

MINISTRY OF FINANCE

SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

No. 263/2016/TT-BTC

Ha Noi, November 14, 2016

CIRCULAR

**ON FEES AND CHARGES FOR INDUSTRIAL PROPERTY AND THE COLLECTION,
TRANSFER, MANAGEMENT AND USE THEREOF**

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

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

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

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

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

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

The Minister of Finance hereby promulgates the Circular on fees and charges for industrial property and the collection, transfer, management and use thereof.

Article 1. Governing scope and regulated entities

1. Governing scope

This Circular provides for charges and/or fees for industrial property and the collection, transfer, management and use thereof.

2. Regulated entities

This Circular applies to organizations/individuals applying for the protection of industrial property rights; regulatory bodies in charge of industrial property right protection and other

organizations and individuals relevant to the collection and transfer of charges and/or fees of industrial property.

Article 2. Charge and/or fee payers

Vietnamese and foreign organizations and individuals applying for protection of industrial property rights shall pay charges and/or fees according to regulations in this Circular.

Article 3. Charge and/or fee collector

National Office of Intellectual Property providing protection of industrial property rights shall be in charge of collecting charges and/or fees of industrial property (hereinafter referred to as charge and/or fee collector).

Article 4. Charge and/or fee rates

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

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

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

1. Not later than the Monday of every week, fee collector shall transfer the collected fees of the previous week to the account for fees to be transferred to state budget which is opened at the State Treasury.
2. Charge and/or fee collector shall make monthly declaration of charges and/or fees and strike a balance of the collected charges and/or fees annually according to clause 3 Article 19 and transfer charges and/or fees to the State budget according to Clause 2 Article 26 of the Circular No. 156/2013/TT-BTC dated November 06, 2013 by the Minister of Finance guiding the implementation of a number of articles of the Law on Tax administration; Law on amendments to a number of the Law on Tax administration and the Decree No. 83/2013/ND-CP dated July 22, 2013 by the Government.

Article 6. Management and use of fees and charges

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

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

Article 7. Organization of implementation

1. This Circular comes into force from January 01, 2017 and replaces the Circular No. 22/2009/TT-BTC dated February 04, 2009 by the Minister of Finance and clause 1 Article 1 of Circular No. 152/2013/TT-BTC dated October 29, 2013 by the Minister of Finance.
2. If an application regarding industrial property submitted before the effective date of this Circular which has not been processed and for which charges and/or fees have not been paid is now requested to be processed, charges and/or fees prescribed in this Circular shall be paid when it has been handled.
3. Activities relevant to the collection, transfer, management and use of charges and/or fees of industrial property which are not specified in this Circular shall comply with the Law on fees and charges; the Decree No. 120/2016/ND-CP dated August 23, 2016 by the Government detailing and guiding the implementation of a number of articles of the Law on fees and charges; the Circular No. 156/2013/TT-BTC dated November 06, 2013 by the Ministry of Finance guiding the implementation of a number of articles of the Law on Tax administration; Law on amendments to the Law on Tax administration and the Decree No. 83/2013/ND-CP dated July 22, 2013 by the Government; the Circular of the Minister of Finance guiding the printing, issuance, management and use of invoices of collection of fees and charges belonging to the state budget and their amending and replacing documents (if any).
4. Organizations and individuals subject to paying charges and/or fees and relevant agencies are responsible for implementing this Circular. Difficulties that arise during the implementation of this Circular should be reported to the Ministry of Finance for consideration and guidance./.

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

Vu Thi Mai

INDUSTRIAL PROPERTY FEE AND CHARGE SCHEDULE

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

No.	List of industrial property fees and charges	Rates (thousand VND)				
		Inventions (including utility solutions)	Industrial design	Marks	Geographical indication	Layout designs of integrated circuits
A. Industrial property fees						
1	Fees for filing applications for registration of protection of industrial property rights					
1.1	Fees for filing application (including applications for separation or transfer of ownership)	150				
1.2	Fees for extension of time limit for response to the notification of the charge and fee collector (for each time of permission for extension)	120				
2	Fees for issuance of Protection certificates and certificates of registration of industrial property right assignment contracts					
2.1	Fee for issuance of protection certificates	120				
	- If the patent application regards more than 1 independent point of protection application, the industrial design application regards more than 01 plan for each product or the mark application regards more than 01 group of products/services, then from the second point/plan/group, fees for each independent point/plan/group shall be paid	100	100	100		

2.2	Fee for issuance of Certificates of registration of industrial property right transfer contracts	120				
3	Fees for maintenance, extension, invalidation or annulment of Certificates of industrial property right protection					
3.1	Fees for maintenance of validity of patents for inventions or utility solutions or fees for extension of validity term of mark protection certificates (regarding patents for inventions or utility solutions (for each year): applicable to independent point of protection application; regarding mark (10 years): applicable each group of products/services; regarding industrial designs (5 years): applicable to each design of each product)	100	100	100		
3.2	Fee for late maintenance/extension of validity term (applicable to each month of late submission)	10% of the fee for maintenance/extension				
3.3	Fee for application for invalidation/annulment of protection certificates	50				
4	Fees for issuance of industrial property representation service practice certificates and declaration and registration of industrial property representative					
4.1	Fees for issuance of industrial property representation service practice certificates	200				
4.2	Fee for publication of decisions on issuance of industrial property representation service practice certificates; decisions on deletion of industrial	150				

	property representative, decisions on addition/deletion of industrial property representation service providers (including the modification of information about industrial property representatives)	
4.3	Fee for registration of decisions on issuance of industrial property representation service practice certificates (including the modification of information); decisions on deletion of industrial property representative, decisions on addition/deletion of industrial property representation service providers (including the modification of information about industrial property representatives)	150

B. Industrial property charges

1	Charges for industrial property assessment					
1.1	Charge for assessment of industrial property applications; applications for reduction of protection scope; for complaint handling (for inventions: applicable to each independent point of the protection application, for industrial designs: applicable to each design of each product, for marks: applicable to each group with up to 6 products/services, for geographical indications and/or layout designs of integrated circuits: applicable to each application) Regarding inventions: charges for assessment of the	900	700	550	1200	180

	appearance shall be equivalent to 20% of the revenue, charges for assessment of contents shall be equivalent to 80% of the revenue					
	- If the invention description contains more than 6 pages, the mark application contains more than 6 products/services in a group, an additional charges shall be paid for each further product/service	40		120		
	- Charge for international classification of inventions/industrial designs (applicable to each sub-heading); of products/services for marks (applicable to each group of not exceeding 6 products/services)	100	100	100		
	+ For a group of more than 6 products/services, an additional charge shall be paid for each further product/service			20		
1.2	Charge for assessment of application for priority right (applicable to each application)	600	600	600		
1.3	Charge for assessment of application for modification of the industrial property registration application (applicable to each content subject to modification of each application) - except modification according to the protection certificate issued oversea at the request of the charge collector	160	160	160	160	160
1.4	Charge for assessment of the application for transfer of an	160	160	160		160

	application (applicable to each application subject to transfer)					
1.5	Charge for assessment of the application for registration of transfer of industrial property right (applicable to each protection certificate)	230	230	230		230
1.6	Charge for assessment of the application for extension, maintenance or modification of a protection certificate; extension or invalidation of a industrial property right to enjoyment transfer contract (applicable to each protection certificate); the recording of modification of information about industrial property representative relevant to industrial property subjects to National register; the modification of the certificate of the transfer of a contract on right to enjoyment of industrial property subjects, including the modification of transfer scope, extension of duration (applicable to each protection certificate related to the modified content) and other modification (applicable to each certificate of transfer of right to enjoyment)	160	160	160	160	160
1.7	Charge for assessment of the application for invalidation of protection certificate (applicable to each protection certificate)	180	180	180	180	180
1.8	Charge for assessment of the application for annulment of a protection certificate (applicable to each protection	390	390	390	390	390

	certificate)					
1.9	Charge for assessment of the dossier of inspection of industrial property representative profession and/or industrial property examination profession (applicable to each profession)	300				
1.10	Charge for the rechecking of the inspection results of industrial property representative profession and/or industrial property examination profession (applicable to each profession)			150		
1.11	Charge for assessment of the application for an industrial property representative service practice certificate, an industrial property verifier's license, a Certificate of assessing organization of industrial property, an application for deletion of an industrial property representative, an application for addition/deletion of the name of an industrial property representative service provider or an industrial property verifying organization (including the modification of information about industrial property representative)			250		
2	Charges for handling of disapproval of applications related to industrial property					
	Charge for handling of disapproval of the issuance of a protection certificate to a third party (for the marks: applicable to each group, for industrial designs: applicable	550	550	550	550	550

	to each design of each product, for inventions/utility solutions: applicable to each independent points, for geographical indications and designs: applicable to each application)					
3	Charges for search and supply of information about industrial property					
	Charge for search of information to serve the assessment and handling of complaints and other activities within their responsibility (for marks: applicable to each group of 6 products/services, for industrial designs: applicable to each design of product, for inventions: applicable to each independent point of the protection application, for geographical indications: applicable to each application); the search for associated marks serving the assessment of applications for registration of a contract of industrial ownership transfer (applicable to each protection certificate)	600	480	180	180	
	- If the searching subject is a mark containing more than 6 products/services in a group, an additional charges shall be paid for each further product/service			30		
4	Charges for declaration and registration of information about industrial property					
4.1	Charge for declaration of information about industrial property	120	120	120	120	120
	- If an application contains more than 1 figure, an additional charge shall be	60	60			60

	paid for each further figure					
	- If the invention description consists of more than 6 pages, an additional charge shall be paid for each further page	10				
4.2	Charge for registration of information about industrial property	120	120	120	120	120
5	Charges for use of protection certificates					
5.1	Charge for use of protection certificates: for inventions/utility solutions: applicable to each independent point of the protection application in each year, for marks: applicable to each group of products/services in each 10 years, for industrial designs: applicable to each design of each product in 5 years		700	700		
	- 1 st year or 2 nd year, applicable to inventions or utility solutions	300				
	- 3 rd year or 4 th year, applicable to inventions or utility solutions	500				
	- 5th year or 6th year, applicable to inventions or utility solutions	800				
	- 7th year or 8th year, applicable to inventions or utility solutions	1200				
	- 9th year or 10th year, applicable to inventions or utility solutions	1800				
	- 11th year to 13th year, applicable to inventions or utility solutions	2500				
	- 14th year to 16th year, applicable to inventions or	3300				

	utility solutions					
	- 17th year to 20th year, applicable to inventions or utility solutions	4200				
6	Charges for assessment of international registration of industrial property					
6.1	Charge for preliminary inspection of the appearance of the application for international invention property to submit it to the international office and the international searching authority	300				
6.2	Charge for international registration of a mark having origin in Vietnam, excluding charges must be paid to the international office			2000		
6.3	Charge for assessment of the modification, transfer, extension, territorial expansion, limitation of the list of products or the invalidation or annulment of a mark having origin in Vietnam which is internationally registered			1000		
6.4	Charge particularly applicable to international registration of mark according to the Madrid Protocol designating Vietnam					
	- Charge for assessment of invoices, applicable to each group of products of services			3600		
	- Charge for assessment of application for extension, applicable to each group of products of services			3200		