



VIETNAM

TRADEMARK HANDBOOK

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Disclaimer: This IP HANDBOOK is intended to provide general guidelines only and not advice with regard to specific cases. The information given is non-exhaustive. Please also note that the relevant law and its interpretation are subject to change.

You should contact us for advice specific to your own situation. Whilst every effort has been made to ensure the accuracy of the information, Pintas IP Group shall not be responsible for any inaccuracies or omissions, however caused therein. Nor can any responsibility be accepted for any loss or damage to any

Legislation

Law No. 36/2009/QH12 of June 19, 2009, amending and supplementing a Number of Articles of the Law on Intellectual Property, Law No. 50/2005/QH11 of November 29, 2005, on Intellectual Property and a numbers of government decree, circular, decision and order.

Definition

A mark means any sign used to distinguish goods and/or services of different organizations or individuals.

Criteria

A mark shall be protected when it satisfies the following conditions:

- Being a visible sign in the form of letters, words, drawings or images, including holograms, or a combination thereof, represented in one or more colors;
- Being capable of distinguishing goods or services of the mark owner from those of other subjects.

The following signs shall not be protected as marks:

- Signs identical with or confusingly similar to national flags or national emblems;
- Signs identical with or confusingly similar to national heroes or famous personalities of ;
- Signs identical with or confusingly similar to certification seals of international organizations;
- Signs which cause as to the origin of goods or services.
- Signs identical with or confusingly similar to Vietnamese state agencies, political organizations unless permitted by such agencies or organizations.

Membership

- √ - Paris Convention
- √ - Madrid Protocol

Vietnam is a member of the Paris Convention from 1949, whereby applications from convention countries will be subject to the same priority date in Vietnam. The application for priority has to be made within six months of the first application in a convention country.

Rule of Priority

"First to File" is the rule followed by Vietnam in determining priority of trademarks.

Duration and Renewal

A trade mark once registered is valid for a term of 10 years and can be renewed every 10 years for an unlimited period. A 6-months grace period is allocated after the expiry date for the renewal. Once the expiry date has passed, the trade mark will no longer have the benefit of any rights arising from registration.

Procedures

- ▼ **Application**
 Every applicant is required to submit an application to Vietnam Trademark Office.
- ▼ **Formal Examination**
 Formal Examinations are conducted within 1 months from the filing date. Responses for amendments to application are made within 2 months from the date of request.
- ▼ **Publication**
 A trademark will be published after examination in the government gazette subject to the satisfaction of the registrar for 2 months.
- ▼ **Substantive Examination**
 A substantive examination takes place 9-12 months from the date of publication.
- ▼ **Registration**
 On completion of the formalities a certificate of registration is granted. The duration of registration takes a minimum period of 12-15 months. The registration is effective from date of application.

Filing Requirements

The following information and/or documents are required to file an application for a trademark application in Vietnam:-

- Application form.
- Power of Attorney.
- Twelve (12) clear copy of the mark.
- The full name, nationality and registered address of the applicant.
- A list of goods or services (which closely follow the Nice International Classification).
- Description of claim if colour or a combination of colour or a combination of colours is claimed as Trademark.
- For marks that contain non-English words, a certified transliteration and translation.

Documents To Be Furnished For Filing Trade / Service Mark Application

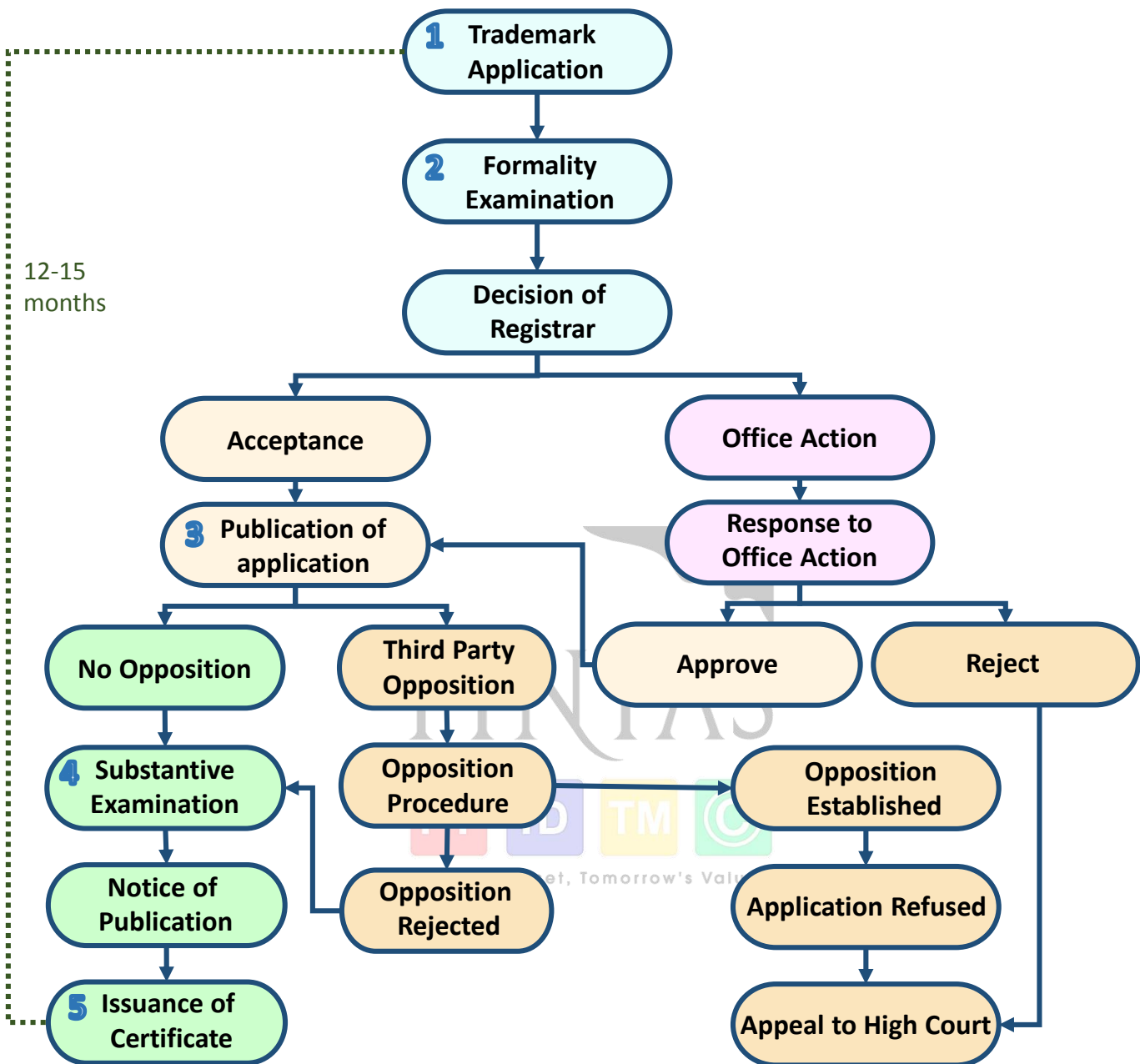
Basic Requirements		
Documents	Remarks	Time of Filing
Power of Attorney	must be duly signed by the applicant	A copy on filing date with the original to be submitted within one month
Image/Representation of the mark	not larger than 8cm x 8cm	On filing date

(If Applicable) Additional Documents for Claiming a Convention Priority		
Documents	Remarks	Time of Filing
Priority documents	Certified	A copy on filing date with the original to be submitted within one month

(If Applicable) Documents for Filing a Request of Recordal of Assignments and Changes		
Documents	Remarks	Time of Filing
Power of Attorney	Duly Signed	On filing date
The original Certificate of Trademark registration		On filing date
Originals of the Trademark Assignment Agreement signed by both Assignor and Assignee.	Duly Signed	On filing date
Declaration of Change of Name/Address or legal documents showing the change of name/address	Notarized or Certified	On filing date

Documents for Filing an Opposition of Counter-Opposition (Deadline for Applying is during 3 Months Publication Period of the Trade Mark Application to be Opposed)		
Documents	Remarks	Time of Filing
Power of Attorney	Duly Signed	On filing date
Evidence of use of the mark in Vietnam (such as bill of lading, packages, advertising and/or promoting materials, brochures, photographs, etc.)		On filing date
Documents proving that the mark is well-known:- <ul style="list-style-type: none"> • The countries where the mark is registered; • The countries where the mark is recognized as being well-known; • The value of the mark in business transactions, such as assignment, licensing, investment capital contribution, etc. • The estimated number of concerned consumers who may know the mark through buying, selling, or using the products or services bearing the mark, or through advertisement of the mark; • The countries where the products or services bearing the mark are circulated or provided; • The turnover from selling the products or supplying services bearing the mark, or number of products sold; • The duration of continuous use of the mark. 	If the trademark is well-known trademark	On filing date

Trademark Registration Process in Vietnam



1 Every applicant is required to submit an application to Vietnam Trademark Office.

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4 A substantive examination takes place 9-12 months from the date of publication.

5 On completion of the formalities a certificate of registration is granted. The duration of registration takes a minimum period of 12-15 months. The registration is effective from date of application.

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