

INSIDE

New finds this week

As Vietnam continues to strengthen its intellectual property framework, businesses should adopt a broader approach to brand protection that extends beyond trademark registration alone. Copyright, particularly in relation to logos and other original artistic elements, is increasingly recognised as an important component of an effective enforcement strategy and may provide valuable protection where traditional trademark rights are limited or unavailable.

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New finds this week

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COPYRIGHT AS A STRATEGIC TOOL AGAINST TRADEMARK SQUATTING IN VIETNAM

Overview

Trademark squatting remains a persistent concern for foreign businesses entering new markets. In many jurisdictions, companies rely primarily on trademark registrations to challenge bad-faith filings. However, businesses often overlook another valuable form of protection that may already exist before any trademark application is filed: copyright.

Recent developments in Vietnam indicate that copyright is becoming an increasingly important consideration in trademark examination and opposition practice. While trademark registration remains the cornerstone of brand protection, copyright may provide an additional layer of defence where distinctive logos or artistic brand elements are copied by third parties.

For businesses planning to expand into Vietnam, understanding how copyright and trademark law interact can significantly improve enforcement strategies and reduce the risks associated with trademark squatting.



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Copyright Protection Begins Earlier Than Many Businesses Expect

One of the most significant advantages of copyright is that protection generally arises automatically upon the creation of an original work. Unlike trademarks, copyright protection is not dependent on filing or registration, although voluntary copyright registration may still offer evidentiary benefits in certain circumstances.

This distinction is particularly important for businesses that have not yet entered the Vietnamese market. A company may not have filed trademark applications in Vietnam, but its original logo, packaging artwork, illustrations, or other creative elements may already enjoy copyright protection under Vietnamese law if they satisfy the applicable legal requirements.

As a result, copyright should not be viewed merely as protection for artistic works. It may also become a practical enforcement tool for safeguarding brand identity.

Trademark Rights and Copyright Can Work Together

Trademark law and copyright law serve different purposes, but they frequently overlap where logos, graphic designs, and other visual branding elements are involved.

A trademark protects a sign that distinguishes goods or services in commerce, while copyright protects the original artistic expression embodied in that sign. A single logo may therefore benefit from both forms of protection simultaneously.

From an enforcement perspective, relying on multiple legal grounds often creates a stronger overall position. Where trademark rights alone are unavailable or difficult to establish, copyright may provide an alternative basis for challenging the registration or use of copied branding.

Businesses should therefore evaluate their intellectual property portfolio as an integrated system rather than treating trademarks and copyright as entirely separate rights.



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Evidence Remains the Key to Success

Although copyright protection arises automatically, successfully relying on it requires careful preparation of evidence.

Businesses should retain records demonstrating the creation of their logos and artistic works, including design files, drafts, commissioning agreements, publication history, and ownership documentation. Clear visual comparisons between the original work and the allegedly copied sign are often among the most persuasive forms of evidence.

Where appropriate, additional evidence showing the reputation of the brand, the chronology of creation, and circumstances suggesting bad faith may further strengthen an opposition or enforcement action.

A well-prepared evidentiary record is often more influential than the number of legal arguments presented.

Early Monitoring Has Become More Important

Recent procedural changes have shortened the period available for filing trademark oppositions in Vietnam. As a result, rights holders have less time to identify problematic applications and prepare supporting evidence.

Businesses should therefore implement regular trademark watching programmes covering key markets where they currently operate or intend to expand. Early detection allows rights holders to assess the available legal grounds, gather supporting documentation, and take action before registration proceeds.

For companies with valuable brands, monitoring should extend beyond identical word marks to include logos, stylised designs, packaging, and other distinctive visual elements that may be vulnerable to imitation.



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Brand Protection Requires a Multi-Layered Strategy

Trademark registration remains the foundation of brand protection, but it should not be the only line of defence. Businesses should consider how different intellectual property rights can work together to address various forms of infringement and bad-faith conduct.

Depending on the circumstances, copyright, industrial designs, trade dress, unfair competition rules, and evidence of bad faith may each support an enforcement strategy. Taking a holistic approach not only broadens the available legal options but also enhances the likelihood of achieving a favourable outcome where reliance on a single right may be insufficient.

Developing an integrated IP strategy from the outset is particularly important for businesses expanding into new markets, where local trademark registrations may still be pending or where third parties attempt to exploit gaps in protection.



Conclusion

As Vietnam continues to strengthen its intellectual property framework, businesses should adopt a broader approach to brand protection that extends beyond trademark registration alone. Copyright, particularly in relation to logos and other original artistic elements, is increasingly recognised as an important component of an effective enforcement strategy and may provide valuable protection where traditional trademark rights are limited or unavailable.

At the same time, the effectiveness of any enforcement action will continue to depend on timely monitoring, careful evidence preservation, and a well-managed intellectual property portfolio. Businesses that combine early trademark filings with proactive copyright management and a coordinated enforcement strategy will be better positioned to deter bad-faith filings and safeguard their brands in Vietnam's evolving legal landscape.

As examination practice continues to develop, rights holders should regularly review their intellectual property strategies to ensure that all available rights are fully leveraged throughout the lifecycle of their brands.

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