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### New finds this week

Vietnam's 2026 amendment to the IP Law shows a clear intention to build a trademark system that is more efficient, more commercially relevant, and more responsive to modern market pressures. For businesses that understand the new framework and adapt to it promptly, the changes may offer substantial long-term benefits.

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# New finds this week

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## KEY TRADEMARK IMPLICATIONS OF VIETNAM'S AMENDED IP LAW 2026

### Overview

Vietnam's amended Law on Intellectual Property, passed by the National Assembly on December 10, 2025 and taking effect on April 1, 2026, marks an important development in the country's trademark landscape. The reform comes at a time when Vietnam is experiencing strong economic growth, rising levels of foreign investment, and rapid expansion of digital commerce. Against that backdrop, the amended law reflects a clear policy direction: to create a more modern, efficient, and commercially meaningful intellectual property system that is better aligned with present-day business realities.

For trademark owners, legal practitioners, and investors, the amended law offers a number of encouraging signals. It aims to improve procedural efficiency, strengthen legal tools against abuse, and recognize trademarks not only as legal rights but also as valuable business assets. At the same time, the changes also require businesses to be more careful in how they file, manage, and enforce their marks. As Vietnam's trademark regime becomes more sophisticated, brand owners will need to adopt a more strategic and proactive approach.



## IP Insights – April 2026

### Faster Procedures and a More Time-Sensitive System

One of the most notable effects of the amended law is the effort to accelerate trademark procedures. In recent years, delay has been one of the main concerns for both domestic and foreign applicants in Vietnam. Trademark prosecution often took much longer than expected, which created uncertainty for businesses trying to launch products, enter distribution agreements, or enforce their rights against copycats. The amended law addresses this issue by shortening a number of important time limits.

This change is likely to be welcomed by the business community. A shorter publication period and a shorter substantive examination timeline may help reduce the overall waiting period for registration and improve the predictability of the system. The introduction of a fast-track mechanism is also particularly important. In a market shaped by online sales and quick-moving commercial trends, a delayed registration can weaken a brand owner's ability to act against counterfeit goods or opportunistic filings. The availability of accelerated examination may therefore become a useful tool for applicants facing urgent market threats or needing registration quickly for commercial reasons.

However, faster procedures also mean less room for error. Applications may need to be prepared with greater care from the outset, since any deficiency can become more costly in a compressed timeline. Likewise, third parties that wish to oppose problematic filings will need to monitor new publications more closely, as the window for action is shorter than before. In this sense, the amended law promotes efficiency, but it also rewards diligence and preparedness.



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### Stricter Approach to National and Geographical Elements

Another meaningful development under the amended law is the tighter control over marks that include the word “Vietnam” or similar national indicators. This reflects a broader concern that certain geographical or national references should not be monopolized too easily by individual businesses, especially where such terms may describe origin rather than commercial distinctiveness. The law now takes a firmer position on signs that indicate Vietnamese geographical origin, and this is likely to affect filing strategies for many applicants.

Previously, it was often possible in practice for applicants to proceed with a mark containing “Vietnam” so long as that element was disclaimed or treated as a non-distinctive component. Under the amended framework, the risk of refusal appears more substantial, especially where the national element forms an important part of the sign and the mark does not otherwise qualify under the limited exceptions recognized by law. This creates a stricter threshold for registrability and may reduce the number of private applications that attempt to build exclusivity around national references.

From a policy standpoint, this change serves a legitimate public interest. It helps preserve the integrity of national identifiers and prevents businesses from claiming unfair exclusivity over signs that may carry broader descriptive or public significance. At the same time, it may also create challenges for genuine traders who have long used such elements in a lawful and commercially honest manner. As a result, applicants will need to assess their marks more carefully before filing and, where possible, emphasize distinctive wording, logo features, or evidence of acquired recognition.



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### **Stronger Tools Against Bad-Faith Filings**

Bad-faith filings have long been a concern in many jurisdictions, particularly in fast-growing markets where brand recognition can develop quickly and trademark records may become a target for strategic abuse. Vietnam's amended law appears to take a firmer stance against this problem by allowing greater scrutiny of the truthfulness and honesty of information submitted in trademark applications. Where there are grounds to believe that application information is inaccurate or dishonest, the legal basis for later attacking the resulting registration becomes stronger.

This is an important shift because it signals that the trademark system is not merely concerned with formal filing requirements, but also with the good-faith conduct of applicants. In practical terms, this can help discourage speculative filings, false ownership claims, or applications filed with misleading statements intended to secure rights improperly. It also gives legitimate trademark owners a stronger legal foundation when challenging registrations that appear abusive in nature.

Even so, bad faith is rarely easy to prove. Evidence remains crucial, and a successful challenge will likely depend on a careful factual record showing dishonest conduct, misleading statements, or opportunistic intent. Businesses should therefore maintain good documentation of their trademark use, commercial presence, correspondence, and ownership history. These records may become highly valuable if disputes arise later. The amended law improves the legal framework, but enforcement will still depend heavily on evidence and strategy.

### **Greater Recognition of Trademarks as Business Assets**

A particularly forward-looking aspect of the amended law is its stronger recognition of intellectual property rights as commercial assets. Trademarks are no longer viewed only as tools for brand protection. They are increasingly recognized as financial instruments capable of supporting broader business activity, including licensing, transfer, valuation, and use as collateral or capital contribution. This change reflects the reality that in many industries, brand value is one of the most important intangible assets a company owns.

For businesses in Vietnam, especially small and medium-sized enterprises, this development could be significant. A strong trademark portfolio may now carry greater practical value in financing discussions, investment transactions, and corporate structuring. Instead of being treated as a passive legal right, a trademark can function as part of a broader commercial strategy. This is especially relevant in sectors such as consumer goods, retail, food and beverage, cosmetics, and technology, where brand recognition can be central to enterprise value.

At the same time, the greater financial use of trademarks also requires a more mature legal and business environment. Proper valuation methods, due diligence on title and validity, and review of any encumbrances or licensing arrangements will become more important. Businesses that wish to rely on trademark assets in financing or investment contexts must ensure that their registrations are in good order, their ownership records are clear, and their portfolios are actively maintained.



### **Conclusion**

Taken as a whole, the amended law points toward a more strategic trademark environment in Vietnam. The system is becoming faster, but also stricter. It offers stronger enforcement possibilities, but also expects applicants to act in good faith and with better preparation. It recognizes commercial value more clearly, but that value must be supported by proper legal management. In other words, the reform creates both opportunity and responsibility.

For brand owners, this means trademark protection in Vietnam should no longer be approached as a routine administrative task. Filing strategy, evidence preparation, watch services, enforcement planning, and portfolio management all become more important under the amended framework. Businesses entering the Vietnamese market or expanding operations there should review their trademark position early and ensure that their applications are structured to meet the new legal and procedural environment.

Vietnam's 2026 amendment to the IP Law shows a clear intention to build a trademark system that is more efficient, more commercially relevant, and more responsive to modern market pressures. For businesses that understand the new framework and adapt to it promptly, the changes may offer substantial long-term benefits.

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