



SOUTH-EAST ASIA IP SME HELPDESK

EU-VIETNAM Free trade agreement (EVFTA)

What are the benefits for businesses and intellectual property (IP) protection?

Why is it important?



Removing **99 %** of all tariffs on both sides



Reducing non-tariff barriers



Protecting **169** European Geographical Indications (GIs)



Granting access for EU service providers



Opening up for investments in manufacturing in key sectors

Tariff before implementation

1 August 2020

Tariff elimination

up to **78%**



Cars

After 10 years

up to **50%**



Wines

After 7 years

up to **40%**



Poultry meat and offal

After 10 years

up to **35%**



Machinery and appliances

(Applied to almost all products)
Immediately

up to **15%**



Dairy products

After 5 years

up to **8%**



Pharmaceuticals

(Applied to about 50% of the products)
Immediately



0%

UPDATE

On 18 September 2020, the Vietnamese Government issued decree 111/2020/ND-CP setting out Vietnam's preferential export and import tariffs for the period 2020–2022 to implement the EVFTA. Check out the details [here](#)

Intellectual Property Protection

What's new in the EVFTA?



GIs

A total of **169 European GIs** will benefit from recognition and protection on the Vietnamese market at a comparable level to that of EU legislation. Champagne, Feta, Parmigiano Reggiano, Rioja and Roquefort are some examples of EU GIs to be protected in Vietnam.



TRADE MARKS

A **registered trade mark** can be revoked if it **misleads the public**, particularly as to the nature, quality or geographical origin of a product. Vietnam will apply the WIPO recommendations on the protection of **well-known trade marks**, which take into consideration additional parameters that are not restricted exclusively to its degree of prominence amongst relevant consumers in a country.



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Vietnam will accede to the **WIPO Internet Treaties** to address the challenges regarding unauthorised access to and use of creative works on the internet and other digital networks.

Phonogram performers and producers gain additional rights through the EVFTA, including the right to **single equitable remuneration for broadcasts and communications to the public**.



INDUSTRIAL DESIGNS

Design owners now can seek protection for their designs in Vietnam through **the Hague System for the International Registration of Industrial Designs**. The system provides a practical business solution for registering up to 100 designs in 73 contracting parties covering 90 countries, through the filing of a single international application.



PATENTS

Pharmaceutical products are subject to a marketing authorisation procedure before being put on the Vietnamese market. When there are **unreasonable delays** (i.e. if the Vietnamese Authority fails to respond to the applicant without justifiable reasons after more than 24 months from the date of filing for marketing authorisation), the pharmaceutical patent owner is entitled to **claim compensation by deducting the fee for using the patent**.

To be entitled to deduct the fee, the patent owner must submit a document confirming the delay (issued by the marketing authorisation authority) to Vietnam's IP office **within 12 months** of the marketing authorisation being granted.



UNDISCLOSED INFORMATION

If undisclosed test results or other data regarding **pharmaceutical or agrochemical products** are required by the government agencies for marketing approval, the protection of such data against unfair commercial use or disclosure is set for 5 years from the approval date.



ENFORCEMENT

Customs officers will be able to act **ex officio** – in other words, they can actively target and block shipments containing IP-infringing goods without having to wait for a complaint.

If needed, the IP rights (IPR) holder can ask the authorities to apply provisional measures, such as the precautionary **seizure or blocking of the movable and immovable property of the alleged infringer, including the blocking of his/her bank accounts and other assets**.

The authorities may consider ordering **pecuniary compensation** to be paid to IP owners in certain cases of unintentional infringement, instead of applying injunctions or corrective measures.

Source: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2020:186:FULL&from=EN#page=110>

Where to find further information?

The **South-East Asia IP SME Helpdesk** is an EU initiative that provides **free, practical, IP advice to European SMEs in SEA**. To learn about any aspect of intellectual property in South-East Asia:

- Check out our **website** at www.southeastasia-iprhelpdesk.eu
- E-mail your **questions** to question@southeastasia-iprhelpdesk.eu for free IP expert advice on SEA. You will receive a reply **within 3 working days**.
- Download **Vietnam IP Country Factsheet** [here](#)



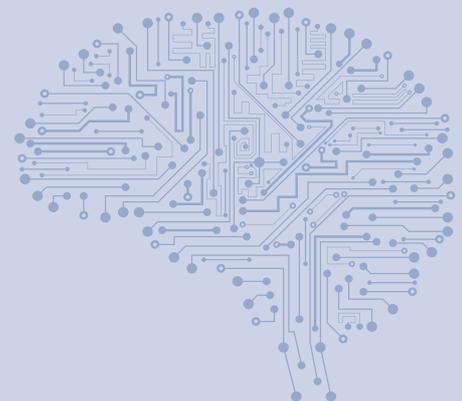
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