



## S & I International Bangkok Office

<https://www.siasia.co.th>

253, 23<sup>rd</sup> Fl., Sukhumvit Soi 21 Rd., Klongtoey Nua, Wattana, Bangkok 10110, Thailand  
Tel: +66-2-261-6449, 6466 Fax: +66-2-261-6419, 6379

VIA E-MAIL ONLY

2020年12月18日

ベトナムにおける特許・商標・意匠出願に係る代理人・出願人 各位

### 参考用和訳

(あくまでも参考用のため、添付の英文も合わせてご参照下さい)

件名：ベトナムにおける特許・商標・意匠出願の署名書類に関するお知らせ

拝啓 貴所並びに貴社益々ご清栄のこととお慶び申し上げます。

2020年11月23日、ベトナム知的財産庁（IP Viet Nam）は、委任状（POA）を含む、IP Viet Nam に提出されたすべての文書の署名者の要件を変更する通知第 13822/TB-SHTT 号を発行しました。

IP Viet Nam は過去に、内部で権限を与えられた代表者が署名した知的財産権者の委任状（POA）を受理してきました。しかし、新たな通知の下では、すべての文書に出願人又は権利者の取締役会長（Chairman of the Board）、社長（President）、取締役（General Director）といった法定代表者が署名することを IP Viet Nam は要求しています。文書に室長（Chief of Office）、最高経営責任者（CEO）、部長（Head of Department）若しくはこれらの肩書の代理といった上記法定代表者以外の署名者が署名している場合、署名者が知的財産権利者又は出願人を代表する資格を有していることを証明する追加証拠の提出が必要となります。そのような証拠がない場合は、署名文書に領事認証をおこなう必要があります。

上記通知には、この新しいプラクティスがいつ適用されるかについては示されていませんが、弊所提携ベトナム現地代理人にて IP Viet Nam と協議しましたところ、新しい委任状（POA）／文書を使用する案件や、以前に IP Viet Nam に提出され受理された古い委任状（POA）を援用する新しい案件を含む、すべての案件に直ちに適用されることが判明しました。このプラクティスは、ベトナムで知的財産権の登録と保護を求めるベトナム人及び外国人の出願人と権利者の両方に適用されます。

このことが IP Viet Nam の係属中の案件にどのような影響を与えるかは不明であり、IP Viet Nam においてもまだ検討中のようです。最近のいくつかの案件においては、IP Viet Nam は署名者が出願人や権利者を代表する資格があることを証明するものを書面で確認（提出）するように知財代理人に求めています。IP Viet Nam が係属中の案件についてこのプラクティスを近い将来においても継続させるかどうかについては現在検討中です。当該プラクティスに変更があった場合には、適宜その旨ご案内致します。

上記事情を踏まえ、新規案件におきましては、以下の通り対応されることをお勧め致します。

出願をスムーズにおこなうため、委任状（POA）等を含め、IP Viet Nam に提出する文書への署名は、取締役会長（Chairman of the Board）、社長（President）、取締役（General Director）など会社の法定代表者の署名のみとする。



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他の署名者、例えば、上級役員代理 (deputy of a senior executive)、部長 (department head)、委任状による代理人 (attorney-in-fact)、署名権者 (authorized signatory)、代理人 (proxy)、役員 (officer) 等の署名が書類にされている場合には、署名者が出願人又は権利者を代表する資格があることを証明する承認書 (Letter of Authorization)への署名も必要となります。弊所提携現地代理人にて作成されました空欄の承認書 (Letter of Authorization) フォームをご参考までに添付致しますのでご確認下さい。

承認書 (Letter of Authorization) の提出が必要な案件につきましては、出願人様におかれまして取締役会長 (Chairman of the Board)、社長 (President)、取締役 (General Director) といった会社の法定代表者が署名した新しい委任状 (POA) を作成するか、または承認書 (Letter of Authorization) と併せて上記法定代表者以外の署名者が署名した新しい委任状 (POA) を作成することができます。なお、承認書 (Letter of Authorization) の署名日は、委任状 (POA) の署名日より前である必要があります点につき、ご留意下さい。また、ご署名済の委任状 (POA) 及び/又は承認書 (Letter of Authorization) は原本を提出する必要があります。写しを提出する場合は、ベトナム現地代理人によって当該書類を公証する必要があります。出願人または権利者は、オフィスアクション等による遅延を避けるために、なるべくお早めに委任状 (POA) 及び/又は承認書 (Letter of Authorization) を提出することをお勧めします。

弊社の記録を確認の上、承認書 (Letter of Authorization) の提出を必要とするお客様につきましては、別途弊所報告書にて直接ご連絡させていただきますのでよろしくお願致します。

何かご不明な点がございましたら、お問合せ下さい。

敬具

井口 雅文

President, S&I International Bangkok Office  
(意匠、商標事務担当: 加藤 麻里)

(同封書類)

- ・ 2020年12月17日付け弊所英文書信 (2ページ)
- ・ 通知第13822/TB-SHTT号の非公式英訳文及びその和訳文 (計4ページ)
- ・ 承認書 (Letter of Authorization) フォーム (2ページ)





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*VIA E-MAIL ONLY*

December 18, 2020

Attn: Colleagues and Applicants of Patent, Trademark and Industrial Design Applications in Vietnam

Subject: Notice regarding signed documents of the Patent, Trademark and Industrial Design applications in Vietnam

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Dear Sir/Madam,

On November 23, 2020, the Intellectual Property Office of Vietnam (IP Viet Nam) issued Notification No. 13822/TB-SHTT changing the requirements for signatories of all documents submitted to the IP Office, including powers of attorney (POAs).

In the past, the IP Office has accepted POAs signed by any representatives internally authorized by the IP holders. However, under the new notification, the IP Office requires all documents to be signed by a legal representative of the applicant or owner, such as the chairman of the board, president, , general director. If the documents are signed by other signatories such as Chief of office, CEO, Head of Department or Deputy of these title, then additional evidence proving that the signatories is authorized to represent the IP owners or applicants is also required. If such evidence is not available then the document must be legalized.

Although the notification does not indicate when this new practice will be applied, our local agent discussed with the IP Office and found that it is effective immediately for all cases, including cases that use new POAs/documents and new cases that refer to old POAs which were previously submitted and accepted by the IP Office. This practice will apply to both Vietnamese and foreign applicants and owners who pursue registration and protection of their IP rights in Vietnam.

It is unclear how this will affect pending cases at the IP Office, and this appears to still be under consideration. In some recent cases, the IP Office has asked the IP agents to confirm in writing that the signatories are eligible to represent the applicants or owners. The IP Office may continue this practice for pending cases in the near future. If so, we shall inform you. If there is any change, we will let you know in a timely manner.

Based on the above circumstances, for new cases, we recommend the following:

**To facilitate your applications , all documents that will be submitted to the IP Office, including POAs and other documents, shall be simply signed by a legal representative of the company who is the Chairman of the Board, President, General Director.**

If the documents are signed by other signatories, such as a deputy of a senior executive, department head, attorney-in-fact, authorized signatory, proxy, officer, etc., then signature in **Letter of Authorization** to prove that the capacity of the signatories to represent the applicants or owners are also required. Please find enclosed the blank form of the Letter of Authorization which was draft by our local agent.



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For cases which letters of Authorization are required, the client may prepare a new fresh POA signing by legal representative of the company, who is the Chairman of the Board, President, General Director or prepare a new fresh POA signed by other signatories along with Letter of Authorization. Please note that the signing date of the Letter of Authorization must be before the signing date of the Power of Attorney. The signed POA and/or Letter of Authorization must be submitted in original, otherwise the copy must be notarized by our local agent. We suggest the applicants or owner to submit the POA and/or Letter of Authorization as soon as possible to avoid any possible delay such as office action.

We will be checking with our record and will contact the client who need to submit Letter of Authorization directly under a separate cover.

If you have any questions, please contact us.

Masafumi IGUCHI (Mr.)  
President

Enclosures:

1. Unofficial Translation of Notice No. 13822/TB-SHTT (2 Pages)
2. Form of Letter of Authorization (2 Pages)



(非公式和訳文 by S&I)

科学技術省  
知的財産庁  
No.: 13822/TB-SHTT

ベトナム社会主義共和国  
*Independence – Freedom – Happiness*

2020年11月23日、ハノイ

### 通知

産業財産権の設定登録手続における出願人に代わって書類に署名する法定資格を有する者に関する規定の適用及びこれに伴う手続について

工業所有権の設定及び関連手続において、ベトナム知的財産権庁（以下“IP Vietnam”）は、2007年2月14日付通達第01/2007/TT-BKHCHN号（以下、通達第16/2016/TT-BKHCHN号）の第3項及び第4項（2016年6月30日付通達第16/2016/TT-BKHCHN号）により改正・補足された、出願人に代わって書類に署名する法的資格を有する者に関連する多くの規定を以下のように適用することを決定した。

#### 1. 個人出願人の場合

出願人の代表者は、民法第136条に規定された法定代表者、または出願人が委任状（個人、組織、または工業所有権代理人の権限を付与するもの）により権限を付与された者である。委任状への署名は、本人と権限を与えられた者が行うものであり、その権限は、通達第01/2007/TT-BKHCHN号の第3項及び第4項の規定に準拠していなければならない。

#### 2. 団体出願人の場合

##### 2.1 “出願人の法定代表者”として出願人の代表者である場合

a) 出願書及び取引文書に署名する者が、社員総会会長（Chairman of the Members' Council）、理事長（Chairman of the Board of Directors）、社長（President）、最高責任者（General Director）、取締役（Director）等の肩書を有する場合には、署名者は、署名及び印鑑（所定のもの（ある場合））により、出願人の法定代表者であることを証明するだけでよい。

b) 出願書及び取引文書に署名する者が、上記 a) の肩書の代理、室長（Chief of Office）、部長（Head of Department）若しくはこれらの肩書の代理等、又は委任状による代理人（attorney in fact）、署名権者（authorized signatory）、代理人（proxy）、役員（officer）等の外国機関の肩書を有する場合には、出願人は、署名者が出願人の法定代表者の承認を受けていることを証明する捺印（法律で定められているもの（ある場合））済の書類を提出しなければならない。

##### 2.2 “法定代表者が認めた団体に所属する者”として出願人を代表する場合

出願書及び取引文書に署名する者が法定代表者の権限を有する団体に所属する者である場合には、上記 2.1 項の法定代表者に関する規定に加えて、その権限を証明する書類を提出しなければならない。

##### 2.3 産業財産代理人として出願人の代表者である場合

(非公式和訳文 by S&I)

産業財産代理人は、委任状により出願人を代表しなければならない。したがって、出願人を代表して委任状に署名する者（委任者）は、上記 2.1 項または 2.2 項の要件を満たし、通達第 01/2007/TT-BKHCHN 号の第 3 項および第 4 項の規定に従わなければならない。

### 3. その他の内容

3.1 上記 1、2.1、2.2 項に記載した内容は、ベトナム人出願人及び外国の団体・個人出願人にも適用される。

3.2 外国人出願人である団体を代表する個人が、通達第 01/2007/TT-BKHCHN 号の第 3 項および第 4 項の規定に基づき、その法定代表者または認可された資格を証明できない場合、IP Vietnam に提出された取引文書は、個人の署名に関して領事認証され、証明されていないなければならない。

受領者：

- ベトナム知的財産庁実行部門
- 長官
- 副長官
- TTTT (ベトナム知的財産庁 Web ポータル投稿)
- アーカイブ: VT, PCCS.

長官  
(署名及び捺印)

**Dinh Huu Phi**

MINISTRY OF SCIENCE & TECHNOLOGY  
INTELLECTUAL PROPERTY OFFICE  
No.: 13822/TB-SHTT

SOCIALIST REPUBLIC OF VIETNAM  
*Independence – Freedom – Happiness*

*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-BKHCHN of 14 February 2007, as amended and supplemented under Circular No. 16/2016/TT-BKHCHN dated 30 June 2016 (hereinafter referred to as Circular No. 01/2007/TT-BKHCHN) 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-BKHCHN.

**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**



## LETTER OF AUTHORIZATION

### GIẤY ỦY QUYỀN

I,..... (full name) the undersigned, Chairman/General Director/Director of the following company :

Tôi, ..... ký tên d ới đây là Chủ tịch/Tổng Giám đốc/ Giám đốc của Công ty:

**[company name and address]**

(Hereinafter referred as the Company)

is a corporation duly organized under the laws of ..... (name of country)

là một công ty đ ợc tổ chức theo luật của ....

do hereby authorize and appoint the following person / bằng văn bản này ủy quyền và chỉ định ng ời có tên d ới đây

**[the Authorized Person]**

to act on our behalf of the Company as the legal representative to perform of the following tasks/ đ ợc toàn quyền thay mặt Công ty chúng tôi với t cách của ng ời đại diện theo pháp luật của Công ty tiến hành những công việc sau:

1. Making decision and signing documents relating to all matters of the **Company** concerning Intellectual Property (IP) / Ra các Quyết định và ký các văn bản liên quan đến các vấn đề về Sở Hữu Trí Tuệ (SHTT) của Công ty.

2. Under this authorization, the Authorized Person has the right to sign all Decisions and legal documents including but not limited to: Statement or Declaration of Amendment to the name / address of the Company, Declaration of change of ownership of IP rights due to merge, division or transfer of the Company, Deed of Assignment, Transfer Agreement of IP rights, Power of Attorney to carry out procedures for establishment of IP rights and all related procedures such as recording of any Amendment, Assignment, License Contract and Enforcement of IP rights, ... and all IP matters that are not listed herein/ Với sự ủy quyền này, Ng ời đ ợc ủy quyền có toàn quyền ký các Quyết định, các tài liệu pháp lý bao gồm nh ững không giới hạn bởi: các Tuyên bố sửa đổi Tên/địa chỉ của Công ty, Tuyên bố thay đổi sở hữu quyền SHTT do sáp nhập, chia tách hay chuyển nh ợng Công ty, các Văn bản chuyển nh ợng, chuyển giao quyền SHTT, các loại Giấy ủy quyền cho các đại diện để thực hiện các thủ tục đăng ký xác lập quyền quyền SHTT và các thủ tục liên quan nh việc ghi nhận sửa đổi, chuyển nh ợng, hợp đồng li xãng, thực thi quyền SHTT... và tất cả các vấn đề về quyền SHTT ch a đ ợc liệt kê ở đây.

This authorization shall take effect from the signing date until revoked./Giấy ủy quyền này có hiệu lực kể từ ngày ký cho đến ngày tuyên bố hết hiệu lực.

Signed at ....

Ngày(*Day*) tháng(*month*) năm(*year*)

Signed by

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By (full name)

Title *President/General Director/Director of the Company*