
THE MINISTRY OF FINANCE

No. 22/2009/TT-BTC

SOCIALIST REPUBLIC OF VIET NAM
Independence - Freedom – Happiness

Hanoi, February 4, 2009

CIRCULAR

**REGULATING ON RATES, COLLECTION, REMITTANCE, MANAGEMENT AND USE OF INDUSTRIAL
PROPERTY FEES AND FEES AND CHARGES**

THE MINISTRY OF FINANCE

Pursuant to the Government's Decree No. 57/2002/ND-CP of June 3, 2002, detailing the implementation of the Ordinance on Fees and Charges;

Pursuant to the Government's Decree No. 24/2006/ND-CP of March 6, 2006, amending and supplementing a number of articles of the Government's Decree No. 57/2002/ND-CP of June 3, 2002, detailing the implementation of the Ordinance on Fees and Charges;

Pursuant to the Government's Decree No. 103/2006/ND-CP of September 22, 2006, detailing and guiding the implementation of a number of articles of the Intellectual Property Law on industrial property;

Pursuant to the Government's Decree No. 118/2008/ND-CP of November 27, 2008, defining the functions, tasks, powers and organizational structure of the Ministry of Finance;

The Ministry of Finance hereby prescribes rates and collection, remittance, management and use of industrial property fees and charges as follows:

I. GENERAL PROVISIONS

1. Vietnamese and foreign organizations and individuals who file requests to the state management agency in charge of intellectual property to perform works, provide services related to the protection of industrial property rights shall pay fees and charges under this Circular.

2. Enclosed with this Circular is the Schedule of industrial property charge and fee rates (see the Appendix).

3. The state management agency in charge of industrial property shall organize the collection, remittance, management and use of collected industrial property fees and charges in accordance with this Circular (below herein referred to as the "collecting agency").

II. SPECIFIC PROVISIONS

1. Procedures for collection and remittance of industrial property fees and charges:

a. Payers shall pay fees and charges in lump sum at rates specified in the Schedule of industrial property fees and charges enclosed to this Circular upon filing applications to request the collecting agency to perform relevant works or services.

b. When paying fees and charges, the payers may request the collecting agency to produce and issue to them receipts, accurately indicating actually paid amounts.

c. Fees and charges as specified in this Circular shall be collected in Vietnam dong (VND).

d. For monitoring and managing collected fee and charge amounts, the collecting agency may open a suspense account at the State Treasury in the locality where fees and charges are

collected and remitted. Everyday, the collecting agency shall list and temporarily deposit collected charge and fee amounts into the suspense account, and organize separate accounting of these revenues in accordance with applicable accounting regulations on revenue-generating non-business administrative units.

2. Management and use of fees and charges: Industrial property fees and charges specified in this Circular constitute a revenue of the state budget and shall be managed and used as follows:

2.1. The collecting agency retains 35% (thirty five per cent) of the total collected fee and charge amount before remitting the remainder into the state budget to cover expenses for performance of jobs and services, and collection of these fees and charges, as follows:

a. Pay salaries, wages, remuneration, allowances and payments which are, in accordance with laws and regulations, calculated based on salaries (such as: health and social insurance and trade union membership fees) for employees who directly perform jobs or services or collecting fees and charges, except for salaries for public employees salaried by the state budget.

b. Procure, repair and maintain assets, machineries, equipments and working facilities for performance of jobs or services and the collection of fees and charges; depreciate tangible assets used for performance of jobs or services and the collection of fees and charges; purchase technologies, including their licensing-in of technologies protected by intellectual property rights; set up, manage and exploit a network of databases on intellectual property;

c. Procure facilities and materials, including stationery and office equipments, telephones, electricity, water, vehicle fuels, working mission allowances and other expenses for printing or purchase of forms, certificates, protection titles and other printed matters;

d. Pay for outsourced services for management and development activities, such as: rent of facilities and working offices, expertise, search, translation, information services or outsources of substantive examination of industrial property subjects by the national or international intellectual property offices;

đ. Pay for professional trainings, conferences and seminars on intellectual property in the country or abroad; organization of dissemination, propaganda and guidance activities of laws and regulations, policies, strategies schemes and plans on intellectual property; formulation and implementation of research and study projects to develop the intellectual property system and to enhance intellectual property capacity;

e. Pay for services of settlement of disputes, complaints or lawsuits about industrial property; and commercial disputes, complaints or lawsuits related to industrial property issues;

g. Contribute to the reward and welfare funds for its employees directly performing jobs or services or collecting fees and charges in principle that a person may enjoy an average annual allowance of up to 3 (three) months' paid salary if the collected amount in a year is higher than that of the previous year, or up to 2 (two) months' paid salary if the collected amount in a year is lower than or equal to that of the previous year after paying all expenses specified in Items a, b, c, d, đ and e of this Point.

Annually, the collecting agency shall finalize actual balance account between the revenues and expenditures. After the finalization is made in accordance with applicable regulations, if the charge and fee amount retained in a year has not yet been used up, it will be carried forward to the subsequent year for further spending in accordance with applicable regulations.

2.2. On a monthly basis, the collecting agency shall declare, remit and finalize the remainder of the collected charge and fee amount (65%) into the state budget in accordance with corresponding chapter, category, section and item of the current state budget index.

III. ORGANIZATION OF IMPLEMENTATION

1. This Circular shall take effect 45 days from the signing date and apply to intellectual property applications filed on the effective date. This Circular shall replace the Ministry of Finance's Circular No. 132/2004/TT-BTC of December 30, 2004 on guiding the collection, remittance, management and use of industrial property fees and charges, and Circular No. 115/2006/TT-BTC of December 29, 2006, amending and supplementing Circular No. 132/2004/TT-BTC.

2. For industrial property applications filed before the effective date of this Circular but jobs or services requested by applicants remain uncompleted and for which fees and charges have not yet been paid, and if these jobs or services are now requested to be performed again by these applicants, fees and charges shall be paid at the rates specified in this Circular.

3. Other contents relevant to the collection, remittance, management and use of industrial fees and charges and the publication of the charge and fee collection regime not mentioned in this Circular shall comply with the Ministry of Finance's Circular No. 63/2002/TT-BTC of July 24, 2002, and Circular No. 45/2006/TT-BTC of May 25, 2006, amending and supplementing Circular No. 63/2002/TT-BTC of July 24, 2002, guiding the implementation of legal provisions on fees and charges, and Circular No. 60/2007/TT-BTC guiding the implementation of a number of articles of the Law on Tax Administration and guiding the implementation of the Government's Decree No. 85/2007/ND-CP of May 25, 2007, detailing the implementation of a number of articles of the Law on Tax Administration.

4. Any matters arising during the implementation of this Circular shall be promptly informed and reported by interested parties to the Ministry of Finance for consideration and settlement.

**FOR THE MINISTER OF FINANCE
VICE MINISTER**

Do Hoang Anh Tuan

APPENDIX

THE SCHEDULE OF INDUSTRIAL PROPERTY CHARGE AND FEE

(Enclosed with the Ministry of Finance's Circular No. 22/2009/TT-BTC dated February 4, 2009)

No.	List of industrial property fees and charges	Rates (thousand Vietnamese Dong)				
		Inventions (including utility solutions)	Industrial designs	Trademarks	Geographical Indications (including appellations of origins)	Layout designs of integrated circuits
A. Industrial Property fees						
1	<i>Fees for filing applications for protection titles of, registration of industrial property rights transfer contracts</i>					
1.1	Filing fee (for trademarks, for each class of up to 6 products/services; for industrial designs, for each option of the product; or for invention, for each independent claim in protection request)					
	- If applications are not accompanied with objects carrying electronic files of the full text of applications (paper documents)	180	180	180	180	180
	- If applications are accompanied with objects carrying electronic data of the full text of applications	150	150	150	150	150
	- If applications are filed online	100	100	100	100	100
	- If a mark application contains more than 6 products/services in a class, an additional fee shall be paid for each product/service from the 7th onward			30		

No.	List of industrial property fees and charges	Rates (thousand Vietnamese Dong)				
		Inventions (including utility solutions)	Industrial designs	Trademarks	Geographical Indications (including appellations of origins)	Layout designs of integrated circuits
	- If invention descriptions consist of more than 5 pages, an additional fee shall be paid for each page from the 6th onward	12				
1.2	Fee for claims for the priority right (each application/claim)	600	600	600		
1.3	Fee for requests for amendment of applications, including supplementation, division, transfer or conversion of applications (for each amended content of an application)	120	120	120	120	120
1.4	Fee for filing a request for registration of industrial property licensing contracts (for each subject matter)	120	120	120		120
1.5	Fee for filing a request for compulsory licenses of patent (for each subject matter)	500				
1.6	Fee for requesting for termination of the right to use inventions under compulsory licenses	500				
1.7	Fee for filing a request for extension of time limit for amendment or supplementation of documents (for each time)	120	120	120	120	120

No.	List of industrial property fees and charges	Rates (thousand Vietnamese Dong)				
		Inventions (including utility solutions)	Industrial designs	Trademarks	Geographical Indications (including appellations of origins)	Layout designs of integrated circuits
2	<i>Fees for granting protection titles and certificates of industrial property rights transfer contracts</i>					
2.1	Fee for granting protection titles	120	120	120	120	120
	- If a trademark application contains more than one class of products/services; an industrial design application contains more than one options of the product; or an patent application contains more than one independent claim of the protection request, an additional fee shall be paid for the second class/option/independent claim onward	100	100	100		
2.2	Fee for granting certificates of industrial property rights transfer contracts	150	150	150		150
2.3	Fee for amendment of protection titles	120	120	120	120	120
2.4	Fee for substantive amendment, renewal or termination of certificates' validity of industrial property transfer contracts (for each subject matter)	150	150	150		150
2.5	Fee for issuance of compulsory licenses of patents	300				

No.	List of industrial property fees and charges	Rates (thousand Vietnamese Dong)				
		Inventions (including utility solutions)	Industrial designs	Trademarks	Geographical Indications (including appellations of origins)	Layout designs of integrated circuits
3	<i>Fees for validity maintenance and renewal of industrial property protection titles</i>					
3.1	Fee for maintenance of patents' validity (for each year) - for each independent claim of protection request					
	- The first; second years	300				
	- The 3rd; 4th years	480				
	- The 5th , 6th years	780				
	- The 7th ; 8th years	1,200				
	- The 9th ;10th years	1,800				
	- The 11th , 12th ;13th years	2,520				
	- The 14th, 15th and 16th years	3,300				
	- The 17th, 18th, 19th and 20th years	4,200				
3.2	Fee for renewal of validity term of protection titles (for trademarks, for each group of products/services; or industrial designs for each design option of the product)		540	540		
3.3	Fee for late maintenance or renewal of validity term (for each late month)	10% of the fee for maintenance/extension				
3.4	Fee for requesting for invalidation of protection titles	180	180	180	180	180

No.	List of industrial property fees and charges	Rates (thousand Vietnamese Dong)				
		Inventions (including utility solutions)	Industrial designs	Trademarks	Geographical Indications (including appellations of origins)	Layout designs of integrated circuits
3.5	Fee for requesting for revocation of protection titles	300	300	300	300	300
4	<i>Fees for publication of industrial property information</i>					
4.1	Fee for publication of applications, including amended, divided, transferred or converted applications (for each application)	120	120	120	120	120
	- If an application contains more than one figure, an additional fee shall be paid for each figure from the second one onward	60	60			60
4.2	Fee for registration of protection titles (including also amended, extended, invalidated and revoked titles); Certificates of industrial property rights transfer contracts (including also amended, extended and invalidated industrial property licensing contracts)	120	120	120	120	120
	- If applications contain more than one figure, an additional fee shall be paid for each figure from the second one onward	60	60			60

No.	List of industrial property fees and charges	Rates (thousand Vietnamese Dong)				
		Inventions (including utility solutions)	Industrial designs	Trademarks	Geographical Indications (including appellations of origins)	Layout designs of integrated circuits
4.3	Fee for publication of decisions on granting, amendment renewal, invalidation or revocation of protection titles; granting of certificates of industrial property rights transfer contracts; decisions on recognition of amendment, renewal or invalidation of industrial property licensing contracts	120	120	120	120	120
	- If applications contains more than one figure, an additional fee shall be paid for each figure from the second one onward	60	60			60
5	<i>Fees for granting certificates of industrial property representative practice, certificates of industrial property assessor, registration of industrial property representatives or industrial property assessment organizations</i>					
5.1	Fee for granting certificates of industrial property representative practice, certificates of industrial property assessor	200				
5.2	Fee for publication of decisions on granting certificates of industrial property representation practice, certificates of industrial property assessor	150				

No.	List of industrial property fees and charges	Rates (thousand Vietnamese Dong)				
		Inventions (including utility solutions)	Industrial designs	Trademarks	Geographical Indications (including appellations of origins)	Layout designs of integrated circuits
5.3	Fee for registering decisions on granting certificates of industrial property representative practice, certificates of industrial property assessor (for each individual)	150				
5.4	Fee for publication of decisions on recording/amending information on industrial property representative organizations/industrial property assessment organizations	150				
5.5	Fee for registration of industrial property representative organizations, industrial property assessment organizations (for each organization)	150				
B. Industrial Property charges						
6	<i>Charges for industrial property examination and assessment</i>					
6.1	Charges for substantive examination of applications (for trademarks, for each group of up to 6 products/services; for industrial designs, for each design option of the product; for inventions, for each independent claim of protection request) - excluding charges for information search	420	300	300	420	

No.	List of industrial property fees and charges	Rates (thousand Vietnamese Dong)				
		Inventions (including utility solutions)	Industrial designs	Trademarks	Geographical Indications (including appellations of origins)	Layout designs of integrated circuits
	- For trademark applications, for a group of more than 6 products/services, an additional charge shall be paid for each product/service from the 7th onward			60		
	- For patent applications, entering the national phase late (for PCT applications) or containing requests for substantive examination that was filed after the deadline, a charge for late filing shall be paid	200				
	- Charges for international classification of inventions/utility solutions (for each sub-class)	100				
	- Charge for international classification of industrial designs (for each sub-class)		100			
	- Charge for international classification of goods and services for marks (for each group of 6 products/services or less)			100		

No.	List of industrial property fees and charges	Rates (thousand Vietnamese Dong)				
		Inventions (including utility solutions)	Industrial designs	Trademarks	Geographical Indications (including appellations of origins)	Layout designs of integrated circuits
	- For the group containing more than 6 products/services, an additional charge shall be paid for each product/service from the 7th onward			20		
6.2	Charge for fast examination (execution before the time limit) for industrial property applications and for each document of transfer of industrial property rights, renewal or amendment of the protection title (for each subject matter)	420	300	300	420	
6.3	Charge for examination of dossiers for transfer contracts of industrial property rights - excluding charge for search of associated marks (for each subject matter)	180	180	180		180
6.4	Charge for examination of dossiers requesting for issuance patent compulsory license (for each subject matter)	1,000				
6.5	Charge for examination of dossiers requesting for termination of the right to use inventions under compulsory license (for each subject matter)	500				

No.	List of industrial property fees and charges	Rates (thousand Vietnamese Dong)				
		Inventions (including utility solutions)	Industrial designs	Trademarks	Geographical Indications (including appellations of origins)	Layout designs of integrated circuits
6.6	Charge for examination or invitation of legal assessment of industrial property (for trademarks, for a group of up to 6 products/services; for industrial designs, for a design option of the product; for inventions/utility solutions, for an independent claim of a protection request), excluding charge for searching and providing information	420	300	300	420	300
	For trademark applications, for a group of more than 6 products/services, an additional charge shall be paid for each product/service from the 7th onward			60		
6.7	Charge for re-examination or invitation of re-assessment of industrial property subject matter upon requests (for each subject matter)	420	300	300	420	300
6.8	Charge for professional examination of industrial property representatives or assessors (for each exam)	240				

No.	List of industrial property fees and charges	Rates (thousand Vietnamese Dong)				
		Inventions (including utility solutions)	Industrial designs	Trademarks	Geographical Indications (including appellations of origins)	Layout designs of integrated circuits
6.9	Charge for verification of results of professional examination of industrial property representatives or assessors (for each exam)	120				
6.10	Charge for examination of dossiers of application for industrial property representative practice certificates or industrial property assessor certificates	200				
6.11	Charge for examination of dossiers of request for recording industrial property representation organizations or industrial property assessment organizations (including amendment of information of these organizations)	300				
7	<i>Charges for settlement services of industrial property-related complaints</i>					
7.1	Charge for information search	At the rate specified in Section 8 of this Schedule				
7.2	Charge for examination or legal assessment of industrial property	At the rates specified in Sections 6.1 thru 6.6 of this Schedule				
7.3	Charge for examination of third parties' opposition to grant of protection titles (for each subject matter)	420	300	300	420	300

No.	List of industrial property fees and charges	Rates (thousand Vietnamese Dong)				
		Inventions (including utility solutions)	Industrial designs	Trademarks	Geographical Indications (including appellations of origins)	Layout designs of integrated circuits
8	<i>Charges for search and provision of industrial property information</i>					
8.1	Charge for information searching for examination, assessment and other jobs within the scope of its responsibility (for trademarks, for a group of up to 6 products/services; for industrial designs, for each option for the product; for inventions, for each independent claim of a protection request)	120	120	60	60	
	- For trademark applications, for a group of more than 6 products/services, an additional charge shall be paid for each product/service from the 7th onward			24		
8.2	Charge for searching associated trademarks for examination of dossiers of registration of industrial property rights transfer contracts (for each trademark)			60		
8.3	Charge for providing requested information on industrial property subjects (for each request concerning each subject matter)	200	200	100	100	100

No.	List of industrial property fees and charges	Rates (thousand Vietnamese Dong)				
		Inventions (including utility solutions)	Industrial designs	Trademarks	Geographical Indications (including appellations of origins)	Layout designs of integrated circuits
9	<i>Charges for issuance of copies or duplicates or renewal of original industrial property documents</i>					
9.1	Charge for issuance of duplicates or renewal of protection titles	120	120	120	120	120
	- An additional charge shall be paid for each page from the 5th onward	5	5	5	5	5
9.2	Charge for issuance of copies of documents issued or archived by the National Office of Intellectual Property (the first page)	12	12	12	12	12
	- An additional charge shall be paid for each page from the 2nd onward	5	5	5	5	5
9.3	Charge for copies of PCT applications (for each page)	6				
9.4	Charge for certification of international registrations of trademarks which are valid in Vietnam (for each registration)			60		
10	<i>Charges for compilation and submission of applications for international registration of industrial property</i>					
10.1	Charge for submitting PCT applications - excluding charges payable to the International Bureau	500				

No.	List of industrial property fees and charges	Rates (thousand Vietnamese Dong)				
		Inventions (including utility solutions)	Industrial designs	Trademarks	Geographical Indications (including appellations of origins)	Layout designs of integrated circuits
10.2	Charge for completion of procedures for international registration of trademarks - excluding charges payable to the International Bureau			1,500		
10.3	Charge for amendment, transfer, renewal, territorial expansion, product list limitation, termination or invalidation of international registration of Vietnamese original trademark			750		
10.4	Charge for requesting for certification of the priority right	60	60	60		
	- An additional charge shall be paid for each page from the 2nd onward	6	6	6		