

Hanoi, 23 November 2020

NOTICE

Regarding the application of regulations concerning persons with legal status to sign documents on behalf of the applicant in the registration procedure for establishment of industrial property rights and the related procedures

In the procedure for establishing industrial property rights and the related procedures, the Intellectual Property Office of Vietnam (the “IP Vietnam”) has decided to apply a number of provisions related to persons with legal status to sign documents on behalf of the applicant under sections 3 and 4 of Circular No. 01/2007/TT-BKHCN of 14 February 2007, as amended and supplemented under Circular No. 16/2016/TT-BKHCN dated 30 June 2016 (hereinafter referred to as Circular No. 01/2007/TT-BKHCN) as follows:

1. For individual applicant

The representative for the applicant is the legal representative as provided for in Article 136 of the Civil Code or the one who is authorized by the applicant through a power of attorney (authorizing individuals, organizations or authorizing industrial property agents). The signing of the power of attorney is done by that individual himself and the authorized party and the authorization must comply with the provisions under sections 3 and 4 of Circular No. 01/2007/TT-BKHCN.

2. For organization applicant

2.1 In case of the representative for the applicant as "the legal representative of the applicant"

a) In case the person who signs the Application and the transaction papers has such the titles as Chairman of the Members' Council, Chairman of the Board of Directors, President, General Director, Director, the signer only needs to certify that he/she is the legal representative of the applicant through his/her signature and seal (as prescribed, if any);

b) In case the person who signs the Application and the transaction documents has such other titles as the deputy of the titles mentioned in item a) above, the titles of Chief of Office, Head of Department or Deputy of these titles, etc., or titles of foreign organizations such as attorney in fact, authorized signatory, proxy, officer, etc., the applicant must provide a document which proves that the signer is authorized by the legal representative of applicant and which is sealed (as prescribed by law, if any).

2.2 In case of the representative for the applicant as "A person belonging to an organization authorized by the legal representative"

In case the person who signs the Application and the transaction papers is a person belonging to an organization authorized by the legal representative, in addition to complying with the provisions on legal representative specified in Section 2.1 above, the applicant must also provide a document to prove such authorization.

2.3 In case of the representative for the applicant as an industrial property agent

Industrial property agents shall represent the applicant through a power of attorney. Accordingly, the person signing the power of attorney on behalf of the applicant (the authorizing party) must meet the requirements specified in Section 2.1 or 2.2 above and must comply with the provisions of sections 3 and 4 of Circular No. 01/2007/TT-BKHCHN.

3. Other contents

3.1 The contents mentioned in Sections 1, 2.1 and 2.2 above are applicable to both the Vietnamese applicants and the applicants who are foreign organizations and individuals.

3.2 In the case that an individual representing an organization who is a foreign applicant cannot prove his/her legal representative or authorized status under the provisions of sections 3 and 4 of Circular No. 01/2007/TT-BKHCHN, transaction documents submitted to the IP Vietnam must be consularly certified, consularly legalized with respect to the individual's signature./

Recipient:

- Units of the IP Vietnam (for implementation);
- General Director;
- Deputy General Directors;
- TTTT (for posting on Web portal of the IP Vietnam)
- Archives: VT, PCCS.

General Director
(signed and sealed)

Dinh Huu Phi