



PATENT

ASEAN IP HANDBOOK

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1. MALAYSIA

PATENT APPLICATION IN MALAYSIA

In Malaysia, patent protection is obtainable by way of either entering the national phase of a Patent Cooperation Treaty (PCT) application or filing a direct national application.

1. Legislation:

Patents Act 1983 (Act 291).

2. Patentability Criteria:

A patent has to fulfill the following conditions in order to claim protection.

- it is new
- it involves an inventive step
- it is industrially applicable

Non-Patentable Subject Matter:

An invention is not patentable if it contains the following:

- discoveries, scientific theories and mathematical methods,
- plant or animal varieties or essentially biological processes for the production of plant or animals,
- schemes, rules or methods for doing business, performing mental acts, and
- methods for the treatment of the human or animal body by surgery or therapy, and diagnostic methods practiced on the human or animal body.

3. Utility Innovations

The Malaysian patent system also provides for the grant of utility innovation certificates. A utility innovation must fulfill the criteria of novelty and industrial applicability (but not inventiveness). A utility innovation certificate may only have one claim and subject to evidence of commercial/industrial use in Malaysia, enjoys the same duration of protection like a patent.

4. Membership:

- √ - Paris Convention
- √ - PCT

Malaysia is a member of the Paris Convention since 1989, whereby applications from convention countries will be subject to the same priority date in Malaysia. The application for priority has to be made within 12 months of the first application in a convention country.

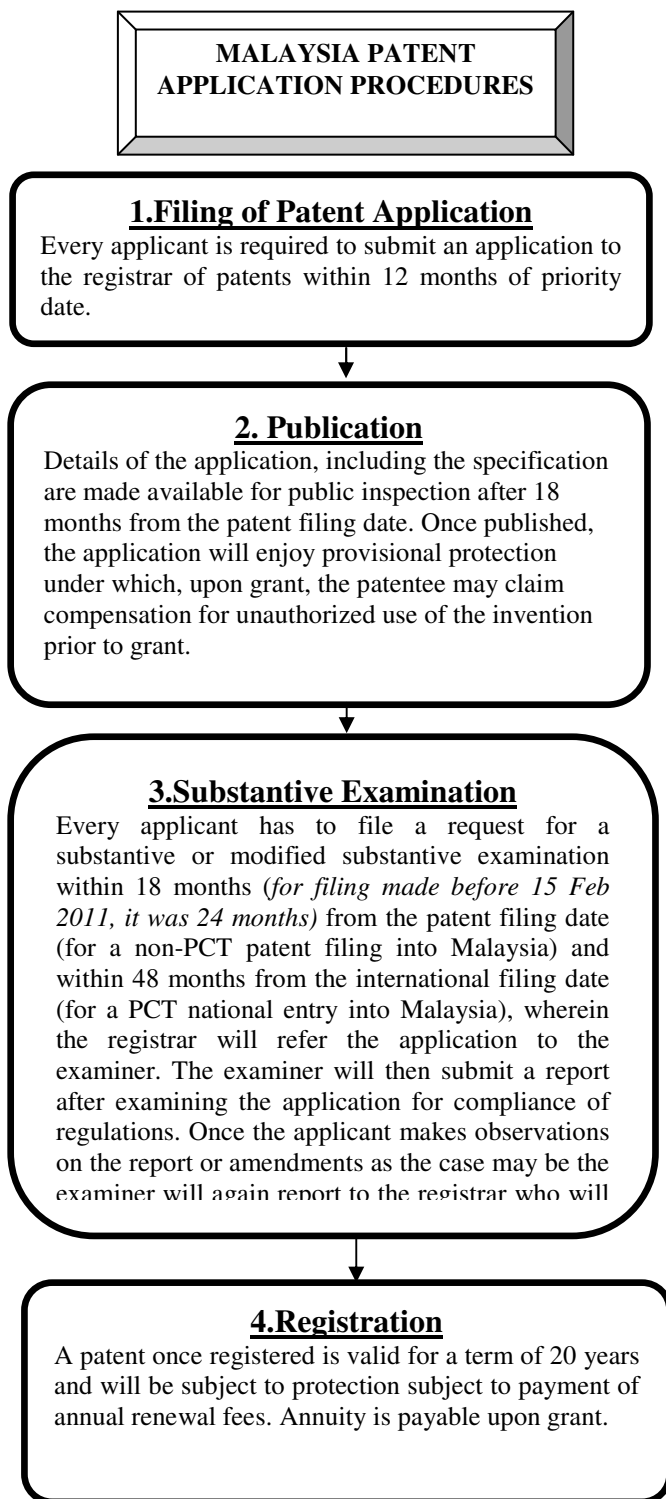
Malaysia is also a member of the PCT since 2006. An applicant who has made an international patent application may file and/or prosecute the patent application during its national phase entry into Malaysia within 30 months from the filing date of the international application or from the earliest priority date of the application if a priority is claimed.

5. Rule of Priority:

Unless requested by an Examiner, there is no requirement to file a certified copy of any priority application. "First to Apply" is the rule followed by Malaysia in determining priority of patents.

6. Duration

For patent filed prior to 1st August 2001, the duration of protection is 15 years from the date of grant or 20 years calculated from the filing date, whichever expires later. For patents filed on or after 1st August 2001, the duration is 20 years calculated from the filing date (for a direct national application) and from the international filing date (for a PCT national phase application).



Filing Requirements

The following information and/or documents are required to file an application for a patent in Malaysia:-

Direct National Application:-

1. Request for the grant of a patent (PF 1):-
 - a) the name and address of the applicant;
 - b) the name and address of the inventor;
 - c) a specification comprising a description, claims and any necessary drawings; and
 - d) the country and filing particulars of basic application whose priority is claimed.
2. Appointment of Patent Agent (PF 10)
3. If the applicant is not the inventor, a statement explaining how the applicant derives its right to the patent from the inventor, normally by virtue of assignment or employment.
4. There is no requirement for the filing of an assignment from inventor to applicant.

PCT National Phase Application

1. Form 2A ;
2. a copy of the PCT application in English language (i.e. request form PCT/RO/101);
3. the details of the PCT application (suitably, the bibliographic page as published by WIPO);
4. one copy of the PCT specification as originally filed (in or translated to English);
5. one copy of any amendments filed in the international phase (in or translated to English);
6. an Appointment of Agent form signed by the applicant; and
7. if the applicant is not the inventor, a statement explaining how the applicant derives its right to the patent from the inventor, normally by virtue of assignment or employment.

Documents To Be Furnished For Filing A Patent Application in Malaysia

Basic Requirements

Documents	Remarks	Time of Filing
Patent specification, claims and abstract in English	no legalization requirement	On filing date
Drawings	(if any)	On filing date

Additional Documents for Convention Patent Application

Documents	Remarks	Time of Filing
Priority documents	Certified copy of the basic patent application	Within 2 months from request by the Examiner
Appointment of Agent (PF10)		Within 2 months from request by the Examiner

Additional Documents for Entry of PCT National Phase in Malaysia

Documents	Remarks	Time of Filing
International Preliminary Report on Patentability based on International Preliminary Search Report (Chapter I); or		On filing date
International Preliminary Report on Patentability based on International Preliminary Examination Report (Chapter II)		On filing date

2. SINGAPORE

PATENT APPLICATION IN SINGAPORE

In Singapore, patent protection is obtainable by way of either entering the national phase of a Patent Cooperation Treaty (PCT) application or filing a direct national application.

1. Legislation:

Patent protection in Singapore is governed by the Patents Act (Cap. 221).

2. Patentability Criteria:

A patent should satisfy the following criteria to claim protection:

- new
- involves an inventive step
- capable of industrial application

3. Utility Innovations:

- N/A in Singapore

4. Membership:

- √ - Paris Convention
- √ - PCT

Singapore is a member of the Paris Convention from 1995, whereby applications from convention countries will be subject to the same priority date in Singapore. The application for priority has to be made within 12 months of the first application in a convention country.

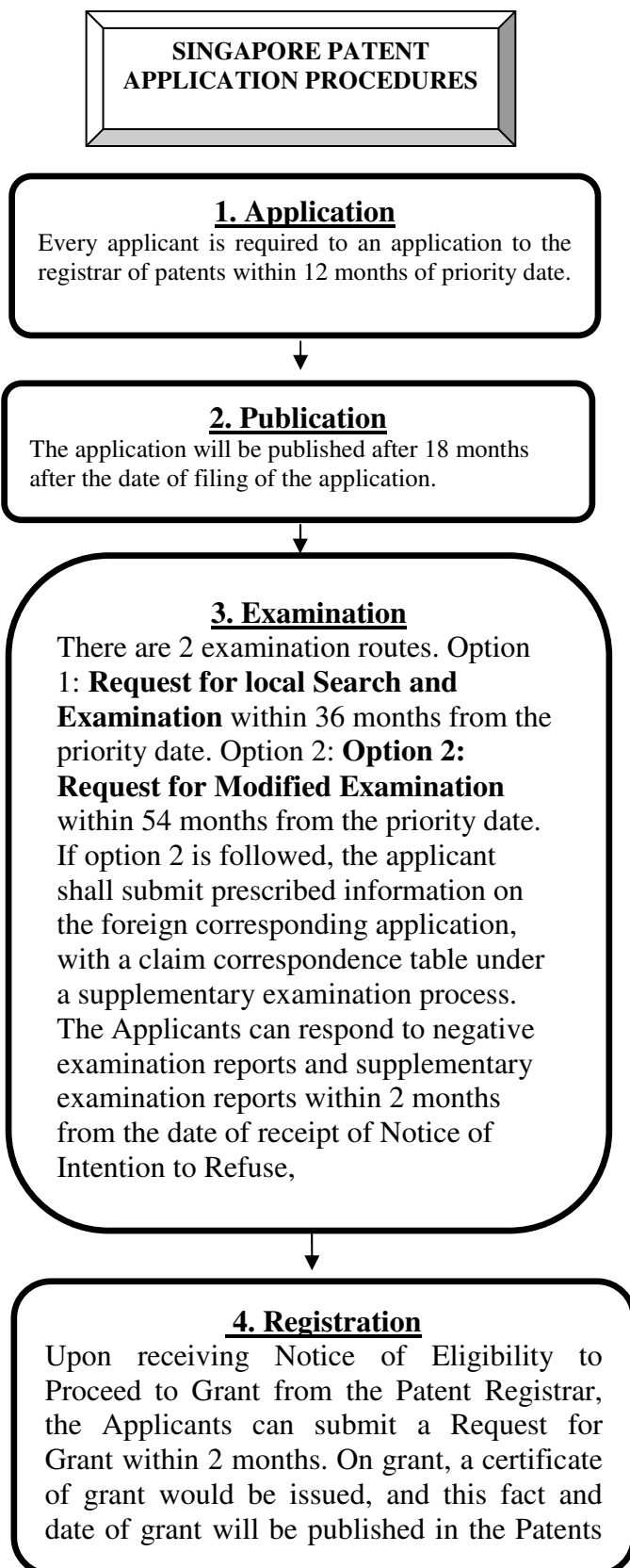
Singapore is also a member of the PCT since 1995. An applicant who has made an international patent application may file and/or prosecute the patent application during its national phase entry into Singapore within 30 months from the filing date of the international application or from the earliest priority date of the application if a priority is claimed.

5. Rule of Priority:

“First to File” is the rule followed by Singapore in determining priority of patents.

6. Duration

The term of a patent is 20 years from the date of filing subject to the payment of renewal fees.



Filing Requirements

The following information and/or documents are required to file an application for a patent in Singapore:-

Direct National Application:-

1. Request for the grant of a patent (PF 1(2004)):-
 - a) the name and address of the applicant;
 - b) the name and address of the inventor;
 - c) a specification comprising a description, claims and any necessary drawings; and
 - d) the country and filing particulars of basic application whose priority is claimed.
2. A statement explaining how the applicant derives its right to the patent from the inventor, normally by virtue of assignment or employment (PF 8).
3. There is no requirement for the filing of an assignment from inventor to applicant.

PCT National Phase Application

1. Form 37;
2. a copy of the PCT application in English language (i.e. request form PCT/RO/101);
3. the details of the PCT application (suitably, the bibliographic page as published by WIPO);
4. one copy of the PCT specification as originally filed (in or translated to English);
5. one copy of any amendments filed in the international phase (in or translated to English);
6. an Appointment of Agent form signed by the applicant; and
7. A statement explaining how the applicant derives its right to the patent from the inventor, normally by virtue of assignment or employment (PF 8).

Documents To Be Furnished For Filing A Patent Application in Singapore

Basic Requirements

Documents	Remarks	Time of Filing
Patent specification, claims and abstract in English	no legalization required	On filing date
Drawings	(if any)	On filing date

Additional Documents for Convention Patent Application

Documents	Remarks	Time of Filing
Priority documents	Certified copy of the basic patent application.	Within 2 months after filing
Appointment of Agent (PF41)		Within 2 months after filing

Additional Documents for Entry of PCT National Phase in Singapore

Documents	Time of Filing
International Preliminary Report on Patentability based on International Preliminary Search Report (Chapter I); or	On filing date
International Preliminary Report on Patentability based on International Preliminary Examination Report (Chapter II)	On filing date

3. INDONESIA

PATENT APPLICATION IN INDONESIA

In Indonesia, patent protection is obtainable by way of either entering the national phase of a Patent Cooperation Treaty (PCT) application or filing a direct national application.

1. Legislation:

Law of the Republic of Indonesia Number 14 Year 2001 Regarding Patent.

2. Patentability Criteria:

An invention is patentable if:

- novel
- it involves an inventive step
- it is industrially applicable

3. Utility Innovations:

There are 2 kinds of patents in Indonesia, namely, Patent and Simple Patent (Utility Model). Simple Patent shall be granted for a period of (10) ten years commencing on the date of issuance of the Letter of Simple Patent.

4. Membership:

- √ - Paris Convention
- √ - PCT

Indonesia is a member of the Paris Convention from 1950, whereby applications from convention countries will be subject to the same priority date in Indonesia. The application for priority has to be made within 12 months of the first application in a convention country.

Indonesia is also a member of the PCT since 1997. An applicant who has made an international patent application may file and/or prosecute the patent application during its national phase entry into Indonesia within 30 months from the filing date of the international application or from the earliest priority date of the application if a priority is claimed.

5. Rule of Priority:

“First to File” is the rule followed by Indonesia in determining priority of patents.

6. Duration

A registered patent is valid for a term of 20 years (Art. 8) whereas that of a simple patent is for 10 years (Art. 9) commencing on the receiving date of application in Indonesia (Paris Convention) or application date of the international application (PCT).

7. Patent Prosecution Highway (PPH)

Starting from 1 June 2013, Indonesian IP Office (DGIPR) and Japan Patent Office (JPO) agreed for a PPH pilot programme. In this programme, an application determined to be patentable in the Office of Earlier Examination (OEE) is eligible to have an accelerated examination in the Office of the Later Examination (OLE) with a simple procedure upon an applicant’s request.

INDONESIA PATENT APPLICATION PROCEDURES

1. Filing of Patent Application

Every applicant is required to submit an application within 12 months of priority date.



2. Publication

A patent application will be published within 18 months of the filing date.



3. Opposition

The publication is for a duration of 6 months during which oppositions are invited from interested parties. The statements of opposition and counter statement will be considered in the examination stage.



4. Substantive Examination

A request for examination has to be filed within 36 months after the filing date of the application else could result in automatic withdrawal of the application. Also a simple patent is examined only for novelty.



5. Registration

The patent office is obligated to grant or reject a patent within 36 months after the receipt of an examination date. On successful completion of formalities a patent certificate will be issued by the office and the invention will be listed in the general register of patent.

Filing Requirements

The following information and/or documents are required to file an application for a patent in Indonesia:-

Direct National Application:-

1. Request for the grant of a patent:-
 - a) the name, address and citizenship of the applicant (in case of a company, the name of the responsible person and the name of the company, the legal address of the company);
 - b) the name and address of the inventor;
 - c) a power of attorney to a registered Indonesian IP attorney, in case the applicant is a non-resident of Indonesia
 - d) an assignment deed from inventor(s) to applicant, if the applicant is not the inventor
 - e) a declaration of patent ownership by the applicant
 - f) details of Priority Right (Country, Priority Date, Priority Number) with a certified copy of Priority document, its cover page with an English translation of the cover page, in case of claiming a Priority Right abroad;
 - g) a specification comprising a description, claims, abstract and any necessary drawings translated into Indonesian language (in case the specification is originally not in Indonesian language) and a copy of its English version (the specification should be translated into English, in case the specification is originally not in English language);
 - h) information whether the information is a split of another patent application number;
 - i) minimum requirement to obtain an Indonesian filing date: copy of the description, abstract, claims and drawings
2. Appointment of Patent Agent
3. Filing of an assignment from inventor to applicant.

Documents To Be Furnished For Filing A Patent Application in Indonesia

Basic Requirements

Documents	Remarks	Time of Filing
Patent description, claims, abstract, and drawing(s)	Both in English and the Indonesian Language versions	At least an English language version at the time of filing to obtain an Indonesian filing/application date (for PCT/Paris Convention application). The Indonesian language version at the latest one month from application date.

Additional Requirements

Documents	Remarks	Time of Filing
Priority documents	Certified copy of Priority document and the English and Indonesian version of the cover page	16 month from priority date (non-extendable)
Power of Attorney	No legalization on applicant's side required	3 months from application date
Assignment of Invention (if the applicant is not the inventor)	No legalization on applicant's side required	3 months from application date
Declaration ownership	No legalization on applicant's side required	3 months from application date

Additional Documents for Entry of PCT National Phase in Indonesia

Documents	Time of Filing
Instrument of assignment of the international application if the applicant has changed after the international filing date: Document evidencing a change of name of the applicant if the change occurred after the international filing date and has not been reflected in a notification from the international Bureau (Form PCT/IB/306)	
If not already complied with within the time limit applicable under PCT Article 22 or 39 (1), the IP Office will invite the applicant to comply with the requirement within a time limit fixed in the invitation. Form PCT/IB/306 or Notarized copy of Certificate of Change	2 month from application date

4. PHILIPPINES

PATENT APPLICATION IN PHILIPPINES

In Philippines, patent protection is obtainable by way of either entering the national phase of a Patent Cooperation Treaty (PCT) application or filing a direct national application.

1. Legislation

The Intellectual Property Code of the Philippines (Republic Act No. 8293)

2. Patentable Criteria:

Any technical solution of a problem in any field of human activity which is new, involves an inventive step and is industrially applicable shall be patentable. It may be, or may relate to, a product, or process, or an improvement of any of the foregoing.

Non- Patentable Subject Matter:

An invention is not patentable if it contains the following:-

- Discoveries, scientific theories and mathematical methods;
- Schemes, rules and methods of performing mental acts, playing games or doing business, and programs for computers;
- Methods for treatment of the human or animal body by surgery or therapy and diagnostic methods practiced on the human or animal body. This provision shall not apply to products and composition for use in any of these methods;
- Plant varieties or animal breeds or essentially biological process for the production of plants or animals. This provision shall not apply to micro-organisms and non-biological and microbiological processes.
- Provisions under this subsection shall not preclude Congress to consider the enactment of a law providing sui generis protection of plant varieties and animal breeds and a system of community intellectual rights protection;
- Aesthetic creations; and
- Anything which is contrary to public order or morality.

3. Utility Models:

Utility models are registrable in the Philippines. A utility model must fulfill the criteria of new and industrial applicability (but not inventiveness). The term is seven (7) years without renewal.

4. Membership:

- √ - Paris Convention
- √ - PCT

Philippines is a member of the Paris Convention from 1965, whereby applications from convention countries will be subject to the same priority date in Philippines. The application for priority has to be made within 12 months of the first application in a convention country.

Philippines is also a member of the PCT since 2001. An applicant who has made an international patent application may file and/or prosecute the patent application during its national phase entry into Philippines within 30 months from the filing date of the international application or from the earliest priority date of the application if a priority is claimed.

5. Rule of Priority:

“First to file” is the rule followed by Philippines in determining priority of patent.

6. Duration and Renewal:

A patent application once registered is valid for 20 years from the date of application.

PHILIPPINES PATENT APPLICATION PROCEDURES

1. Application

Every applicant is required to an application to with Intellectual Property Office of the Philippines within 12 months of priority date.

2. Examination

After the assignment of a filing date the application will be examined. And a search report be submitted to the applicant.

3. Publication & Substantive Examination

The application will be published within 18 months from the date of filing. Request for substantive examination has to be made within 6 months from the date of publication. Letters of patent will be granted on completion of substantive examination. The invention will be published in the IPO Gazette together with other relevant information.

4. Opposition

Third parties are invited to oppose the applications within the stipulated publication period.

5.Registration

Finally on completion of objections and opposition a Certificate of Registration will be issued subject to the payment of a fee. The duration of registration could take a minimum period of 2 -3 weeks. The registration is effective from date of application.

Information to be furnished

The following information and/or documents are required to file an application for a patent in Philippines:-

Direct National Application:-

1. Request for the grant of a patent:-
 - a) the name, nationality and address of the applicant;
 - b) the name, nationality and address of the inventor;
 - c) a specification comprising a description, claims and any necessary drawings; and
 - d) the country and filing particulars of basic application whose priority is claimed.
2. Appointment of Patent Agent
3. If the applicant is not the inventor, a statement explaining how the applicant derives its right to the patent from the inventor, normally by virtue of assignment or employment.
4. There is no requirement for the filing of an assignment from inventor to applicant.

PCT National Phase Application

1. a copy of the PCT application in English language (i.e. request form PCT/RO/101);
2. the details of the PCT application (suitably, the bibliographic page as published by WIPO);
3. one copy of the PCT specification as originally filed (in or translated to English);
4. one copy of any amendments filed in the international phase (in or translated to English);
5. an Appointment of Agent form signed by the applicant; and
6. if the applicant is not the inventor, a statement explaining how the applicant derives its right to the patent from the inventor, normally by virtue of assignment or employment.

Documents To Be Furnished For Filing A Patent Application in Philippines

Basic Requirements

Documents	Remarks	Time of Filing
Patent specification, claims and abstract in English	no legalisation	On filing date or within two months from the date of entry
Drawings*	If any	On filing date

*Note:

- (a) The set of drawings must be signed by the applicant or by his attorney or agent;
- (b) The set of drawings must be made in a Bristol board or in a paper that is flexible, strong, white, smooth, non-shiny and durable;
- (c) The set of drawings must be made in a pen or by photolithographic which give the satisfactory reproduction characteristics; shading and lines were not present in the sectional view;
- (d) The sectional view of the set of drawings must be indicated on the general view by a broken or dotted line;
- (e) The space in the heading must be reserved at the right and the signature placed on the left, one figure must be placed upon another or within the outline of another.
- (f) The drawing must show every feature of the utility model or industrial design covered by the claim(s), and the figures should be consecutively numbered.

Additional Documents for Convention Patent Application

Documents	Remarks	Time of Filing
Priority documents	Certified copy of the basic patent application.	On filing date or 6 months from the date of entry
Power of Attorney	signed; notarization is not required	On filing date or within 2 months from the date of entry

Additional Documents for Entry of PCT National Phase in Philippines

Documents	Time of Filing
English translation of the international application (if it is filed in a language other than English)	On filing date
A copy of the International Search Report (form PCT/ISA/210)	On filing date or within 2 months from the date of entry
A copy of Notification Concerning Submission or Transmittal of Priority Document (form PCT/IB/304)	On filing date or within 2 months from the date of entry.

Details of the PCT application (suitably, the bibliographic page as published by WIPO).	On filing date
International preliminary examination report international search report (chapter 2).	On filing date (if available) or anytime during the pendency of the examination or anytime while the examination is active
Notification of Recording of a Change; (a) Inventor (b) Name (c) Applicant	On filing date (if available) or anytime during pendency of the application
One copy of the PCT specification as originally filed (in or translated to English).	On filing date
One copy of any amendments filed in the international phase(in or translated to English).	On filing date or anytime while the application is active

5. THAILAND

PATENT APPLICATION IN THAILAND

In Thailand, patent protection is obtainable by way of filing a direct national application.

1. Legislation:

Patent Act B.E. 2522

2. Patentable Criteria:

An invention is patentable if:

- it is new
- it involves an inventive step
- it is industrially applicable

3. Utility Innovations:

Thailand has both patents and “petty patents” (utility model patents). Petty patents are granted to “inventions” that are new and industrially applicable, but lack an inventive step.

4. Membership:

- √ - Paris Convention
- √ - Patent Cooperation Treaty (PCT)

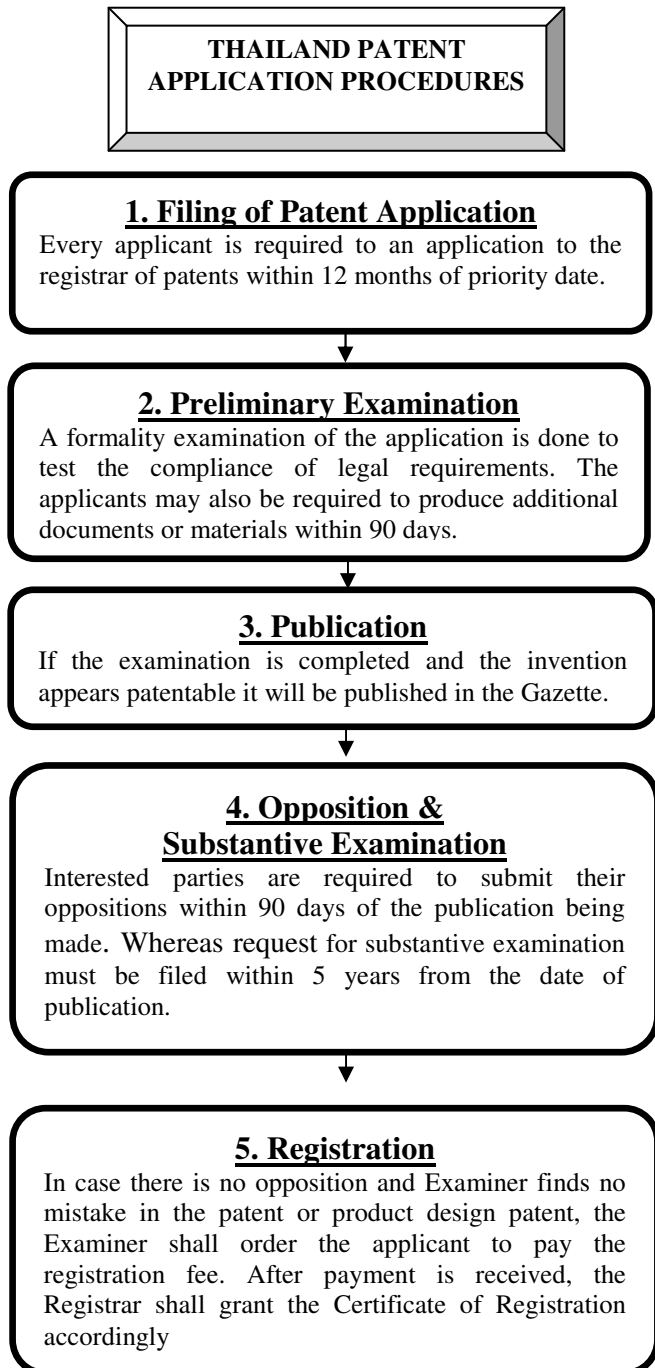
Thailand is a member of the Paris Convention from 2008, whereby applications from convention countries will be subject to the same priority date in Thailand. The application for priority has to be made within 12 months of the first application in a convention country.

5. Rule of Priority:

“First to file” is the rule followed by Thailand in determining priority of patents.

6. Duration:

The term of protection for a patent is 20 years, petty patent is 6 years and that of design patents is 10 years.



Filing Requirements

The following information and/or documents are required to file an application for a patent in Thailand:-

Direct National Application:-

1. Filing information and documents:

- the name and address of the applicant;
- the name and address of the inventor;
- a deed of assignment from inventor to applicant in case the applicant is not the inventor;
- a specification in Thai language comprising a description, claims and any necessary drawings; and
- the country and filing particulars (including the serial number and filing date) of basic application whose priority is claimed.

2. Appointment of Patent Agent:

- A Power of Attorney to be signed by applicant and notarized is required for appointing local certified agent.

3. Filing of an assignment from inventor to applicant.

Documents To Be Furnished For Filing A Patent Application in Thailand

Basic Requirements

Documents	Remarks	Time of Filing
Patent specification (description, claims and abstract)	-	On filing date
Thai translation of the specification (description, claims, abstract)	-	Within 90 days from filing date
Drawings	(if any)	On filing date

Additional Documents

Documents	Remarks	Time of Filing
Priority documents	certified copy from the respective Patent Office required	On filing date or within 90 days from filing date
Power of Attorney	duly signed and notarized	On filing date
Deed of Assignment (if applicant(s) is not inventor(s)/ designer(s))	Signed by all inventor(s)/ designer(s) and applicant(s)/ Original required; NO notarization required	On filing date
Statement of Applicant's Right (if applicant(s) is inventor(s)/ designer(s))	Signed by all inventor(s)/ designer(s) and applicant(s)/ Original required; no notarization required	On filing date

Optional Documents

Documents	Remarks	Time of Filing
Foreign examination report/ granted patent of the corresponding patent from one of the major patent office	Submission can speed up the examination	Date of request of substantive examination or anytime during examination

6. VIETNAM

In Vietnam, patent protection is obtainable by way of either entering the national phase of a Patent Cooperation Treaty (PCT) application or filing a direct national application. Vietnam's current patent rules make available three types of patent:

- (i) Patent for inventions;
- (ii) Patent for utility solutions; and
- (iii) Patent for industrial designs

1. Legislation:

- Law No. 36/2009/QH12 of June 19, 2009, Amending and Supplementing a Number of Articles of the Law on Intellectual Property No. 50/2005/QH11.
- Circular No. 18/2011/TT-BKHHCN of July 22, 2011, amending and supplementing a number of Articles of the Circular No. 01/2007/TT-BKHHCN of Feb 14, 2007 13/2010/TT-BKHHCN of July 30, 2010.

2. Patentable Criteria:

A Patent for invention has to satisfy the following criteria to claim protection

- Novelty
- Inventive Step
- Industrial Applicability

Non-Patentable Subject Matter:

- plant or animal varieties;
- method for prevention, diagnosis or treatment of diseases in human being,
- animals or plants;
- topographical design of integrated circuits and computer programs.

3. Utility Solutions:

Utility Solution is protected on the basis of Patent for Utility Solution. For A Utility Solution it is not required to have an inventive step as in case of Invention.

4. Membership:

- √ - Paris Convention
- √ - PCT

Vietnam is a member of the Paris Convention from 1949, whereby applications from convention countries will be subject to the same priority date in Vietnam. The application for priority has to be made within 12 months of the first application in a convention country.

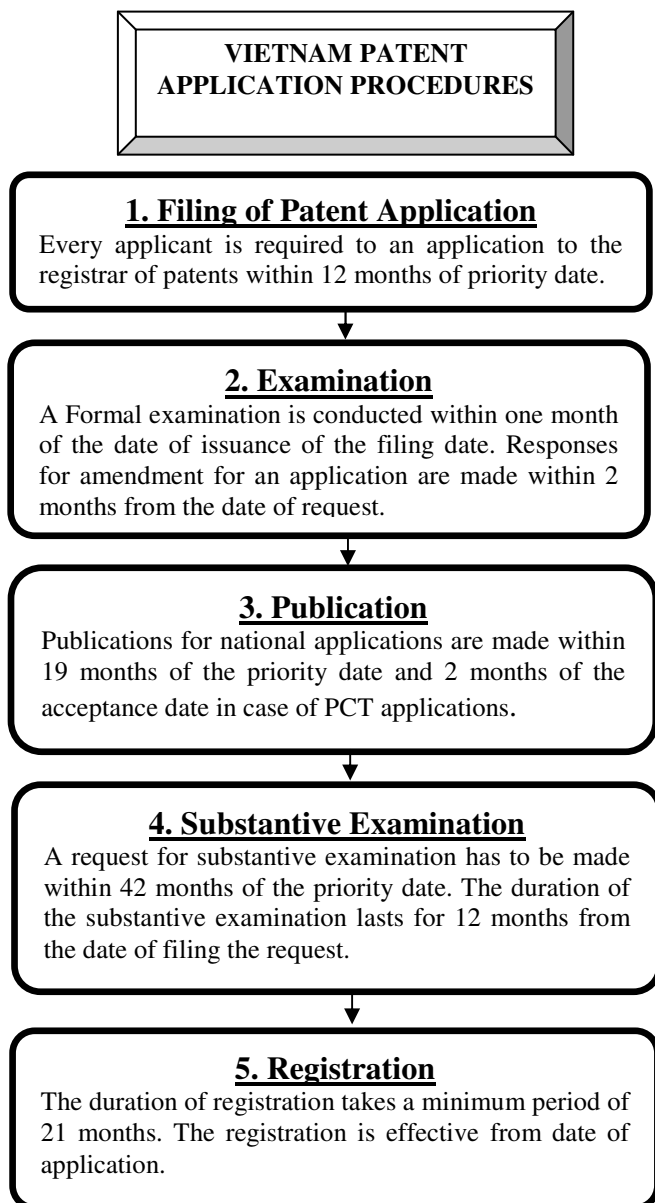
Vietnam is also a member of the PCT since 2006. An applicant who has made an international patent application may file and/or prosecute the patent application during its national phase entry into Vietnam within 31 months from the filing date of the international application or from the earliest priority date of the application if a priority is claimed. (Article 27.4 of Circular No. 18/2011/TT-BKHHCN of July 22, 2011)

5. Eligibility:

Applicants not residing or carrying on business in Vietnam have to nominate a Vietnamese Patent agent to act on their behalf.

6. Rule of Priority:

“First to file” is the rule followed by Vietnam in determining priority of patents. (Article 90 of IP law of Vietnam 2009)



Filing Requirements

The following information and/or documents are required to file an application for a patent in Vietnam:-

Direct National Application:-

1. Request for the grant of a patent:

- the name, address and nationality of the applicant;
- the name, address and nationality of the inventor;
- title of the invention/utility solution;
- country, application number and filing date of the original foreign application from which priority is claimed (if priority is claimed);

(Article 23 of Circular No. Circular No. 18/2011/TT-BKHCN of July 22, 2011)

2. Appointment of Patent Agent

PCT National Phase Application

- a copy of the PCT application in English language (i.e. request form [PCT/RO/101](#));
- the details of the PCT application (suitably, the bibliographic page as published by WIPO);
- one copy of the PCT specification as originally filed (in or translated to English);
- one copy of any amendments filed in the international phase (in or translated to English);
- an Appointment of Agent form signed by the applicant; and

(Article 23 of Circular No. 18/2011/TT-BKHCN of July 22, 2011)

Documents To Be Furnished For Filing A Patent Application in Vietnam

Basic Requirements

Documents	Remarks	Time of Filing
Patent specification, claims and abstract in English	Vietnamese translation of the specification, claims and abstract is also required at filing	On filing date
Drawings	Vietnamese translation of the drawings is also required at filing	On filing date

(Article 23 of Circular No. 18/2011/TT-BKHHCN of July 22, 2011)

Additional Documents

Documents	Remarks	Time of Filing
Priority documents	Certified copy	Within one months from the filing date
Power of Attorney	Signed only	Within one month from the filing date

(Article 13 of Circular No. 18/2011/TT-BKHHCN of July 22, 2011)

Documents Required for Entry of PCT National Phase

Documents	Remarks	Time of Filing
Copy of the PCT request form		On filing date or later
Details of the PCT application		On filing date
International preliminary examination report	According to the Vietnam patent law and regulations, the Vietnamese translation of the International preliminary examination report should be filed to the NOIP at the time of filing the Request for Examination	On filing date or later
Notification of Recording of a Change		On filing date or later
International Search Report		On filing date or later
PCT specification as originally files	Vietnamese translation of the PCT specification is also required at filing	On filing date
Amendments file in the international phase	Vietnamese translation of the amendment is also required at filing	On filing date
Power of Attorney	Signed only	Within 34 months from the priority date

(Article 27.7 and Article 23 of Circular No. 18/2011/TT-BKHHCN of July 22, 2011)

7. BRUNEI

PATENT APPLICATION IN BRUNEI DARUSSALAM

At present Brunei does not have a national patent system. However, any person who obtained a grant of a patent in the U.K. or Malaysia or Singapore may apply to the Ministry of Law to have such grant registered in Brunei.

1. Legislation:

Invention Act (Cap 72)

2. Patentability Criteria:

Any person who obtained a grant of a patent in the U.K. or Malaysia or Singapore may apply to the Ministry of Law within three years of the date of issue of such grant to have such grant registered in Brunei.

3. Utility Innovations:

N/A in Brunei

4. Membership:

- √ - Paris Convention
- √ - PCT

5. Rule of Priority:

Convention priority cannot be claimed in Brunei.

6. Duration

Once registered, the validity of the patent continues in force in Brunei Darussalam only for as long as it is in force in the country in which the patent was granted.

BRUNEI PATENT APPLICATION PROCEDURES

1. Filing of Patent Application

Every applicant is required to an application to the registrar of patents within three years of the date of issue of a grant in the U.K., Malaysia or Singapore.



2. Examination

All applications received by the Registry are examined on formal matters only. The Registry does not examine as to substantive requirement.



3. Registration

The period and scope of protection of the patent would be exactly the same as that accorded to it by the relevant country which granted the patent.

Filing Requirements

The following information and/or documents are required to file an application for a patent in Brunei:-

1. Application Form (Form B – can be signed by the agent on the applicant's behalf).
2. Authorization Form (Form A – to be signed by the patentee): the name and designation of the patentee.
3. There is no requirement for the filing of an assignment from inventor to applicant.

Documents To Be Furnished For Filing A Patent Application in Brunei Darussalam

Basic Requirements

Documents	Remarks	Time of Filing
A copy of the granted patent specifications duly certified by the relevant Patent Office.	Certified copy	On filing date
Drawings duly certified by the relevant Patent Office	Certified copy	On filing date
The Extract Sheet obtained by the relevant patent office (e.g. in UK, the Register Extract Sheet)		On filing date

Additional Documents for Convention Patent Application

Documents	Remarks	Time of Filing
Power of Attorney		On filing date

8. CAMBODIA

PATENT APPLICATION IN CAMBODIA

In Cambodia, patent protection is obtainable by way of a direct national application.

1. Legislation:

Prakas No. 706 on Patent, Utility Model and Industrial Design.

2. Patentability Criteria:

An invention is patentable if it:

- is new;
- involves an inventive step; and
- is industrially applicable.

Non-Patentable Subject Matter:

- Discoveries, scientific theories and mathematical methods;
- Schemes, rules or methods for doing business, performing purely mental acts or playing games;
- Methods for treatment of the human or animal body by surgery or therapy, as well as diagnostic methods practiced on the human or animal body; this provision shall not apply to products for use in any of those methods;
- Pharmaceutical products as provided in Article 136 of the Cambodian Law;
- Plants and animals other than micro-organisms, and essentially biological processes for the production of plants or animals;
- Plants varieties.

3. Utility Innovations

The Cambodian patent system also provides for the grant of utility model certificates. A utility model must fulfill the criteria of novelty and industrial applicability (but not inventiveness). A utility model certificate shall expire, without any possibility of renewal, at the end of the seventh (7th) year after the date of the filing of the application.

4. Membership:

- √ - Paris Convention
- X - Patent Cooperation Treaty (PCT)

Cambodia is a member of the Paris Convention from 1998, whereby applications from convention countries will be subject to the same priority date in Cambodia. The application for priority has to be made within 12 months of the first application in a convention country.

5. Rule of Priority:

“First to file” is the rule followed by Cambodia in determining priority of patents.

6. Duration

The duration of protection is 20 years from the official filing date in Cambodia. The annual fee has to be paid each year in order to maintain the patent.

**CAMBODIA PATENT
APPLICATION PROCEDURES**

Once complete documentation has been submitted, the process of registration can usually be accomplished approximately one year to two years in average.

Filing Requirements

The following information and/or documents are required to file an application for a patent in Cambodia:-

Direct National Application:-

1. Application Form:-
 - a) the name, address and nationality of the applicant;
 - b) the name, address and nationality of the inventor;
 - c) if the applicant is inventor, the application shall be attached by a letter mentioning as inventor;
 - d) the International Patent Classification
 - e) a specification comprising a description, claims, abstract and any necessary drawings; and
 - f) the country and filing particulars of basic application (filing date and application number) whose priority is claimed.
2. Appointment of Patent Agent
3. There is a requirement for the filing of an assignment from inventor to applicant.

Documents To Be Furnished For Filing A Patent Application in Cambodia

Basic Requirements

Documents	Remarks	Time of Filing
Patent specification, claims and abstract in English	no legalization	On filing date
Drawings	(if any)	On filing date

Additional Documents

Documents	Remarks	Time of Filing
Priority documents	Certified copy	On filing date
Business License (if the applicant is legal entity)	Certified copy	On filing date
Power of Attorney	Notarized	Within 2 months from the filing date
Deed of Assignment	Notarized	Within 3 months from the filing date

9. LAOS

PATENT APPLICATION IN LAOS

In Laos, patent protection is obtainable by way of either entering the national phase of a PCT application or filing a direct national application.

1. Legislation:

Decree No. 01/PM on Patent, Petty Patent and Industrial Designs.

2. Patentability Criteria:

A patent has to fulfill the following conditions in order to claim protection.

- it is new
- it involves an inventive step
- it is industrially applicable

Non-Patentable Subject Matter:

- discoveries, scientific theories and mathematical methods,
- schemes, rules or methods for doing business, performing mental acts or playing games,
- methods for the treatment of the human or animal body by surgery or therapy, and diagnostic methods practiced on the human or animal body;
- pharmaceutical products as provided in Article 136 of this Law;
- plant or animal varieties or essentially biological processes for the production of plant or animals,
- plant varieties.

3. Petty Patents

The Laos patent system also provides for the grant of petty patents (utility model). A petty patent must fulfill the criteria of novelty and industrial applicability (but not inventiveness). Validity of a petty patent is 10 years from the official filing date in Laos and can be extended one time for a period of 2 years, provided that annual maintenance fee is paid. The maximum term of protection 12 years.

4. Membership:

- √ - Paris Convention
- √ - Patent Cooperation Treaty (PCT)

Laos is a member of the Paris Convention from 1998, whereby applications from convention countries will be subject to the same priority date in Laos. The application for priority has to be made within 12 months of the first application in a convention country.

Laos is also a member of the PCT since 2006. An applicant who has made an international patent application may file and/or prosecute the patent application during its national phase entry into Laos within 30 months from the filing date of the international application or from the earliest priority date of the application if a priority is claimed.

5. Rule of Priority:

“First to file” is the rule followed by Laos in determining priority of patents.

6. Duration

The duration of protection is 20 years from the official filing date, provided that annual maintenance fee is paid.

LAOS PATENT APPLICATION PROCEDURES

Every applicant is required to submit an application to the registrar of patents within 12 months of priority date.

Time from the filing to granting date is **50 months** (as for Patent) and **12 months** (as for Petty Patent).

Filing Requirements

The following information and/or documents are required to file an application for a patent in Cambodia:-

Direct National Application:-

1. Application Form:-
 - a) Name, address and nationality of the applicant;
 - b) Name, address and nationality of the inventor;
 - c) Title of the invention/petty invention;
 - d) Country, application number and filing date of the original foreign application from which priority is claimed (if priority is claimed).
2. Appointment of Patent Agent
3. Filing of an assignment from inventor to applicant.

PCT National Phase Application

1. a copy of the PCT application in English language (i.e. request form PCT/RO/101);
2. the details of the PCT application (suitably, the bibliographic page as published by WIPO);
3. one copy of the PCT specification as originally filed (in or translated to English);
4. one copy of any amendments filed in the international phase (in or translated to English);
5. an Appointment of Agent form signed by the applicant; and
6. if the applicant is not the inventor, a statement explaining how the applicant derives its right to the patent from the inventor, normally by virtue of assignment or employment.

Documents To Be Furnished For Filing A Patent Application in Laos

Basic Requirements

Documents	Remarks	Time of Filing
Patent specification including description, claims, abstract	2 copies	On filing date
Drawings	2 copies (if any)	On filing date

Additional Documents

Documents	Remarks	Time of Filing
Certified priority documents	Convention priority can be claimed within 12 months from the first filing date of a foreign application.	On filing date
Search report of the invention issued by any patent examiner of the foreign country or by relevant international organization		On filing date
Power of Attorney	Notarized	On filing date
Deed of Assignment	Notarized	On filing date

Documents required for Entry of PCT National Phase

Documents	Time of Filing
Details of the PCT application	On filing date
International preliminary examination report	On filing date
International search report	On filing date
Notification of recording of a change	On filing date
Amendments file in the international phase	On filing date

10. MYANMAR

PATENT APPLICATION IN MYANMAR

1. Legislation:

The Myanmar Patent and Design Act was issued in 1995 but never came into effect. The law was subsequently repealed. The 1946 Patents and Designs (Emergencies Provisions) Act (Emergencies Act) remains on Myanmar's statute books, although it is essentially defunct as its main purpose was to apply Indian Patents and Designs Act of 1911. Since the India Act was never listed in the Myanmar Codes, there is effectively no patent and design law in Myanmar. Meanwhile, the Attorney General Office under the assignment of the Government has already drafted the new Patent Law and Industrial Design Law in compliance with the TRIPS Agreement due to the fact that Myanmar is a member of WTO, ASEAN, and at the least, WIPO in 2001. In this interim period, patent/design may be registered under section 18(f) of the Registration Act.

2. Patentability Criteria:

A patent has to fulfill the following conditions in order to claim protection.

- it is new
- it involves an inventive step
- it is industrially applicable

Non-Patentable Subject Matter:

An invention is not patentable if it contains the following:

- discoveries, scientific theories and mathematical methods
- plant or animal varieties or essentially biological processes for the production of plants or animals
- schemes, rules or methods for doing business, performing mental acts

3. Utility Solutions:

N/A in Myanmar

4. Membership:

- √ - WTO
- √ - Paris Convention
- X - Patent Cooperation Treaty (PCT)

5. Rule of Priority:

Priority claim is not yet available in Myanmar Registration system.

6. Duration and Renewal:

In Myanmar, the law does not enact the validity period of a patent registration. According to the established practice, renewal of registration is usually done once in every three-year by one of the following ways:-

- Renewal by re-registration in the form of Declaration
- Renewal by re-publication in the local daily newspapers or weekly journals
- Renewal by both re-registration and re-publication.

MYANMAR PATENT APPLICATION PROCEDURES

1. Declaration

A patent owner is required to submit a declaration containing solemn statement of facts to the Registry of Deeds and Assurances.



2. Registration

A patent is registered on submission of the declaration by the owner.



3. Publication

Publication of cautionary notices in designated local newspapers serve to avoid possible infringements and passing off actions.



4. Protection

There exists no procedure for the protection of patents per se.

Filing Requirements

The following information and/or documents are required to file an application for a patent in Myanmar:-

Direct National Application:-

1. Application Form:-
 - a) the name, address and nationality of the applicant;
 - b) the name, address and nationality of the inventor;
 - c) a specification comprising a description, claims and any necessary drawings; and
 - d) the country and filing particulars of basic application whose priority is claimed.
2. Appointment of Patent Agent
3. If the applicant is not the inventor, a statement explaining how the applicant derives its right to the patent from the inventor, normally by virtue of assignment or employment.
4. There is no requirement for the filing of an assignment from inventor to applicant.

Documents To Be Furnished For Filing A Patent Application in Myanmar

Basic Requirements

Documents	Remarks	Time of Filing
Declaration of Ownership of Patent	Signed and notarized If it has already been registered elsewhere (i.e. US Patent Application No), its registration number and the country, the detailed background of the invention must be attached with Declaration.	On filing date

Additional Documents for Convention Patent Application

Documents	Remarks	Time of Filing
Power of Attorney	Signed and notarized. The signature and seal of the Notary in turn must be attested by Myanmar Embassy in the country concerned	On filing date