

ASEAN Patent Filing Requirements Handbook

as of August 2021



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National phase deadline 31 months	Extended national phase deadline Not extendible

What is ASEAN?

The Association of South East Asian Nations (ASEAN) has taken significant steps to create a single economic market for goods, services, capital and labour in the region. ASEAN is working towards creating a unified regional patent procedural system, like the European Patent Convention. As a first step, the ASEAN Patent Examination Cooperation Program (ASPEC) has been implemented to expedite prosecution of patent applications in ASEAN countries once allowance of a related application in an ASEAN country has been achieved.

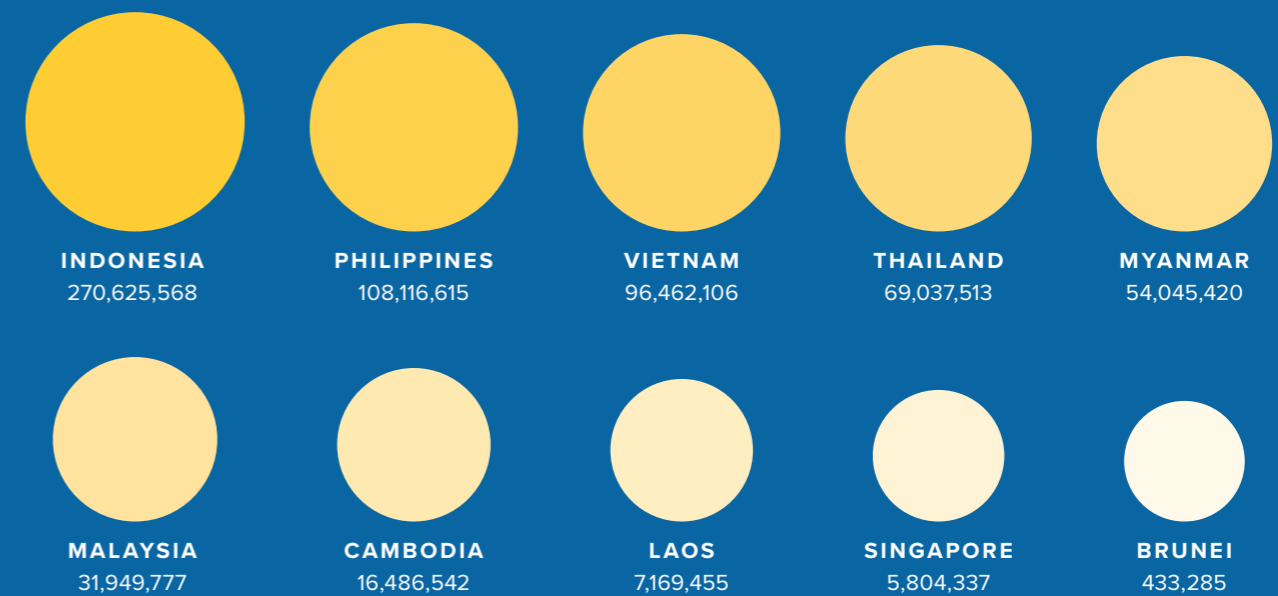


The ASEAN market

Why the ASEAN market is so important to your business.

The combined population of ASEAN is more than 600 million people.

ASEAN POPULATION BY COUNTRY IN 2019



- 1 Myanmar
- 2 Laos
- 3 Thailand
- 4 Cambodia
- 5 Vietnam
- 6 Philippines
- 7 Malaysia
- 8 Brunei
- 9 Singapore
- 10 Indonesia

Why file in ASEAN countries

The ASEAN market is a huge growth area and represents the the world's third largest market after China and India.

STRONG ECONOMIC OUTLOOK

- In 2020 ASEAN registered growth of US\$70 billion in greenfield investments. It was the biggest such FDI inflow of any developing world region.
- In 2016 the region's annual average GDP growth was 4.6 per cent outpacing the global average of 3.2 per cent.*
- The ASEAN combined GDP (as a single economic entity) is currently around US\$2.5 trillion and taken as a whole the region is set to become the equivalent of the world's fourth largest economy by 2030.*
- As evidenced by the surge in locally originating patent filings large multinational firms are looking to take advantage of the favourable economic conditions for manufacturing and R&D in ASEAN countries.

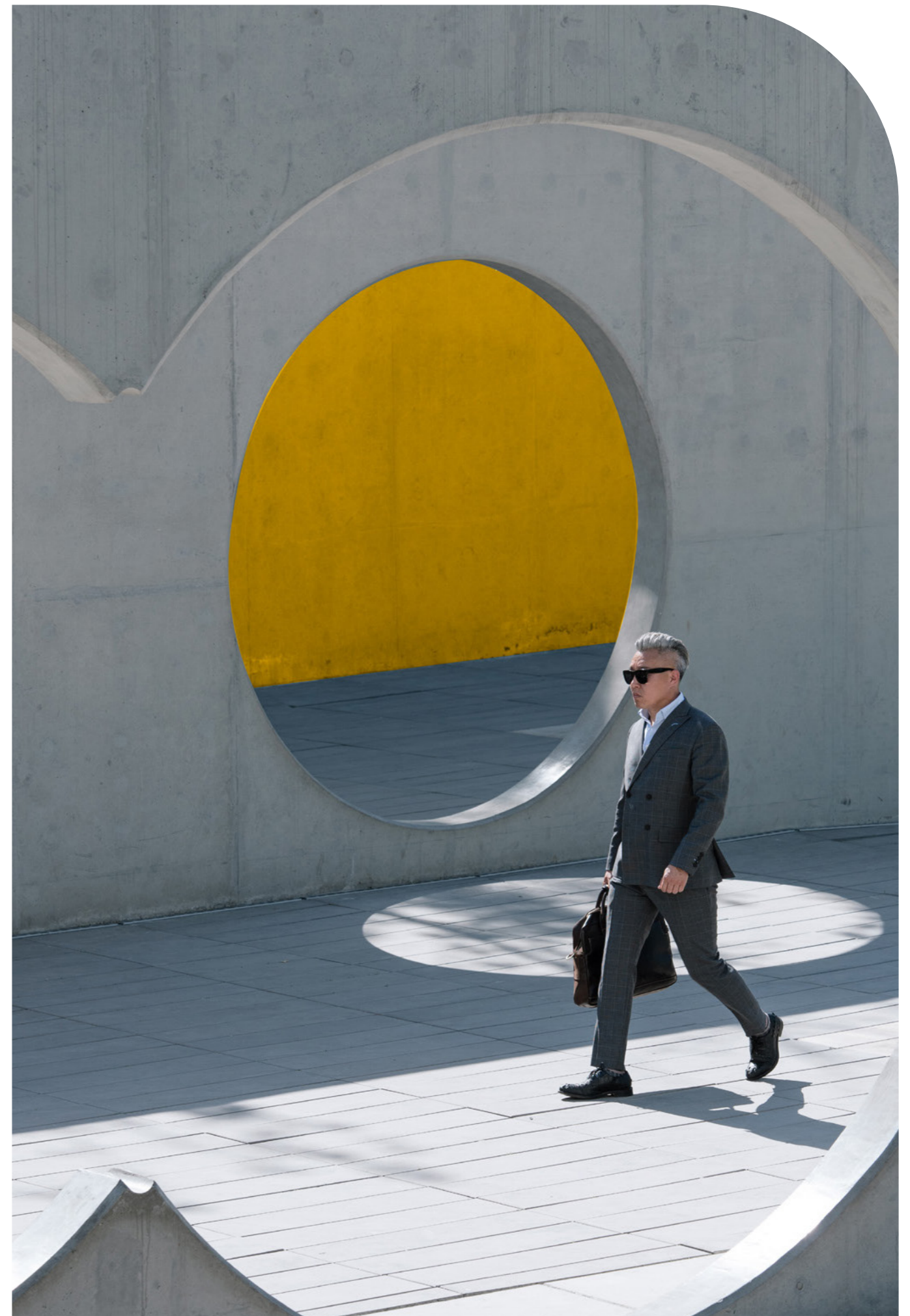
ESTABLISHED PATENT SYSTEMS

- All ASEAN countries (except Myanmar) are members of the Patent Cooperation Treaty. Cambodia recently became a member of the PCT and has been bound by the PCT system since 8 December 2016. Myanmar provides IP protection.
- The ASEAN countries (except Myanmar) have well developed patent legislation.
- Strong development of IP examination procedures, specialised courts and enforcement procedures. This has led to a rapid increase in patent filings in the region.

PPH & ASPEC

- Examination in the ASEAN countries can be relatively straight forward using Patent Prosecution Highway (PPH), ASEAN Patent Examination Co-operation (ASPEC) program or, if a corresponding application has been allowed in major jurisdiction such as the United States, Japan, Europe, or Australia.

*<https://www.austrade.gov.au/asean-now/why-asean-matters-to-australia/asean-economic-growth/>
#:~:text=ASEAN's%20combined%20GDP%20of%20USfourth%20largest%20economy%20by%202030

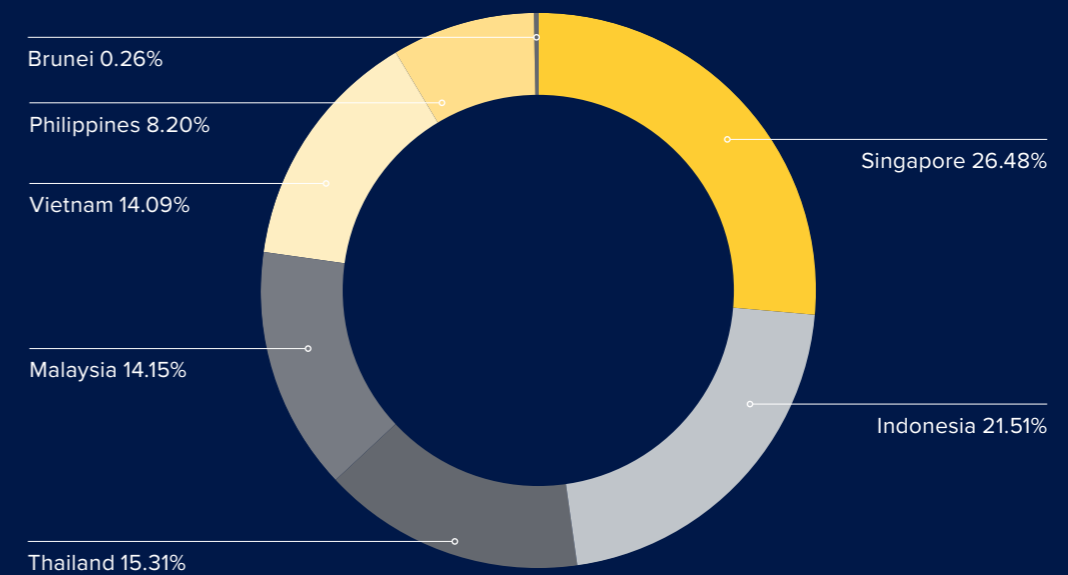


DCC's ASEAN filing and prosecution service

The benefits of DCC's ASEAN offering are set out below:

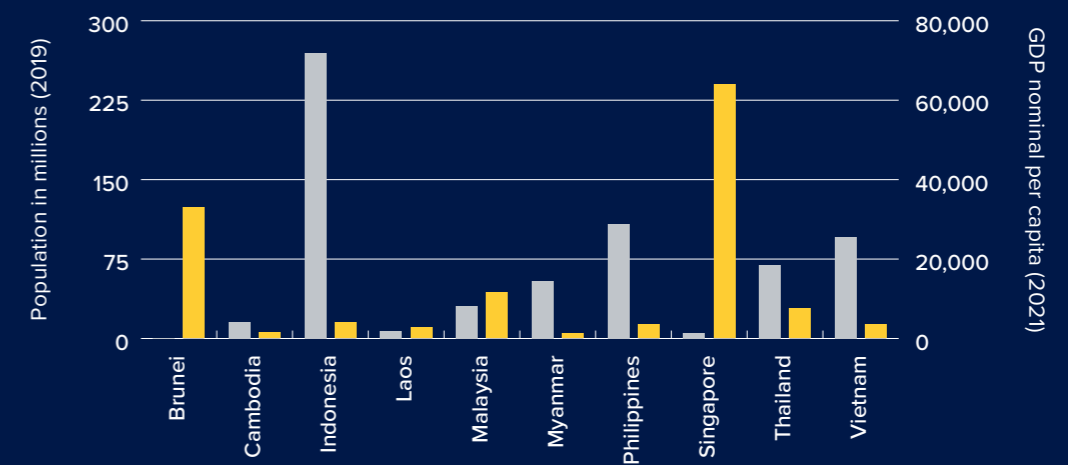
- One instruction to DCC to file applications in 10 ASEAN countries
- Efficient prosecution:
 - Formally using PPH or ASPEC; or
 - Informally by amending to conform with allowed claims in another jurisdiction
- Fixed costs for filing and prosecution
- Prepared to work with the Patent Office to ensure maximum rights

ASEAN TOTAL PATENT FILINGS 2019



ASEAN: GDP & POPULATION

- GDP nominal per capita (2019)
- Population in millions (2019)



Brunei

To satisfy formalities

1. APPLICANT PARTICULARS

- Name
- Address
- Citizenship (if individual)

2. INVENTOR PARTICULARS

- Full Name
- Address
- Citizenship
- Country of Residence

3. FORMS

- Notarised Deed of Assignment or Notarised Priority Deed of Assignment
 - Due 2 months from date of filing
- Statement of inventorship
 - Due 2 months from date of filing

4. SPECIFICATION AND PRIORITY DOCUMENTS

- Specification to be filed in English
- Translation of priority document (if not in English)

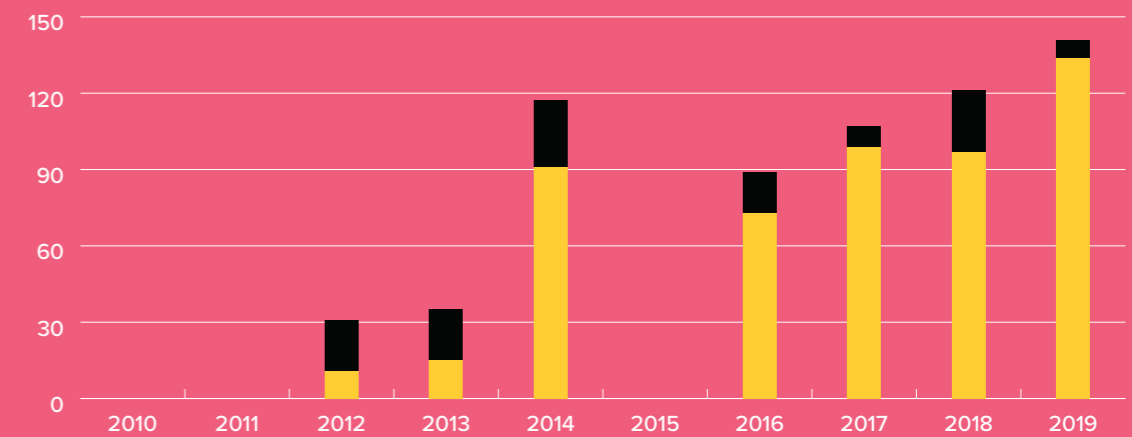
5. NATIONAL PHASE ENTRY IN BRUNEI

- Deadline = 30 months (not extendible)



BRUNEI PATENT FILINGS 2010 – 2019

- Resident
- Non-resident



Minimal/Rushed Filing

The bare minimum of information needed to effect filing, and gain a valid filing date, is the following:

For all cases

- Applicant(s) name and address
- Inventor(s) name and address

For Convention cases

- Priority particulars (priority number, filing date, country it was filed)
- Certified copy of priority document in English

For National Phase cases

- Copy of published PCT specification in English
- Copy of PCT Request

For a national phase entry from a published PCT application, with no changes to the above details, the PCT application/publication number is sufficient.

Cambodia

To satisfy formalities

1. APPLICANT PARTICULARS

- Name
- Address
- Citizenship (if individual)

2. INVENTOR PARTICULARS

- Full Name
- Address
- Citizenship
- Country of Residence

3. FORMS & DOCUMENTS

- Notarised Power of Attorney (PoA)
 - Due 2 months from date of filing.
 - A general PoA or single PoA covering more than one case is possible.
- [For Convention cases] Notarised Deed of Assignment or Notarised Priority Deed of Assignment
 - Due 2 months from date of filing
- Khmer translation of specification due 6 months from date of filing
- Certified copy of Priority document:
 - Due 3 months from date of filing (extendible by four months)
 - Verified English translation (if applicable) due within 6 months from date of filing

4. SPECIFICATION AND PRIORITY DOCUMENTS

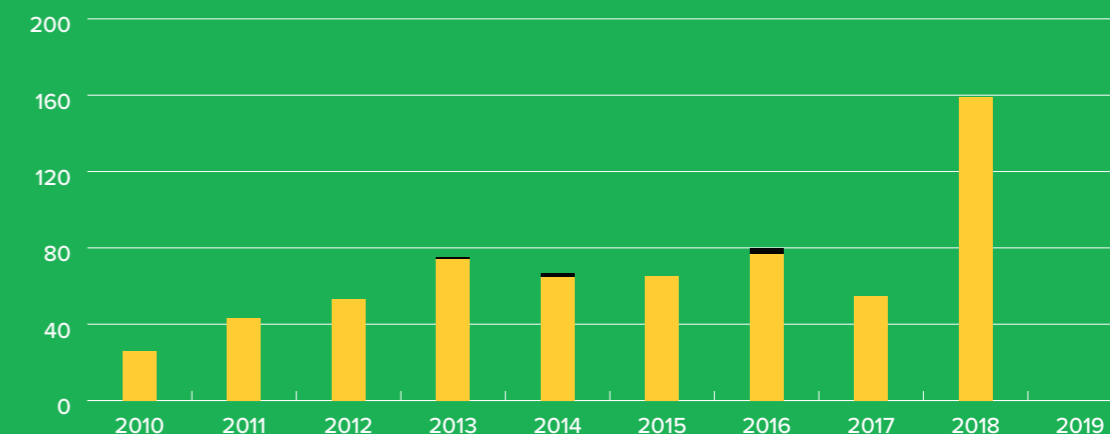
- Specification can be filed in English first

5. NATIONAL PHASE ENTRY IN CAMBODIA

- Deadline = 30 months extendable to 32 months with payment of fees

CAMBODIA PATENT FILINGS 2010 – 2019

- Resident
- Non-resident



Minimal/Rushed Filing

The bare minimum of information needed to effect filing, and gain a valid filing date, is the following:

For all cases

- Applicant(s) name and address
- Inventor(s) name and address
- English version of the specification in Word format

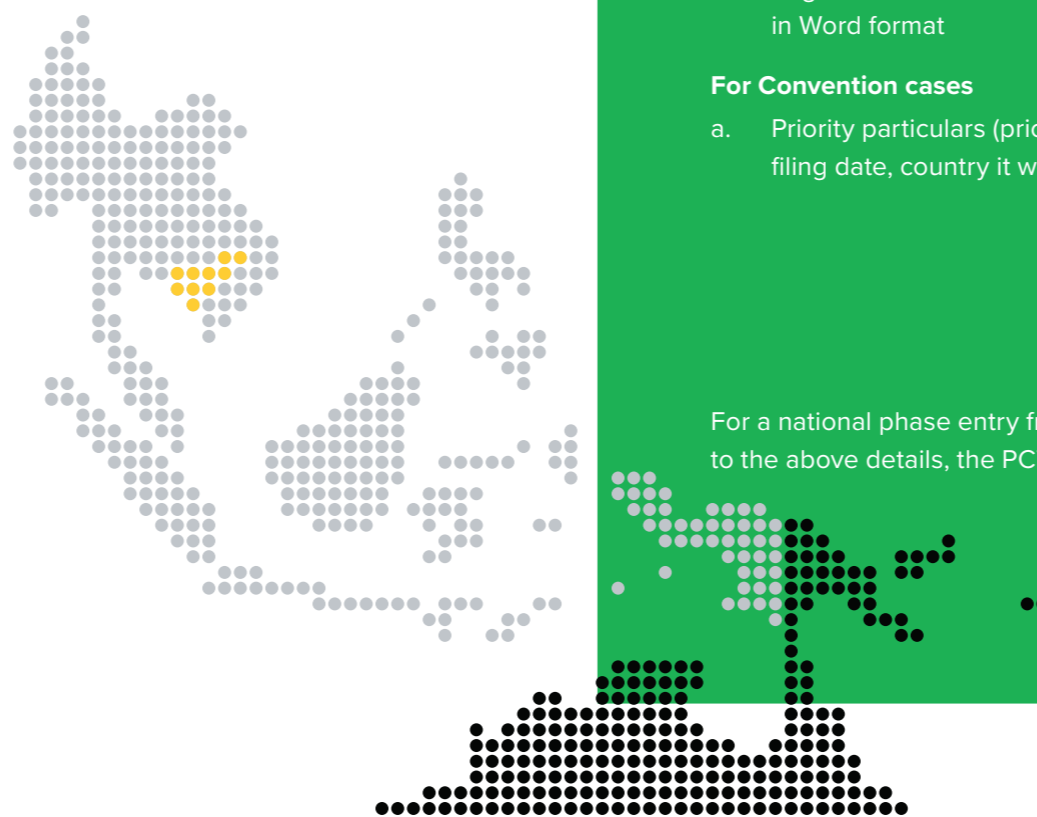
For Convention cases

- Priority particulars (priority number, filing date, country it was filed)

For National Phase cases

- Copy of published PCT specification
- Copy of PCT Request
- Copy of international preliminary Examination report on patentability
- Copy of notification of the recording of a change (if applicable)
- Copy of any amendments filed during international phase
- Verified English translation of international application if not in English
- Verified English translation of any amendments filed during international phase if not published in English

For a national phase entry from a published PCT application, with no changes to the above details, the PCT application/publication number is sufficient.



Indonesia

To satisfy formalities

1. APPLICANT PARTICULARS

1.1 INDIVIDUAL

- Full Name
- Citizenship
- Address

1.2 CORPORATE ENTITY

- Name
- Registered Address
- Country of Incorporation
- State of Incorporation (US entities)

2. INVENTOR PARTICULARS

- Full Name
- Citizenship
- Address
- Country of residence

3. FORMS

- Power of Attorney (PoA)
- Statement of Ownership (SoO)
- Documentation transferring rights to applicant (DoA)

All forms due 3 months from national filing date.

Originals **required**.

General PoA **is permitted**. General SoO and DoA **not permitted**.

No legalisation/notarisation required except for formalities documents to be given before receipt in Indonesia.

4. SPECIFICATION AND PRIORITY DOCUMENTS

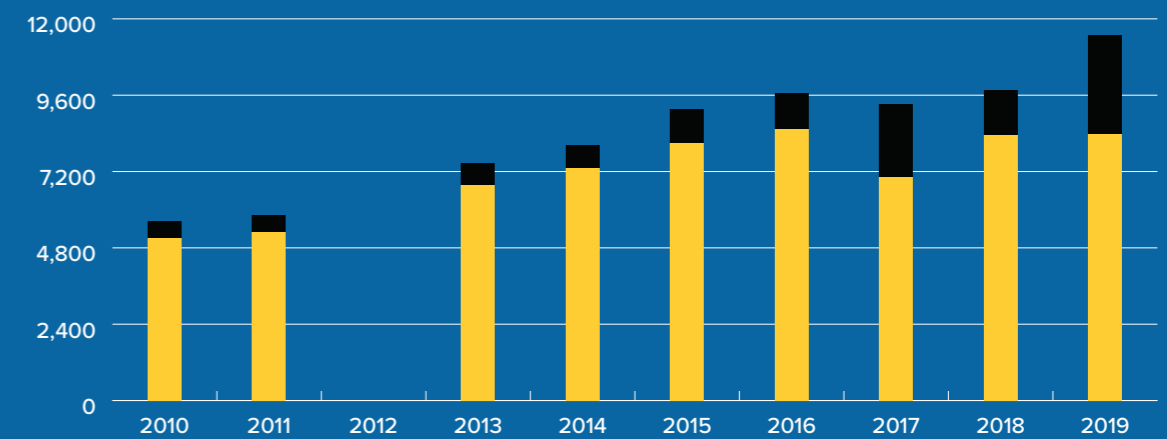
Filed with English specification, followed by Indonesian specification due within 1 month from national filing date.

5. NATIONAL PHASE ENTRY IN INDONESIA

- Deadline = 31 months from the priority date
 - Can be late-filed up to 43 months (i.e. 12 month extension) with payment of fine
- Required:
 - Copy of the published international application
 - Verified Indonesian translation of specification and any Art 19/34 amendments
 - PCT/IB/306, PCT/RO/101, ISR and WO

INDONESIA PATENT FILINGS 2010 – 2019

- Resident
- Non-resident



Minimal/Rushed Filing

The bare minimum of information needed to effect filing, and gain a valid filing date, is the following:

- Applicant(s) name and address
- Inventor(s) name and address
- PCT or priority application number
- English/Indonesian specification

For a national phase entry from a published PCT application, with no changes to the above details, the PCT application/publication number is sufficient.



Laos

To satisfy formalities

1. APPLICANT PARTICULARS

- Name
- Address
- Citizenship (if individual)

2. INVENTOR PARTICULARS

- Full Name
- Address
- Citizenship

3. FORMS

- Power of Attorney (POA)
 - A general PoA or single PoA covering more than one case is possible
- Deed of Assignment or Notarised Priority Deed of Assignment

Documents due 60 days from filing date, must be notarised and in hard copy.

4. SPECIFICATION AND PRIORITY DOCUMENTS

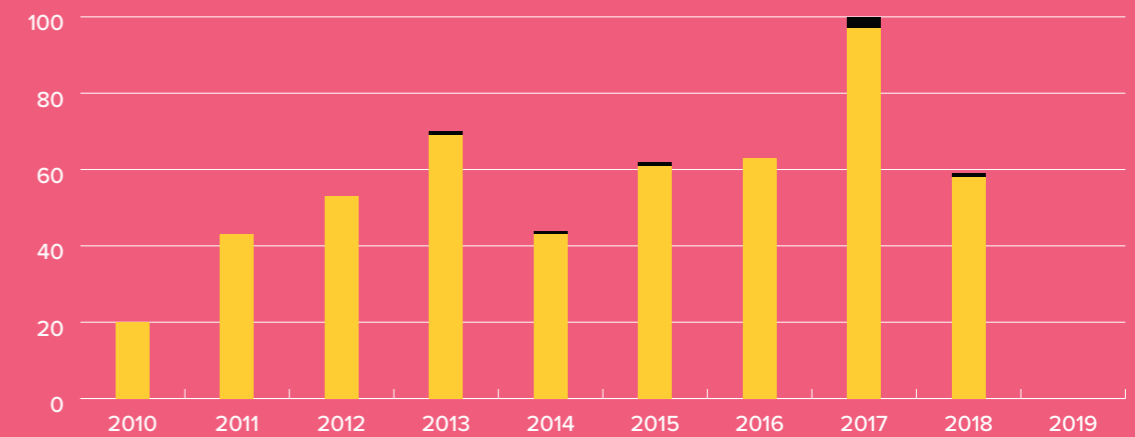
- For National Phase cases the specification can be filed in English first
 - Lao translation to be finished within 90 days from filing date
- For Convention cases, certified copy of the Priority Document which is issued by the first receiving office is required
 - The original document along with its English translation must be submitted within 60 days from the filing date
 - Lao translation to be finished within 90 days from the date of filing

5. NATIONAL PHASE ENTRY IN LAOS

- Deadline = 31 months (Not extendible)

LAOS PATENT FILINGS 2010 – 2019

- Resident
- Non-resident



Minimal/Rushed Filing

The bare minimum of information needed to affect filing, and gain a valid filing date, is the following:

For all cases

- Soft copy of signed POA
- Soft copy of signed Deed of Assignment

For National Phase cases

- Copy of published PCT specification
- Copy of PCT Request

For Convention cases

- Applicant(s) name, nationality and address
- Inventor(s) name, nationality and address
- Priority particulars
- Certified copy of Priority document (in English)

For a national phase entry from a published PCT application, with no changes to the above details, the PCT application/publication number is sufficient.



Malaysia

To satisfy formalities

1. APPLICANT PARTICULARS

1.1 INDIVIDUAL

- Full Name
- Citizenship
- Address

1.2 CORPORATE ENTITY

- Full Name
- Registered Address
- Country of Incorporation

2. INVENTOR PARTICULARS

- Full Name
- Address
- Country of Residence

3. FORMS AND DOCUMENTS

- Power of Attorney (PoA) – Form 17
- Statement of Ownership (SoO) – Form 22

All forms due 3 months from receipt of adverse Formalities Report.

Originals **not required**.

General PoA **not permitted** without authority of the High Court of Malaya.

4. SPECIFICATION AND PRIORITY DOCUMENTS

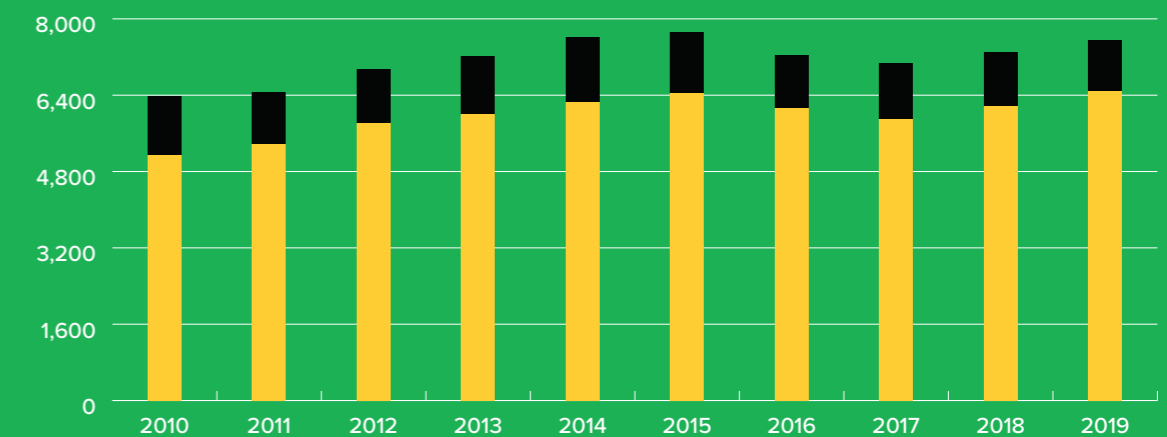
- If the specification and/or the PCT Request Form is not in English or Bahasa Malaysia, then we need:
 - Verified English translation of PCT Request Form and/or specification
 - Verified English translation of any amendments filed
- For rushed filings, if a Verified English translation is not available:
 - Although possible, but not recommended, can submit a machine-translated version and thereafter file the verified translation
 - An unverified translation (with the verification to follow later), that would perhaps work better than a machine translated version

5. NATIONAL PHASE ENTRY IN MALAYSIA

- Deadline = 30 months from the priority date
 - Extendible with evidence, at the discretion of the Registrar
 - A Verified English translation of specification is required, PCT Request Form, and/or any Art 19/34 amendments, (if not in English or Bahasa Malaysia)

MALAYSIA PATENT FILINGS 2010 – 2019

- Resident
- Non-resident



Minimal/Rushed Filing

The bare minimum of information needed to effect filing, and gain a valid filing date, is the following:

- Applicant(s) name and address
- Inventor(s) name and address
- PCT or priority application number

For a national phase entry from a published PCT application, with no changes to the above details, the PCT application/publication number is sufficient.

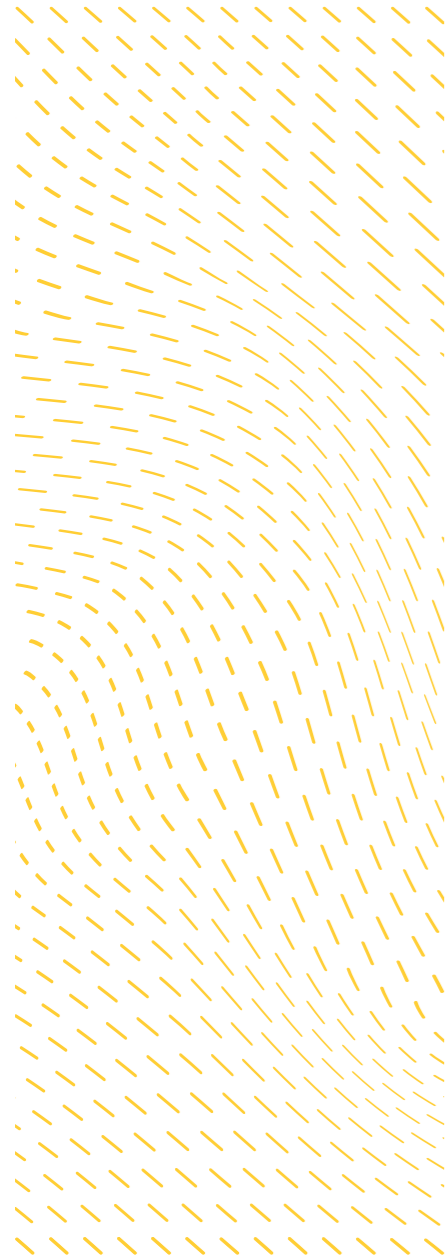


Myanmar

No Patent System

It is currently not possible to file applications for patents in Myanmar.

The relevant legislation has been enacted. However, since early 2019 the patent law has been awaiting presidential notification before it can come into effect.



Philippines

To satisfy formalities

1. APPLICANT PARTICULARS

- Name
- Address

2. INVENTOR PARTICULARS

- Full Name
- Address

3. FORMS AND DOCUMENTS

- Power of Attorney (POA)
 - Due on filing or in response to an objection in a Formalities Report
 - Can be either general or specific
- Request for National Phase Entry Form (**For NPE only**)
 - Due on filing
 - Can be prepared by the Philippine agent if they have an executed POA
- Statement of inventorship and/or assignment documents only required if there has been a change in inventorship or applicant

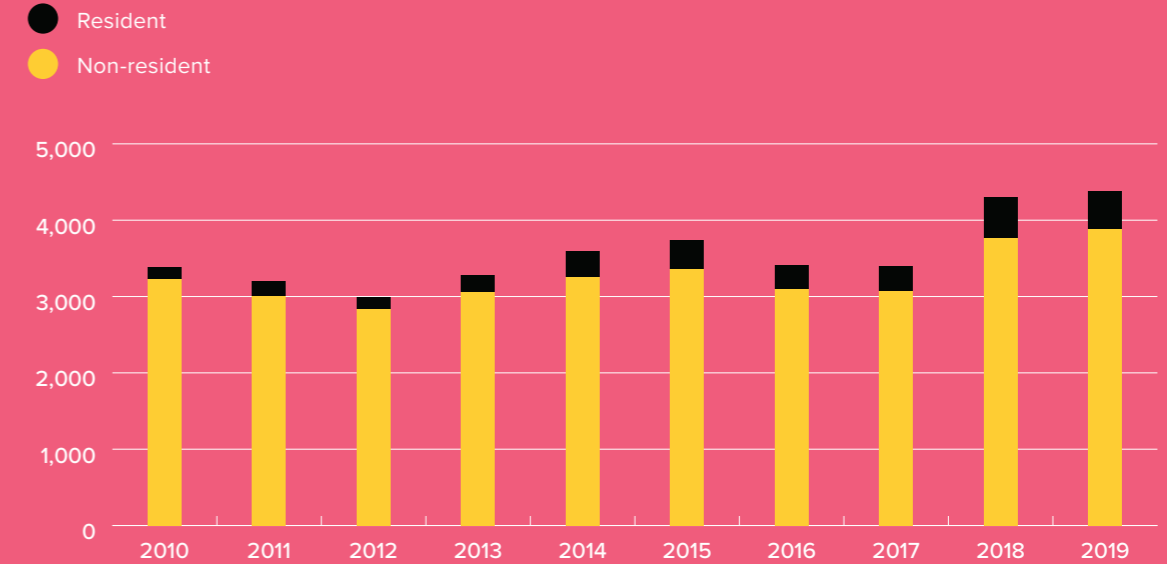
4. SPECIFICATION AND PRIORITY DOCUMENTS

- For National Phase cases
 - If the specification is not in English, **Verified English translations of the specification and any amendments are required**

5. NATIONAL PHASE ENTRY IN THE PHILIPPINES

Deadline = 30 months (extendible by 1 month)

PHILIPPINES PATENT FILINGS 2010 – 2019



Minimal/Rushed Filing

The bare minimum of information needed to effect filing, and gain a valid filing date, is the following:

For all cases

- Applicant(s) name and address

For National Phase cases

- Copy of published PCT specification
- Copy of PCT Request

For Convention cases

- Priority particulars
- Description, drawings, claim(s) and an abstract

For a national phase entry from a published PCT application, with no changes to the above details, the PCT application/publication number is sufficient.

If a change has been recorded, the form PCT/IB/306



Singapore

To satisfy formalities

1. APPLICANT PARTICULARS

1.1 INDIVIDUAL

- Full Name
- Citizenship
- Address

1.2 CORPORATE ENTITY

- Full Name
- Registered Address
- Country of Incorporation

2. INVENTOR PARTICULARS

- Full Name
- Address
- Country of Residence

3. FORMS

A Power of Attorney (POA) is not required in Singapore.

4. SPECIFICATION AND PRIORITY DOCUMENTS

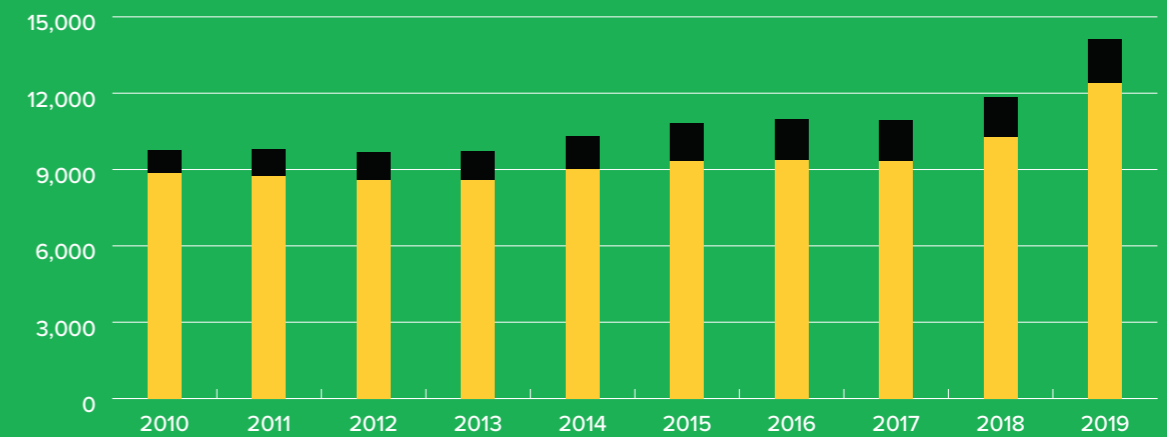
If the specification is not in English, **Verified English translations of the specification and any amendments are required to effect filing.**

5. NATIONAL PHASE ENTRY IN SINGAPORE

Deadline = 30 months extendable to 48 months with payment of fees

SINGAPORE PATENT FILINGS 2010 – 2019

- Resident
- Non-resident



Minimal/Rushed Filing

The bare minimum of information needed to effect filing, and gain a valid filing date, is the following:

- Applicant(s) name and address
- Inventor(s) name and address
- PCT or priority application number

For a national phase entry from a published PCT application, with no changes to the above details, the PCT application/publication number is sufficient.



Thailand

To satisfy formalities

1. APPLICANT PARTICULARS

- Name
- Address

2. INVENTOR PARTICULARS

- Full Name
- Address

3. FORMS

- Notarised and executed Power of Attorney (PoA) and a Thai translation thereof
- Original executed Statement of Applicant's Right to Apply for Patent (SOAR) and a Thai translation of the SOAR (only required if Applicant is inventor)
- Original executed Deed of Assignment (DoA) to be furnished within 90 days from the Thai filing date of the application
 - Required for Convention cases where Applicant is not inventor
 - Required for National Phase cases where there has been a change of Applicant

All forms due within 90 days from the filing date.

A general Power of Attorney is possible.

4. SPECIFICATION AND PRIORITY DOCUMENTS

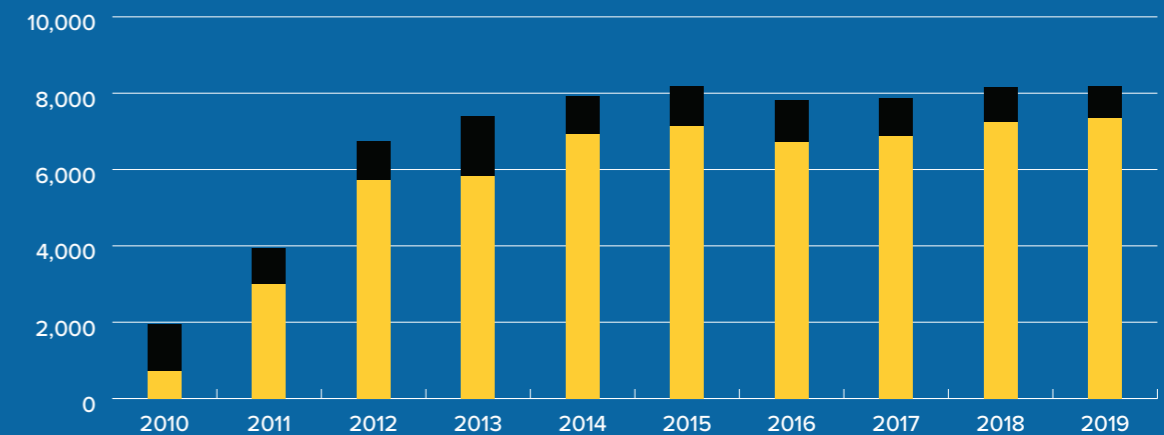
- A Thai translation of the specification will need to be furnished within 90 days from the Thai filing date of the application
- For Convention cases, certified copy(ies) of the priority document will need to be furnished within 16 months from its first filing date but before the publication of the Thai application
- For National Phase cases, we will require a Verified English translation of specification, PCT Request Form and/or any Art 19/34 amendments, (if not in English or Bahasa Malaysia)

5. NATIONAL PHASE ENTRY IN THAILAND

- Deadline = 30 months from the priority date
- A request for restoration for Late Entering of National Phase may be filed within:
 - 2 months from the ending date of the "event/cause" that prevented the national phase entry application from entering Thailand by the deadline; or
 - 42 months from the first filing datewhichever expires first

THAILAND PATENT FILINGS 2010 – 2019

- Resident
- Non-resident



Minimal/Rushed Filing

The bare minimum of information needed to effect filing, and gain a valid filing date, is the following:

For all cases

- Applicant(s) name and address
- Inventor(s) name and address
- Title of invention
- Thai translation of title, abstract and claims

For Convention cases

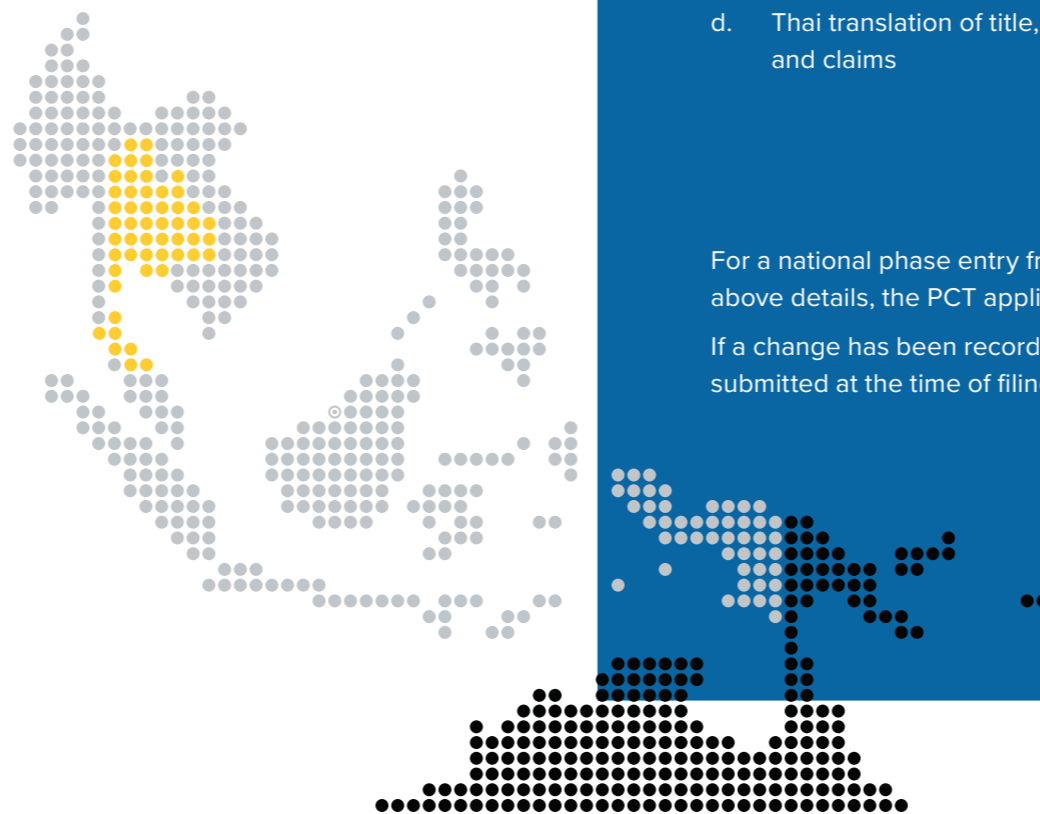
- Priority particulars
- If priority document is not in English, an English-language specification is required

For National Phase cases

- Copy of published PCT specification
- Copy of PCT Request and Thai translation thereof

For a national phase entry from a published PCT application (in English), with no changes to the above details, the PCT application/publication number is sufficient.

If a change has been recorded, the form PCT/IB/306 along with its Thai translation must be submitted at the time of filing.



Vietnam

To satisfy formalities

1. APPLICANT PARTICULARS

- Name
- Address
- Country of citizenship - if an individual

2. INVENTOR PARTICULARS

- Full Name
- Address
- Nationality

3. FORMS & DOCUMENTS

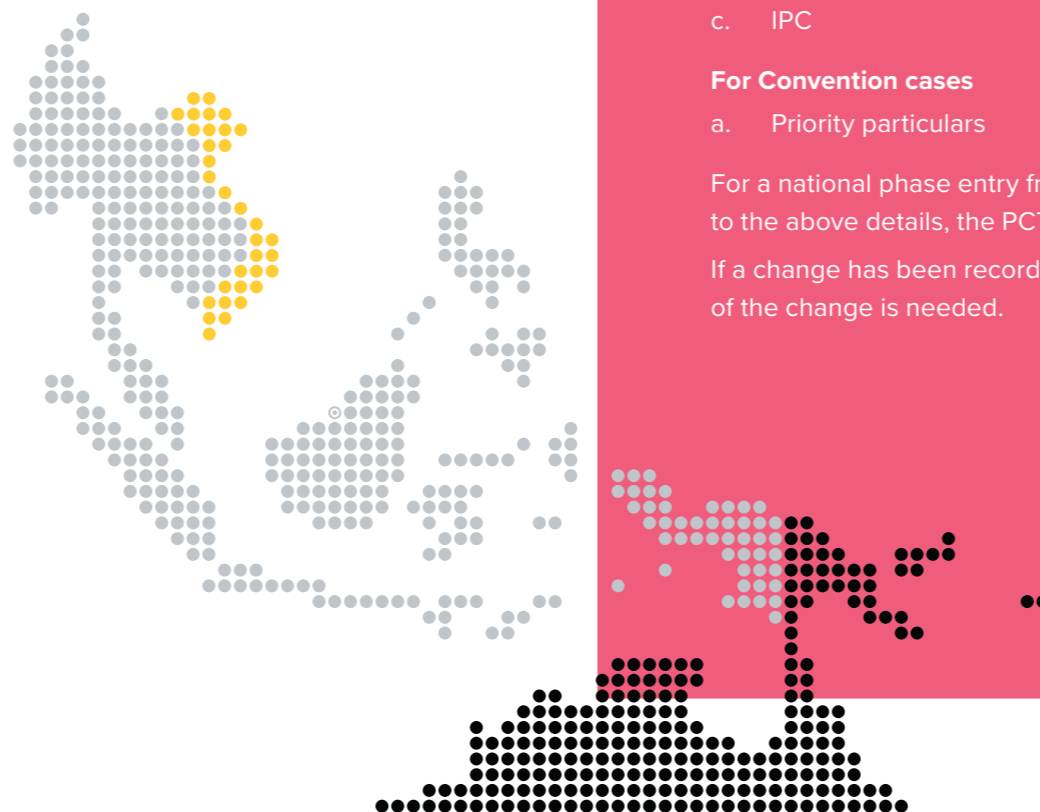
- Power of Attorney — executed by authorised representatives for a company or by the applicant(s) for an individual
 - Due 1 month from filing for Convention applications
 - Due 34 months from the priority date for a national phase entry
 - Can be either general or specific
 - Must be dated before the filing date/the entry date
- Deed of Assignment
 - Required if the applicant of the national application differs from that of the PCT application, and no PCT/IB/306 is available

4. SPECIFICATION AND PRIORITY DOCUMENTS

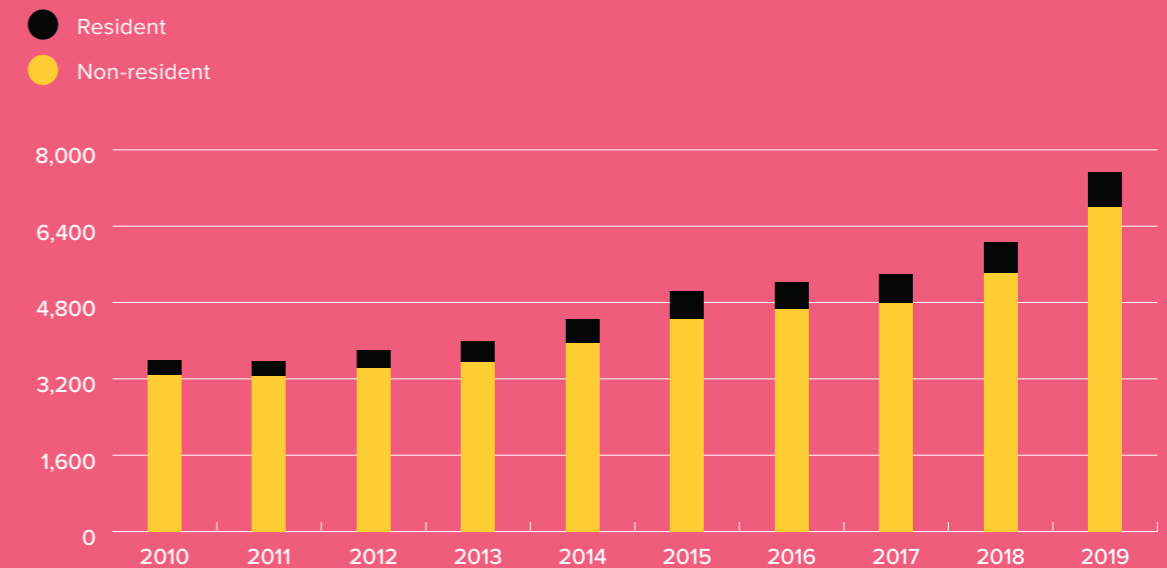
- For Convention cases
 - certified copy of the priority document
 - if not in English, English translation of cover sheet with full bibliographic details
 - within 3 months from the filing date
- For National Phase cases
 - English translation of non-English published applications
 - Vietnamese translation of specification
 - Vietnamese translation of any amendments filed
 - Due at time of filing/entry

5. NATIONAL PHASE ENTRY IN VIETNAM

Deadline = 31 months (Not extendible)



VIETNAM PATENT FILINGS 2010 – 2019



Minimal/Rushed Filing

The bare minimum of information needed to effect filing, and gain a valid filing date, is the following:

For all cases

- Applicant(s) name and address
- Inventor(s) name, citizenship and address
- IPC

For National Phase cases

- Copy of published PCT specification
- Copy of PCT Request

For Convention cases

- Priority particulars

For a national phase entry from a published PCT application, with no changes to the above details, the PCT application/publication number is sufficient.

If a change has been recorded, the form PCT/IB/306 or a notarised attestation of the change is needed.

**Singapore**

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