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A NEW APPROACH TO THE STATUS OF APPLICANTS AND REPRESENTATIVES IN INDUSTRIAL PROPERTY PROCEDURES

OVERVIEW

Circular No. 10/2026/TT-BKHCN, which took effect on July 01, 2026, introduces several important changes to the procedural framework governing industrial property matters in Vietnam. Among these changes, one of the most notable developments concerns the determination of applicant status and the role of representatives in filing and handling industrial property applications. The new Circular adopts a clearer and more systematic approach to distinguishing between applicants acting on their own behalf and applicants acting through lawful representatives. This clarification not only affects how application forms are completed, but also has practical implications for the authority to sign documents, the identification of representative status, and the overall validity of application dossiers. This article examines the key changes introduced by the Circular and their practical impact on industrial property procedures.



APPLICANT STATUS

Circular No. 10/2026/TT-BKHCHN introduces a notable change in the approach to determining applicant eligibility when carrying out industrial property procedures. A key point is that the new Circular no longer treats the legal representative or a person of an authorized organization as a separate category of “lawful representative” of the applicant. Instead, where an organization carries out procedures through its legal representative, such as the Director or General Director, or through an internal staff member duly authorized, the case is regarded as the organization itself filing the application.

This approach properly reflects the legal nature of a juridical person: an organization exercises its rights and performs its obligations through competent persons within its internal structure. This adjustment helps distinguish more clearly between situations where an organization carries out procedures in its own name through competent persons within its internal structure and situations where it appoints an independent external representative, thereby reducing uncertainty regarding applicant status, signing authority, and representation in industrial property procedures.

APPLICATION FORMS

The new approach to determining applicant status also entails a direct change in the way application forms are completed. In accordance with the spirit of Circular 10/2026/TT-BKHCHN, where an enterprise files an application by itself through its legal representative or a duly authorized internal staff member, no information should be declared in the section "Applicant's Representative". This section is to be used only where the applicant carries out the procedures through an independent lawful representative, typically an authorized industrial property representation service organization.

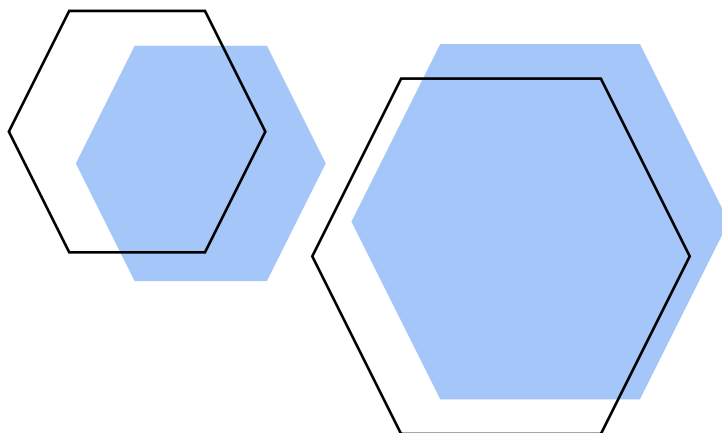
This is a point that requires particular attention in practice, as continuing to apply the old mindset when completing the application form may result in an incorrect declaration of representative status. The benefit of the new regulation is that it enables the form to reflect the legal nature of the filing relationship more accurately, reduces the risk that the application dossier will need to be amended or supplemented due to formality defects, and helps shorten the processing time for procedures before the competent authority.



FILING STATUS

In addition, Circular 10/2026/TT-BKHCN also reflects clearer restructuring of the classification of subjects performing procedures. Rather than focusing primarily on factors such as nationality, presence in Vietnam, or the existence of a production or business establishment in Vietnam, the new regulation places greater emphasis on the legal nature of the subject involved.

Accordingly, the applicant is first identified as an individual or an organization, and only thereafter is the manner of carrying out the procedures determined, namely whether the applicant files the application on its own or through a lawful representative. This approach creates a more coherent legal structure, enabling enterprises, individuals, and advisory entities to correctly determine the applicant's status from the dossier preparation stage. From a practical perspective, this clarification is particularly useful for dossiers involving foreign elements or multiple parties, where an incorrect determination of filing status may directly affect the dossier's validity.





STATE-FUNDED RESULTS

Another noteworthy point is that Circular 10/2026/TT-BKHCN has streamlined the provisions concerning representative groups for "results of science and technology tasks using state budget funds" from the general provisions on application procedures.

Under the new approach, the right to register results of science and technology tasks funded by the state budget is addressed under a specialized mechanism; in principle, the right to register is assigned to the leading organization, except for specific cases prescribed by law. When the leading organization conducts the registration procedures, the legal nature of the filing remains that the organization conducts them itself through a competent person.

This streamlining makes the general provision on forms of filing clearer and more focused on the core principles of administrative transactions, while avoiding the mixing of specific cases concerning funding sources with the general rules on applicant status and representation in filing applications.



CONCLUSION

In general, Circular 10/2026/TT-BKHCN requires more accurate identification of the applicant's status, the authority to sign application documents, and the representation mechanism in each case of carrying out industrial property procedures. Proper identification of the applicant, the person signing the documents, the authorization mechanism, and the cases in which a representative must be declared will help enterprises limit formality risks, ensure that dossiers are prepared by duly authorized persons, and comply with the new regulations. Therefore, before filing applications for trademark, patent, or industrial design registration, or carrying out related procedures, applicants should carefully review their applicant status and filing method to avoid unnecessary errors during the formality examination.

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