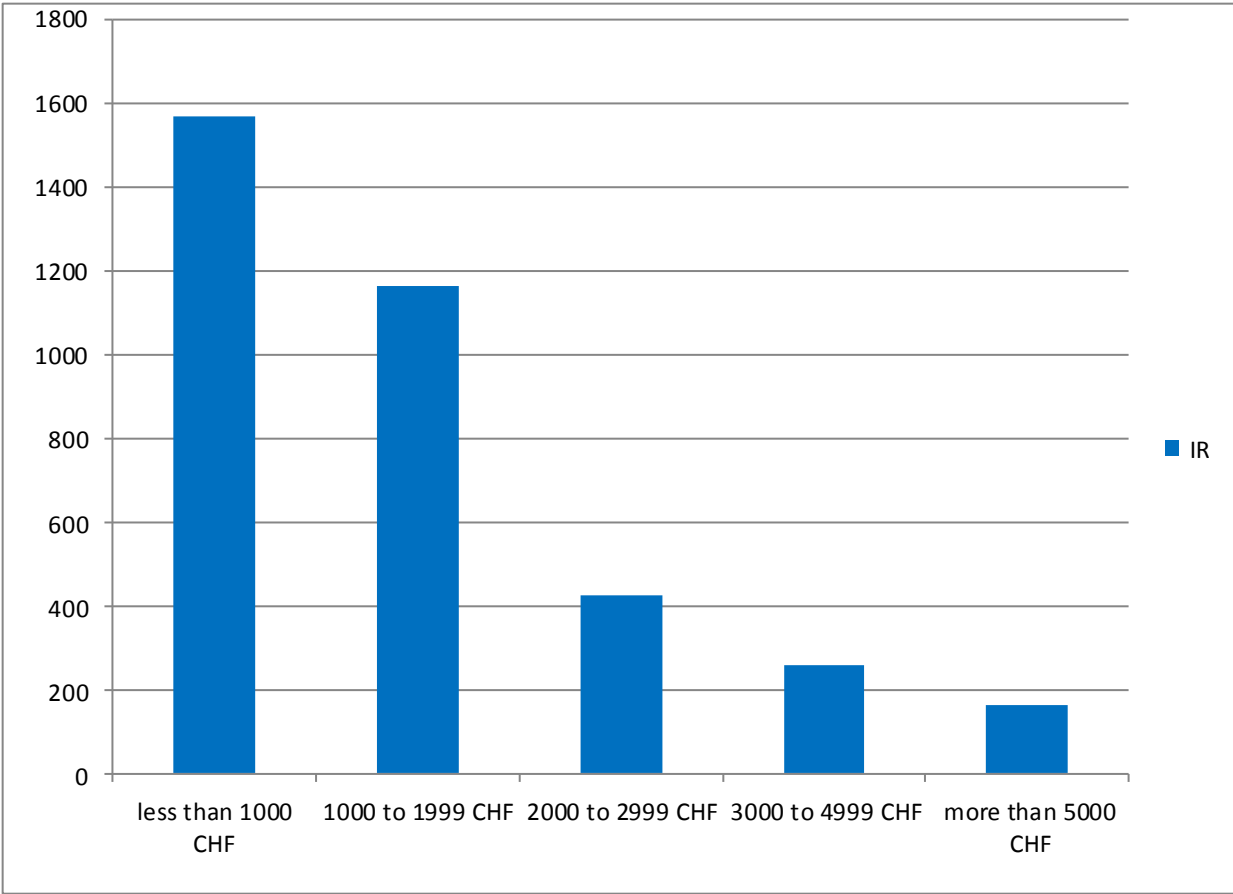
Designs in Int. Registrations	11238	11077	11971	12806	13504	14484
Growth	11.7%	-1.4%	8.1%	7.0%	5.5%	7.3%

Designs per International Registration (2015)



International Registrations	1629	595	705	361	192	74	25
%	45%	17%	20%	10%	5%	2%	1%

Amount of Fees Paid per International Registration (2015)



IR	1570	1165	426	259	161
%	43.8%	32.5%	11.9%	7.2%	4.5%

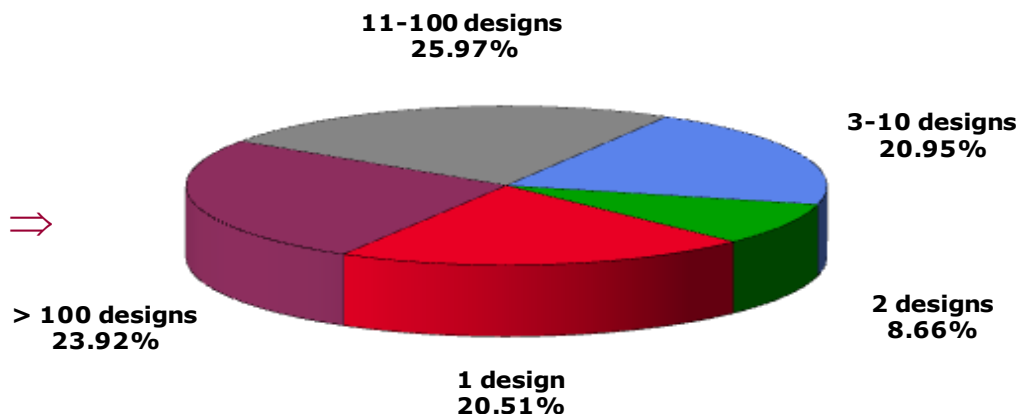
International Registrations in Force in the International Register (on December 31, 2015)

Industrial Designs

Right-holders
(8,949) ⇒

Industrial designs by right-holder	Number of right-holders	
1 design	6024	67.31%
2 designs	1272	14.21%
3-10 designs	1319	14.74%
11-100 designs	310	3.46%
> 100 designs	24	0.27%
All	8949	100.00%

Registrations in force
(29,372) ⇒





Latest Developments and Upcoming Features

Global Design Database

(Canada, Japan, New Zealand, Spain, the United States of America, WIPO, more to come...)

Global Design Database

A world-wide collection of industrial designs data; including WIPO Hague registrations and information from participating national offices.

SEARCH BY

Design Names Numbers Dates Country

Indication of Products =

Design class =

Description =

CURRENT SEARCH
PROD:(perfume) ✖








FILTER BY

Source Designation Locarno Class Reg. Date * Contracting Party *

CH	106	CA	94	MC	67	DE	65	BX	57
BE	57	NL	57	LU	57	FR	53	IT	47
LI	46	EG	44	MA	43	ES	41	TN	39
GR	38	TR	36	RS	36	RO	35	UA	35
ME	32	EM	32	BG	31	SG	31	HU	31
SI	29	MK	27	KP	24	MD	22	ID	20
VA	18	AN	14	BQ	11	SX	11	SN	11

Display: List Sort: Count - desc

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Reg. No	Source	Holder	Reg. Date	Class	Ind. Prod.	Des.	Designs	Image
DM/084555	Hague	BULGARI SPA	2014-10-02	LC.09-01	1. <i>Perfume</i> bottle	MA,CH,EM,LI,MC,SG	1	
DM/084494	Hague	BULGARI SPA	2014-09-26	LC.09-01	1. <i>Perfume</i> bottle	MA,CH,EM,LI,MC,SG	1	
DM/083330	Hague	BULGARI SPA	2014-04-04	LC.09-01	1. <i>Perfume</i> bottle	MA,CH,EM,LI,MC,SG	1	
DM/083058	Hague	COMPTOIR NOUVEAU DE LA PARFUMERIE	2014-02-20	LC.09-01	1. <i>Perfume</i> bottle	MA,CH,EM,MC,SG,T	1	
DM/082126	Hague	PACIFIC CREATION	2013-10-09	LC.09-03	1. <i>Perfume</i> packaging	CH,EG	1	
DM/081534	Hague	BOURJOIS SARL	2013-07-11	LC.09-01	1. Fragrance bottle	CH,TR	1	
DM/080039	Hague	FENDI ADELE S.R.L.	2013-01-30	LC.09-01	1. <i>Perfume</i> bottle	CH,EM,OM,SG,TR	1	

(Coming soon) E-Loop Project: Reply to irregularities online

■ Precondition: user/applicant has WIPO User account

- Applicant may reply to an irregularity raised by the examiner concerning his international application
- Applicant may submit documents, such as a copy of the power of attorney or image files, with his reply
- Applicant may consult current status of his international application in real time



Legal Framework

Legal Development of the Hague System

■ The sixth session of the Working Group on the Legal Development of the Hague System will take place from June 20 to 22, 2016

- Since its second session in 2012, the Delegation of Viet Nam has actively participated in the Working Group

■ The Hague Union Assembly will take place in October 2016

- A proposal for amendments to Rule 5 of the Common Regulations (failure to meet a time limit for electronic communications addressed to the International Bureau) will be submitted to the Assembly, for adoption
- Other possible proposals to be discussed in the sixth session of the Working Group, in June 2016

Thank you!



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