

CIRCULAR

**ON THE RATE, COLLECTION, PAYMENT, MANAGEMENT AND USE
OF INDUSTRIAL PROPERTY FEES AND CHARGES**

Pursuant to the Law on fees and charges dated November 25, 2015;

Pursuant to the Law on State budget dated June 25, 2015;

Pursuant to the Decree No. 120/2016/ND-CP dated August 23, 2016 by the Government providing guidance on the implementation of a number of articles of the Law on fees and charges;

Pursuant to the Decree No. 103/2006/ND-CP dated September 22, 2006 by the Government detailing and guiding the implementation of a number of articles of the Law on Intellectual property regarding industrial property and the Decree No. 122/2010/ND-CP dated December 31, 2010 by the Government amending and supplementing a number of articles of the Decree No. 103/2006/ND-CP.

Pursuant to Decree No. 215/2013/ND-CP dated December 23, 2013 by the Government defining the functions, tasks, entitlements and organizational structure of the Ministry of Finance;

At the request of the Director of the Tax Policy Department,

The Minister of Finance hereby promulgates the Circular on rate, collection, payment, management and use of industrial property fees and charges.

Article 1. Governing scope and regulated entities

1. Governing scope

This Circular regulates the rate, collection, payment, management and use of industrial property fees and charges.

2. Regulated entities

This Circular applies to organizations/individuals filing application for requesting the performance of industrial property right protection works and services ; The State administrative bodies carry out works, services of

protection of industrial property rights and other organizations and individuals relevant to the collection, payment of charges and fees of industrial property.

Article 2. Charge and/or fee payers

Vietnamese and foreign organizations and individuals filing application for requesting the State administrative body to perform industrial property right protection works, services shall pay charges and/or fees in accordance with this Circular.

Article 3. Charge and/or fee collector

National Office of Intellectual Property performing industrial property right protection works, services shall be in charge of collecting charges and/or fees of industrial property (hereinafter referred to as charge and/or fee collector).

Article 4. Charge and/or fee rates

1. Rate of charges and/or fees for industrial property shall be collected according to the industrial property charge and/or fee schedule enclosed with this Circular.
2. Charges and/or fees specified in this Circular shall be collected in Vietnam dong, except for charges and/or fees collected via the international offices of World Intellectual Property Organization (WIPO) which is in Swiss Franc (CHF) on the basis of the conversion from the rate in Vietnam dong according to the official exchange rates of the United Nations.
3. Organizations and individuals shall pay industrial property charges and/or fees directly or by post to the charge and/or fee collector or transfer the charges and/or fees payable to the account of the charge and/or fee collector.

For collection via the international offices of WIPO, charges and fees shall be transferred to the accounts of the collector opened at commercial banks or Vietnamese credit institutions.

Article 5. Declaration and transfer of charges and/or fees

1. Not later than the Monday of every week, fee collector shall transfer the collected fees of the previous week to the account for fees to be transferred to state budget which is opened at the State Treasury.
2. Charge and/or fee collector shall make monthly declaration of charges and/or fees and strike a balance of the collected charges and/or fees annually according to clause 3 Article 19 and transfer charges and/or fees to the State budget according to Clause 2 Article 26 of the Circular No. 156/2013/TT-BTC dated

November 06, 2013 by the Minister of Finance guiding the implementation of a number of articles of the Law on Tax administration; Law on amendments to a number of the Law on Tax administration and the Decree No. 83/2013/ND-CP dated July 22, 2013 by the Government.

Article 6. Management and use of fees and charges

1. Charge collector shall transfer the whole amount of collected charges to the state budget according to the applicable State Budget Index.

2. Fee collector may retain 85% (eighty five percents) of the collected amount of fees before transferring money to the state budget to pay the costs serving its operation according to Article 5 of Decree No. 120/2016/ND-CP dated August 23, 2016 by the Government.

The remaining amount (15%) shall be transferred to the state budget according to the applicable State Budget Index.

Article 7. Organization of implementation

1. This Circular comes into force from January 01, 2017 and replaces the Circular No. 22/2009/TT-BTC dated February 04, 2009 by the Minister of Finance and clause 1 Article 1 of Circular No. 152/2013/TT-BTC dated October 29, 2013 by the Minister of Finance.

2. If an application regarding industrial property submitted before the effective date of this Circular which has not been processed and for which charges and/or fees have not been paid is now requested to be processed, charges and/or fees prescribed in this Circular shall be paid when it has been handled.

3. Activities relevant to the collection, transfer, management and use of charges and/or fees of industrial property which are not specified in this Circular shall comply with the Law on fees and charges; the Decree No. 120/2016/ND-CP dated August 23, 2016 by the Government detailing and guiding the implementation of a number of articles of the Law on fees and charges; the Circular No. 156/2013/TT-BTC dated November 06, 2013 by the Ministry of Finance guiding the implementation of a number of articles of the Law on Tax administration; Law on amendments to the Law on Tax administration and the Decree No. 83/2013/ND-CP dated July 22, 2013 by the Government; the Circular of the Minister of Finance guiding the printing, issuance, management and use of invoices of collection of fees and charges belonging to the state budget and their amending and replacing documents (if any).

4. Organizations and individuals subject to paying charges and/or fees and relevant agencies are responsible for implementing this Circular. In the course of implementation of this Circular, if facing any difficulty, organizations and individuals should promptly inform the Ministry of Finance for its consideration and guidance./.

**P.P. THE MINISTER
THE DEPUTY MINISTER**

Vu Thi Mai

INDUSTRIAL PROPERTY FEE AND CHARGE SCHEDULE

(Enclosed with Circular No. 263/2016/TT-BTC dated November 14, 2016 by the Ministry of Finance)

| No. | List of industrial property fees and charges | Rates (thousand VND) | | | | |
|---------------------------------------|---|---|-------------------|------------|-------------------------|---------------------------------------|
| | | Inventions (including utility solutions) | Industrial design | Trademarks | Geographical indication | Layout designs of integrated circuits |
| A. Industrial property charges | | | | | | |
| 1 | Charges for filing applications for registration of protection of industrial property rights | | | | | |
| 1.1 | Charges for filing application (including the divisional application, the conversion application) | 150 | | | | |
| 1.2 | Charges for requesting extension of time limit to response to the notification of the charge and fee collector (for each time of permission for prolongation) | 120 | | | | |
| 2 | Charges for issuance of Protection title and certificates of registration of the contract on assignment of industrial property rights | | | | | |
| 2.1 | Charges for issuance of protection title | 120 | | | | |
| | - If the patent application includes more than 1 independent point | 100 | 100 | 100 | | |

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| | of protection claim, the industrial design application includes more than 01 variation for each product or the trademark application includes more than 01 group of products/services, then from the second independent point/variation/group, charges for each independent point/variation/group shall be paid | | | | | |
| 2.2 | Charges for issuance of certificate of registration of the contract on licensing of industrial property rights | 120 | | | | |
| 3 | Charges for maintenance, extension, termination, cancelation of validity of protection titles | | | | | |
| 3.1 | Charges for maintenance of validity of patents for inventions or utility solutions or charges for extension of validity term of trademark protection certificates (regarding patents for inventions or utility solutions (for each year): | 100 | 100 | 100 | | |

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| | applicable to independent point of protection claim; regarding trademark (10 years): applicable each group of products/services; regarding industrial designs (5 years): applicable to each variation of each product) | | | | |
| 3.2 | Charges for late maintenance/extension of validity term (applicable to each month of late submission) | 10% of the fee for maintenance/extension | | | |
| 3.3 | Charges for requesting for termination, cancelation of validity of protection titles | 50 | | | |
| 4 | Charges for issuance of industrial property representation service practice certificates and publication and registration of industrial property representative | | | | |
| 4.1 | Charges for issuance of industrial property representation service practice certificates | 200 | | | |
| 4.2 | Charges for publication of decisions on issuance of industrial property representation service practice certificates; | 150 | | | |

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| | <p>decisions on deletion of industrial property representative, decisions on addition/deletion of the industrial property representation service organization (including the modification of information about industrial property representatives)</p> | |
| 4.3 | <p>Charges for registration of decisions on issuance of industrial property representation service practice certificates (including the modification of information); decisions on deletion of industrial property representative, decisions on addition/deletion of of the industrial property representation service organization(including the modification of information about industrial property representatives)</p> | 150 |

| B. Industrial property fees | | | | | | |
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| 1 | Fees for industrial property examination | | | | | |
| 1.1 | Fees for examination of industrial property applications; applications for narrowing of protection coverage; for settlement of complaints (for inventions: applicable to each independent point of the protection claim, for industrial designs: applicable to each variation of each product, for trademarks: applicable to each group with up to 6 products/services, for geographical indications and/or layout designs of integrated circuits: applicable to each application) Regarding inventions: fees for formality examination shall be equivalent to 20% of the revenue, fees for substantive (ex-officio) examination shall be equivalent to 80% of the revenue | 900 | 700 | 550 | 1200 | 180 |
| | - If the invention description contains | 40 | | 120 | | |

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| | more than 6 pages, the trademark application contains more than 6 products/services in a group, an additional fees shall be paid for each further product/service | | | | | |
| | - Fees for international classification of inventions/industrial designs (applicable to each sub-heading); of products/services for trademarks (applicable to each group of not exceeding 6 products/services) | 100 | 100 | 100 | | |
| | + For a group of more than 6 products/services, an additional fee shall be paid for each further product/service | | | 20 | | |
| 1.2 | Fees for examination of application for priority right (applicable to each application) | 600 | 600 | 600 | | |
| 1.3 | Fees for examination of application for modification of the industrial property registration application | 160 | 160 | 160 | 160 | 160 |

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| | (applicable to each content subject to modification of each application) - except modification according to the protection title issued oversea at the request of the charge collector | | | | | |
| 1.4 | Fees for examination of the application for conversion of applications (applicable to each application subject to convert) | 160 | 160 | 160 | | 160 |
| 1.5 | Fees for examination of the application for registration of assignment of industrial property right (applicable to each protection title) | 230 | 230 | 230 | | 230 |
| 1.6 | Fees for examination of the application for extension, maintenance or modification of a protection title; extension or Ahead-of-time termination of the certificate of registration of the contract on licensing of industrial property objects (applicable | 160 | 160 | 160 | 160 | 160 |

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| | to each protection title); the recording of modification of information about industrial property representative relevant to industrial property objects to National register; the modification of the certificate of registration of the contract on licensing of industrial property objects, including the modification of transfer scope, extension of duration (applicable to each protection title related to the modified content) and other modification (applicable to each certificate of licensing industrial property rights) | | | | | |
| 1.7 | Fees for examination of the application for termination of validity of protection title(applicable to each protection title) | 180 | 180 | 180 | 180 | 180 |
| 1.8 | Fees for examination of the application for cancelationof | 390 | 390 | 390 | 390 | 390 |

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| | effectiveness of protection title (applicable to each protection title) | | | | | |
| 1.9 | Fees for examination of the dossier of examinations for the industrial property representation profession, industrial property assessment profession (applicable to each profession) | 300 | | | | |
| 1.10 | Fees for the rechecking of the results of examinations for the industrial property representation profession, industrial property assessment profession (applicable to each profession) | | 150 | | | |
| 1.11 | Fees for examination of the application for an industrial property representative service practice certificate, an intellectual property assessor's cards, a Certificate of industrial property assessment organization, an | | 250 | | | |

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| | application for deletion of an industrial property representative, an application for addition/deletion of the name of an industrial property representative service organization or an industrial property assessment organization (including the modification of information about industrial property representative) | | | | | |
| 2 | Fees for handling of dissenting opinions related to industrial property application | | | | | |
| | Fees for handling of third party's the dissenting opinion against the issuance of the protection certificate (for the trademarks: applicable to each group, for industrial designs: applicable to each variation of each product, for inventions/utility solutions: applicable to each independent points, for geographical indications and designs: applicable to each application) | 550 | 550 | 550 | 550 | 550 |
| 3 | Fees for information search about industrial property | | | | | |
| | Fees for search of information to | 600 | 480 | 180 | 180 | |

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| <p>serve the examination and settlement of complaints and other activities within their responsibility (for trademarks: applicable to each group of 6 products/services, for industrial designs: applicable to each variation of product, for inventions: applicable to each independent point of the protection application, for geographical indications: applicable to each application); the search for associated trademarks serving the examination of applications for registration of a contract on assignment of industrial property rights (applicable to each protection title)</p> | | | | | |
| <p>- If the searching subject is a trademark containing more than 6 products/services in a group, an additional fees shall</p> | | | 30 | | |

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| | be paid for each further product/service | | | | | |
| 4 | Fees for publication, official registration of industrial property information | | | | | |
| 4.1 | Fees for publication of information about industrial property | 120 | 120 | 120 | 120 | 120 |
| | - If an application contains more than 1 figure, an additional fees shall be paid for each further figure | 60 | 60 | | | 60 |
| | - If the invention description consists of more than 6 pages, an additional charge shall be paid for each further page | 10 | | | | |
| 4.2 | Fees for registration of information about industrial property | 120 | 120 | 120 | 120 | 120 |
| 5 | Fees for use of protection title | | | | | |
| 5.1 | Fees for use of protection title: for inventions/utility solutions: applicable to each independent point of the protection application in each year, for trademarks: applicable to each group of products/services in each 10 years, | | 700 | 700 | | |

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| | for industrial designs: applicable to each variation of each product in 5 years | | | | | |
| | - 1 st year or 2 nd year, applicable to inventions or utility solutions | 300 | | | | |
| | - 3 rd year or 4 th year, applicable to inventions or utility solutions | 500 | | | | |
| | - 5 th year or 6 th year, applicable to inventions or utility solutions | 800 | | | | |
| | - 7 th year or 8 th year, applicable to inventions or utility solutions | 1200 | | | | |
| | - 9 th year or 10 th year, applicable to inventions or utility solutions | 1800 | | | | |
| | - 11 th year to 13 th year, applicable to inventions or utility solutions | 2500 | | | | |
| | - 14 th year to 16 th year, applicable to inventions or utility solutions | 3300 | | | | |
| | - 17 th year to 20 th year, applicable to inventions or utility solutions | 4200 | | | | |
| 6 | Fees for examination of international registration of industrial property | | | | | |
| 6.1 | Fees for preliminary formal | 300 | | | | |

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| | examination of the application of international invention to submit it to the international office and the international searching authority | | | | | |
| 6.2 | Fees for international registration of trademark having origin in Vietnam, excluding Fees must be paid to the international office | | | 2000 | | |
| 6.3 | Fees for examination of the modification, assignment, extension, territorial expansion, limitation of the list of products or the termination or cancellation of effectiveness of internationally registered trademark having origin in Vietnam. | | | 1000 | | |
| 6.4 | Fees particularly applicable to international registration of trademark under the Madrid Protocol designating Vietnam | | | | | |
| | - Fees for examination of | | | 3600 | | |

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| application, applicable to each group of products of services | | | | | |
| - Fees for examination of application for extension, applicable to each group of products of services | | | 3200 | | |