



GEOGRAPHICAL INDICATIONS PROTECTION SYSTEM

VIET NAM



OCTOBER 2015



Conditions for protection:

A geographical indication shall be protected when it satisfies the following conditions:

1. The product bearing the geographical indication originates from the area, locality, territory or country corresponding to such geographical indication;
2. The product bearing the geographical indication has a reputation, quality or characteristics mainly attributable to geographical conditions of the area, locality, territory or country corresponding to such geographical indication.

Reputation, quality and characteristics of products bearing geographical indications:

1. Reputation of products bearing a geographical indication shall be determined on the basis of consumers' trust in such products through the extent of their being widely known to and selected by consumers.
2. Quality and characteristics of products bearing a geographical indication shall be defined by one or several qualitative, quantitative or physically, chemically, microbiologically perceptible criteria which can be tested by technical means or experts with appropriate testing methods.

Geographical conditions relevant to geographical indications:

1. Geographical conditions relevant to a geographical indication mean natural and human factors decisive to reputation, quality and characteristics of products bearing such geographical indication.
2. Natural factors include climatic, hydrological, geological, topographical and ecological factors and other natural conditions.
3. Human factors include skills and expertise of producers, and traditional production processes of localities.

Geographical areas bearing geographical indications:

Geographical areas bearing geographical indications shall have their boundaries accurately determined in words and maps.

Geographical indications ineligible for protection:

1. Names or indications which have become generic names of goods in Vietnam;
2. Geographical indications of foreign countries where they are not or no longer protected or no longer used;
3. Geographical indications identical with or similar to a protected mark, where the use of such geographical indications is likely to cause a confusion as to the origin of products;
4. Geographical indications which mislead consumers as to the true geographical origin of products bearing such geographical indications



Requirements for registration:

Requirements on geographical indication registration applications

1. Documents, samples and information identifying a geographical indication registered for protection in a geographical indication registration application include:

a/ The name or sign being the geographical indication;

b/ The product bearing the geographical indication;

c/ The description of peculiar characteristics and quality, or reputation of the product bearing the geographical indication and particular elements of natural conditions decisive to the peculiar characteristics and quality, or reputation of the product (hereinafter referred to as the description of peculiar characteristics);

d/ The map of the geographical area bearing the geographical indication;

e/ Documents evidencing that the geographical indication is under protection in the country of origin in case of a foreign geographical origin;

2. The description of peculiar characteristics must have the following principal contents:

a/ Description of the relevant product, including raw materials, and physical, chemical, microbiological and perceptible properties of the product;

b/ Method of identification of the geographical area bearing the geographical indication;

c/ Evidence proving that the product originates from such geographical area, with the respective meaning provided in “Conditions for protection”;

d/ Description of local and stable methods of production and processing;

e/ Information on relationship between the peculiar characteristics and quality, or reputation of the product and the geographical conditions as provided for in “Conditions for protection”;

f/ Information on the mechanism of self-control of the peculiar characteristics or quality of the product.

Receipt of the application:

A registration application shall only be received by the concerned state management agency in charge of industrial property rights if it consists of at least the following documents and information:

1. A declaration for registration of geographical indication;

2. A description of peculiar characteristics of a product bearing geographical indication, for a geographical indication registration application;

3. Voucher of payment of filing fee.



The filing date shall be the date on which the application is received by the concerned state management agency in charge of industrial property rights or the international filing date in case of applications filed under international treaties.

Refusal to grant protection titles:

The grant of a protection title for a geographical indication registration application shall be refused if the application does not fully satisfy the protection conditions.

Where this application falls into the cases specified previously, the concerned state management agency in charge of industrial property rights shall

- a. notify an intended refusal to grant a protection title, clearly stating the reasons therefor and setting a time limit for the applicant to make an objection to such intended refusal;
- b. notify an intended refusal to grant a protection title if the applicant makes no objection or makes an unjustifiable objection to such the intended refusal mentioned at Point a of this;
- c. grant a protection title and record in the National Register of Industrial Property according to the provisions of the Article 118 of the Intellectual Property Law if the applicant makes a justifiable objection to the intended refusal mentioned at Point a of this.

Term of Protection of Geographical indications

Certificates of registered geographical indications shall have an indefinite validity starting from the grant date.

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ECAP III

EU-ASEAN Project on the Protection
of Intellectual Property Rights



This Project is funded by the European Union and administered by the European Union Intellectual Property Office (EUIPO)

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