

INSIDE THIS ISSUE

Overview

In Details

Conclusion



FAST TRACK TRADEMARK EXAMINATION VIETNAM

OVERVIEW

As business activities continue to expand in Vietnam, securing trademark protection at an early stage has become increasingly important for both domestic and foreign enterprises. A registered trademark not only protects a company's brand identity but also serves as a valuable business asset that supports market expansion, licensing activities, investment, and commercial partnerships. However, under the conventional examination procedure, obtaining trademark protection may take a considerable amount of time, creating challenges for businesses that need legal certainty before launching products or completing regulatory procedures.

Recognizing this practical demand, the Vietnamese Government has introduced a new fast-track examination mechanism under Decree No. 100/2026/ND-CP. Rather than replacing the ordinary examination process, this mechanism provides a special procedure for trademark applications meeting specific legal conditions, allowing eligible applicants to receive substantive examination within a significantly shorter timeframe.

The new regulation reflects Vietnam's ongoing efforts to modernize its intellectual property administration system while maintaining fairness and consistency in the examination process. By clearly defining eligibility requirements and procedural rules, the fast-track mechanism aims to balance administrative efficiency with the need for careful legal assessment.



LEGAL FRAMEWORK

Decree No. 100/2026/ND-CP supplements the Intellectual Property legal framework by introducing Article 14a governing the fast-track substantive examination of trademark applications. The regulation establishes a dedicated legal basis for applicants seeking accelerated examination and specifies the circumstances under which the Intellectual Property Office may prioritize an application.

Unlike the standard examination process, fast-track examination is not automatically available for every trademark application. Instead, applicants must satisfy all statutory conditions before the request may be accepted. The examination itself remains subject to the same legal standards regarding registrability, distinctiveness, and conflict with earlier rights. The accelerated procedure only affects the processing timeline rather than lowering examination requirements.

This approach enables the authorities to improve administrative efficiency without compromising the quality and reliability of trademark examination.





ELIGIBILITY REQUIREMENTS

The fast-track mechanism is designed for situations where obtaining trademark protection quickly is necessary for legitimate business or regulatory purposes. Accordingly, only applications satisfying several cumulative legal conditions may qualify.

One important requirement concerns the purpose of trademark use. The trademark must either relate to goods associated with strategic technologies as prescribed by law or be required as a compulsory element in licensing, registration, or other regulatory procedures connected with production and business activities.

The regulation also limits the mechanism to applications filed directly before the Vietnamese intellectual property authority. International trademark applications filed through international registration systems are excluded from this procedure.

In addition, only conventional trademark applications are eligible. Certain special trademark categories, including collective marks, certification marks, three-dimensional marks, and sound marks, remain subject to the ordinary examination process because of their unique legal characteristics and the additional examination required.

Where a single application covers multiple goods or services, every designated item must independently satisfy the eligibility conditions. If only part of the application qualifies, the entire application cannot benefit from fast-track examination.

Applicants must also pay the prescribed official fee for accelerated substantive examination at the time of filing.

These requirements demonstrate that the mechanism is intended for narrowly defined circumstances rather than routine trademark filings.



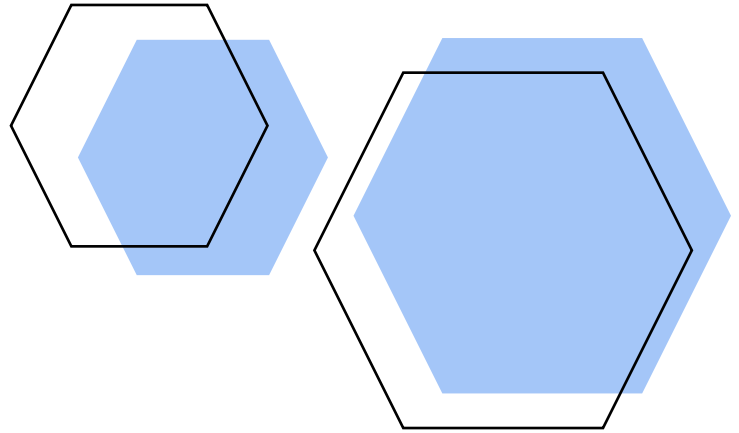
FILING PROCEDURE

The regulation establishes a straightforward but strict filing procedure for requesting accelerated examination.

Applicants must submit a written request using the prescribed official form together with the trademark application. Unlike certain procedural requests that may be filed after submission, the request for fast-track examination cannot be introduced at a later stage of the application process.

This requirement allows the Intellectual Property Office to determine the examination schedule immediately after receiving the application and allocate administrative resources accordingly. It also prevents applicants from changing the processing method midway through examination, which could disrupt the management of pending applications.

Businesses intending to use the fast-track mechanism should therefore prepare all supporting documents and confirm their eligibility before filing the trademark application.





CIRCUMSTANCES PREVENTING FAST TRACK EXAMINATION

Although an application may initially satisfy the eligibility requirements, certain developments during examination may prevent it from continuing under the accelerated procedure.

For example, if the submitted request fails to comply with the legal requirements or contains deficiencies that cannot be remedied within the applicable rules, the application will proceed under the normal examination timeline.

The presence of disputes, oppositions, or complaints relating to the trademark application may also require the application to follow the ordinary examination process. Such proceedings often involve additional legal review and procedural safeguards that are incompatible with accelerated examination.

Another situation arises when the trademark is identical or confusingly similar to an earlier-filed application that has not yet been resolved. In these circumstances, the Intellectual Property Office must first determine the legal status of the earlier application before reaching a decision on the later filing.

Fast-track status may also cease if the applicant voluntarily amends the application, supplements important information, or divides the application after requesting accelerated examination. These procedural changes generally require additional administrative review, making the shortened examination timeline impractical.

These limitations help preserve consistency and ensure that accelerated processing does not affect the rights of other applicants or compromise examination quality.

PRACTICAL BENEFITS

The introduction of fast-track examination offers several practical advantages for businesses operating in Vietnam.

Obtaining trademark protection within a shorter period allows enterprises to introduce new products to the market with greater confidence and reduces uncertainty during commercial planning. Businesses involved in regulated industries may also complete licensing procedures more efficiently when trademark registration forms part of the required documentation.

Earlier registration may strengthen brand protection against infringement by providing legal certainty sooner and supporting enforcement actions where necessary. For investors and commercial partners, a registered trademark also represents an important intangible asset that enhances business value and demonstrates a company's commitment to protecting its intellectual property.

Foreign enterprises entering the Vietnamese market may particularly benefit from the availability of a predictable accelerated procedure when timing is essential for investment projects or product launches.

At the institutional level, the new mechanism supports Vietnam's broader objective of improving administrative efficiency and creating a more business-friendly intellectual property environment while maintaining transparent examination standards.



CONCLUSION

The fast-track examination mechanism established under Decree No. 100/2026/ND-CP represents a significant development in Vietnam's trademark registration system. By introducing clearly defined eligibility conditions, procedural requirements, and safeguards, the regulation enables qualified applicants to obtain substantive examination more quickly without altering the legal standards applicable to trademark protection.

Businesses planning to file trademark applications in Vietnam should carefully assess whether their applications satisfy the statutory conditions before requesting fast-track examination. Proper preparation of application documents and timely submission of the request will help applicants maximize the benefits offered by this new legal mechanism while strengthening the protection of valuable brand assets in the Vietnamese market.

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