

No. 22/2009/TT-BTC

Hanoi, February 4, 2009

CIRCULAR

**PRESCRIBING RATES AND THE COLLECTION, REMITTANCE, MANAGEMENT
AND USE OF INDUSTRIAL PROPERTY CHARGES AND FEES**

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 prescribes rates and the collection, remittance, management and use of industrial property charges and fees as follows:

I. GENERAL PROVISIONS

1. Vietnamese and foreign organizations and individuals that submit applications to request the state management agency in charge of intellectual property to perform jobs or provide services related to industrial property rights protection shall pay charges and fees under this Circular.
2. Enclosed with this Circular is the table 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 charge and fee amounts under this Circular (below referred to as the charge-and fee-collecting agency).

II. SPECIFIC PROVISIONS

1. Procedures for collection and remittance of industrial property charges and fees:
 - a/ Charge and fee payers shall pay charges and fees in lump sum at rates specified in the table of industrial property charge and fee rates enclosed with this Circular upon filing applications or dossiers to request the charge- and fee-collecting agency to perform certain jobs or services.

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

c/ Charges and fees specified in this Circular shall be collected in Vietnam dong.

d/ For monitoring and managing collected charge and fee amounts, the charge- and fee-collecting agency may open a charge and fee custody account at the State Treasury in the locality where charges and fees are collected and remitted . Everyday, it shall list and temporarily deposit collected charge and fee amounts into the custody account, and organize separate accounting of these revenues under accounting regulations applicable to revenue-generating non-business administrative units.

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

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

a/ Payment of salaries, wages, remuneration, allowances and contributions which are, under regulations, deducted from salaries (health and social insurance premiums and trade union contribution) for employees directly performing jobs or services or collecting charges and fees, except for salaries for cadres and public employees salaried by the state budget under regulations.

b/ Procurement, repair and maintenance of assets, machinery, equipment and working tools for the performance of jobs or services and the collection of charges and fees; depreciation of fixed assets used for the performance of jobs or services and the collection of charges and fees; purchase of technologies, including their licensing, subject to intellectual property protection; setting up, management and exploitation of a network of databases on intellectual property;

c/ Procurement of supplies and materials, including stationery and office equipment, telephone, electricity, water, vehicle fuel, working mission allowances and other expenses for printing or purchase of forms, certificates, protection titles and other printed matters;

d/ Payment for services hired from outside for the management and development activities, such as: rent of material facilities and working offices, expert jobs, information search, translation, information supply or substantive examination of industrial property objects by the national or international offices of intellectual property;

d/ Professional training and retraining courses, conferences and seminars on intellectual property in the country or abroad; organization of dissemination, propaganda and guidance of intellectual property laws, policies, strategies, planning and plans; formulation and implementation of routine research projects and schemes to develop the intellectual property system and raise intellectual property personnel capacity;

e/ Payment for services of settlement of disputes, complaints or lawsuits about industrial property and commercial disputes, complaints or lawsuits about industrial property;

g/ Deduction and setting up of the reward and welfare funds for its cadres and employees directly performing jobs or services or collecting charges and fees on the 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 charge-and fee-collecting agency shall finalize actual revenues and expenditures. After the finalization is made under 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 under regulations.

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

III. ORGANIZATION OF IMPLEMENTATION

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

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

3. Other contents relevant to the collection, remittance, management and use of industrial charges and fees and the publicization of the charge and fee collection regime not mentioned in this Circular will 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 charges and fees, 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 problems arising in the course of implementation should be promptly reported by concerned organizations and individuals to the Ministry of Finance for consideration and settlement.

**FOR THE MINISTER OF FINANCE
VICE MINISTER**

Do Hoang Anh Tuan

APPENDIX

TABLE OF INDUSTRIAL PROPERTY CHARGE AND FEE RATES
(Enclosed with the Ministry of Finance's Circular No. 22/2009/TT-BTC dated February 4, 2009)

No.	List of industrial property charges and fees	Rates (VND)				
		Inventions (including utility solutions)	Industrial designs	Marks	Geographical indications (including appellations of origin of goods)	Layout designs of integrated circuits
A. Industrial property fees						
1	Fees for filing applications for protection certificates, registration of industrial property rights assignment contracts					
1.1	Filing fee (for marks for each group of up to 6 products/services, for industrial designs for each product option, or for invention for each independent feature of protection request)					
	- If applications are not accompanied with objects carrying electronic data of the whole text of applications (paper documents)	180	180	180	180	180
	- If applications are accompanied with objects carrying electronic data of the whole 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 group, an additional fee shall be paid for each			30		

	product/service from the 7th onward					
	- If invention descriptions consist of more than 5 pages each, 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 modification of applications, including supplementation, splitting up, transfer or conversion of applications (for each modified content of an application)	120	120	120	120	120
1.4	Fee for submitting dossiers for registration of industrial property rights assignment contracts (for each object)	120	120	120		120
1.5	Fee for submitting dossiers of request for decisions to compel the licensing of inventions (for each object)	500				
1.6	Fee for requesting termination of the right to use inventions under compelling decisions	500				
1.7	Fee for filing requests for extension of the time limit for modification or supplementation of documents (for each time)	120	120	120	120	120
2	Fees for grant of protection certificates and registration certificates of industrial property rights assignment contracts					
2.1	Fee for grant of protection certificates	120	120	120	120	120
	- If a mark application contains more than one group of products/services, an industrial design application contains more than one design options of each product, or an	100	100	100		

	invention application contains more than one independent feature of the protection request, an additional fee shall be paid for the second group/option/independent feature onward					
2.2	Fee for grant of registration certificates of industrial property rights assignment contracts	150	150	150		150
2.3	Fee for modification of protection certificates	120	120	120	120	120
2.4	Fee for modification, extension of validity term or invalidation of certificates of industrial property licensing contracts (for each object)	150	150	150		150
2.5	Fee for issuance of decisions to compel the licensing of inventions	300				
3	Fees for maintenance of validity and extension of validity term of industrial property rights protection certificates					
3.1	Fee for maintenance of validity of invention patents (for each year) - for each independent feature 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 extension of validity term of protection certificates (for a mark for		540	540		

	each group of products/services or an industrial design for each design option of each product)					
3.3	Fee for late maintenance of validity or extension of validity term (for each month of late submitting)	10% of the fee for maintenance/extension				
3.4	Fee for requesting invalidation of protection certificates	180	180	180	180	180
3.5	Fee for requesting revocation of protection certificates	300	300	300	300	300
4	Fees for publication of industrial property information					
4.1	Fee for publication of applications, including modified, split up, 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 onward	60	60			60
4.2	Fee for registration of protection certificates (including also modified, extended, invalidated and revoked certificates), registration certificates of industrial property rights assignment contracts (including also modified, extended and invalidated industrial property licensing contracts)	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 onward	60	60			60
4.3	Fee for publication of decisions on grant, modification, extension,	120	120	120	120	120

	invalidation or revocation of protection certificates, grant of registration certificates of industrial property rights assignment contracts; Decisions on recognition of modification, extension or invalidation of industrial property licensing contracts					
	- If an application contains more than one figure, an additional fee shall be paid for each figure from the second onward	60	60			60
5	Fees for grant of industrial property representation service practice certificates, industrial property assessor certificates, registrations of industrial property representatives or industrial property assessment organizations					
5.1	Fee for grant of industrial property representation service practice certificates, industrial property assessor certificates	200				
5.2	Fee for publication of decisions on grant of industrial property representation service practice certificates, industrial property assessor certificates	150				
5.3	Fee for registration of decisions on grant of industrial property representation service practice certificates, industrial property assessor certificates (for each individual)	150				
5.4	Fee for publication of decisions on recording/modification of information on industrial property representation service organizations/industrial property assessment organizations	150				

5.5	Fee for registration of industrial property representation service organizations, industrial property assessment organizations (for each organization)	150				
B. Industrial property charges						
6	Charges for industrial property examination and assessment					
6.1	Charge for substantive examination of applications (for a mark for each group of up to 6 products/services, an industrial design for each design option of each product, an invention for each independent feature of protection request) - excluding charge for information search	420	300	300	420	
	- For a mark application 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 a mark application entering the national stage late (for PCT applications) or containing a request for substantive examination and filed later than the filing deadline, a charge for late filing shall be paid	200				
	- Charge for international classification of inventions/utility solutions (for each sub-heading)	100				
	- Charge for international classification of industrial designs (for each sub-heading)		100			
	- Charge for international classification of goods and services for marks (for each group of 6			100		

	products/services or less)					
	- For a group of more than 6 products/services, an additional charge shall be paid for each product/service from the 7th onward			20		
6.2	Charge for quick examination (completion of procedures before time limit) for industrial property registration applications and for each dossier of assignment of industrial property rights, extension or modification of the protection title (for each object)	420	300	300	420	
6.3	Charge for examination of dossiers for registration of industrial property rights assignment contracts - excluding charge for search of associated marks (for each object)	180	180	180		180
6.4	Charge for examination of dossiers of request for issuance of decisions on compelled licensing of inventions (for each object)	1,000				
6.5	Charge for examination of dossiers of request for termination of the right to use inventions under compelled licensing decisions (for each object)	500				
6.6	Charge for examination or invitation of legal assessment of industrial property (for a mark for a group of up to 6 products/services, for an industrial design for a design option of each product, for an invention/utility solution for an independent feature of a protection request),	420	300	300	420	300

	excluding charge for information search and supply					
	For a mark application 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 objects upon requests (for each object)	420	300	300	420	300
6.8	Charge for examination of professional qualifications of industrial property representatives or assessors (for each exam)	240				
6.9	Charge for verification of results of examination of professional qualifications of industrial property representatives or assessors (for each exam)	120				
6.10	Charge for examination of dossiers of application for industrial property representation service practice certificates or industrial property assessor certificates	200				
6.11	Charge for examination of dossiers of request for recording industrial property representation service organizations or industrial property assessment organizations (including modification of information of these organizations)	300				
7	Charges for provision of services for settlement of industrial property-related complaints					
7.1	Charge for information search	At the rate specified in Section 8 of this Table				

7.2	Charge for examination or legal assessment of industrial property	At the rates specified in Sections 6.1 thru 6.6 of this Table				
7.3	Charge for examination of third parties' requests for non-grant of protection certificates (for each object)	420	300	300	420	300
8	Charges for search and supply of industrial property information					
8.1	Charge for search of information in service of examination, assessment and other jobs within the scope of its responsibility (for a mark for a group of up to 6 products/services, an industrial design option for each product, an invention for each independent feature of a protection request)	120	120	60	60	
	- For a mark application 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 search of associated marks in service of examination of dossiers of registration of industrial property rights assignment contracts (for each mark)			60		
8.3	Charge for requested supply of information on industrial property objects (for each request concerning each object)	200	200	100	100	100
9	Charges for issuance of copies or duplicates or renewal of original industrial property documents					
9.1	Charge for issuance of duplicates or renewal of protection titles	120	120	120	120	120
	- An additional charge 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 for each page from the 2nd onward	5	5	5	5	5
9.3	Charge for copying of PCT applications (for each page)	6				
9.4	Charge for certification of international registrations of marks which are valid in Vietnam (for each registration)			60		
10	Charges for compilation and submitting of applications for international registration of industrial property					
10.1	Charge for submitting PCT applications - excluding charges payable to the International Office	500				
10.2	Charge for completion of procedures for international registration of marks - excluding charges payable to the International Office			1,500		
10.3	Charge for modification, transfer, term extension, territorial expansion, product list limitation, termination or invalidation of internationally registered marks of Vietnamese origin			750		
10.4	Charge for service of supply of documents for requested certification of the priority right	60	60	60		
	- An additional charge for each page from the 2nd onward	6	6	6		