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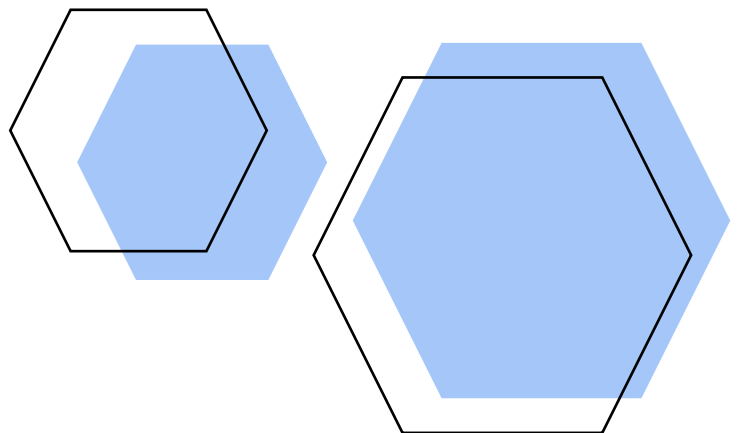


VIETNAM'S TRADEMARK ENFORCEMENT SYSTEM ENTERS A NEW PHASE



OVERVIEW

Vietnam's trademark enforcement framework is undergoing significant change. Administrative measures have traditionally been the preferred route for addressing infringement, while civil litigation has played a more limited role due to procedural complexity and lengthy proceedings. Recent legal and institutional reforms, however, indicate a gradual shift towards a more balanced system in which courts may assume a greater role in resolving trademark disputes.





JUDICIAL ENFORCEMENT

Vietnam maintains both administrative and civil mechanisms for trademark enforcement. Administrative action remains attractive because competent authorities can impose fines and order measures such as confiscation or destruction of infringing goods. Civil litigation, meanwhile, provides remedies that administrative proceedings generally cannot offer, particularly compensation for damages.

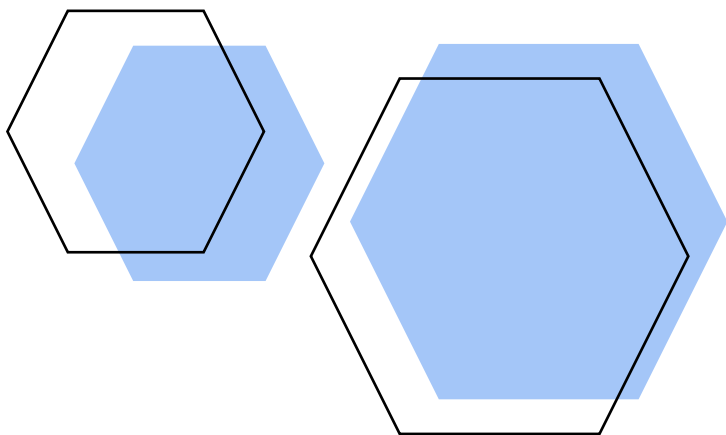
Judicial reform may gradually alter this balance. The establishment of regional courts with jurisdiction over IP disputes and the development of specialised IP courts are expected to strengthen judicial expertise and improve consistency in trademark adjudication.

Administrative enforcement is nevertheless likely to remain important. Rights holders should therefore select the appropriate mechanism according to their objectives, particularly whether the priority is rapid intervention, compensation or a judicial determination of rights.

EVIDENTIARY STANDARDS

Expert assessment has traditionally played an important role in Vietnamese trademark disputes, particularly when determining similarity between signs and the likelihood of confusion. However, an intellectual property assessment conclusion is only one source of evidence and does not itself determine whether infringement has occurred.

This places greater responsibility on rights holders to build a complete evidentiary record. Evidence concerning ownership, actual use of the disputed sign, relevant goods or services, consumer confusion and commercial damage may all be important. As courts develop greater IP expertise, expert opinions are likely to remain useful but should form part of a broader litigation strategy rather than serve as its principal foundation.



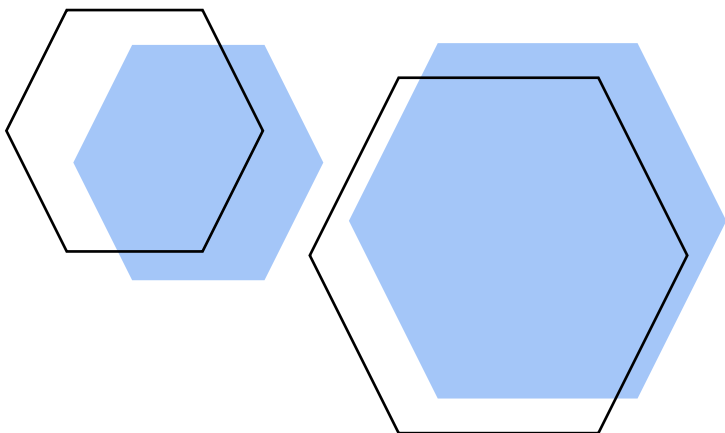


BAD-FAITH FILINGS

Bad-faith registration remains a significant concern under Vietnam's first-to-file trademark system. Recent reforms have strengthened the legal framework by moving towards a more objective assessment of bad faith.

Instead of focusing primarily on whether an applicant knew of an earlier mark, the authorities may consider circumstances such as filing patterns, the reputation of earlier marks, absence of genuine intent to use and exploitative or anticompetitive purposes.

This approach may reduce the evidentiary burden on legitimate trademark owners, particularly where direct evidence of an applicant's intention is unavailable. Its effectiveness, however, will depend on the development of consistent standards for assessing abusive filing behaviour.





BRAND REPUTATION

The framework for protecting well-known trademarks has also become more flexible. Recognition is now assessed by reference to the relevant public rather than consumers throughout Vietnam generally, making it more practical for trademarks that have established strong recognition within particular industries or market segments. The applicable statutory criteria may also be considered flexibly depending on the circumstances.

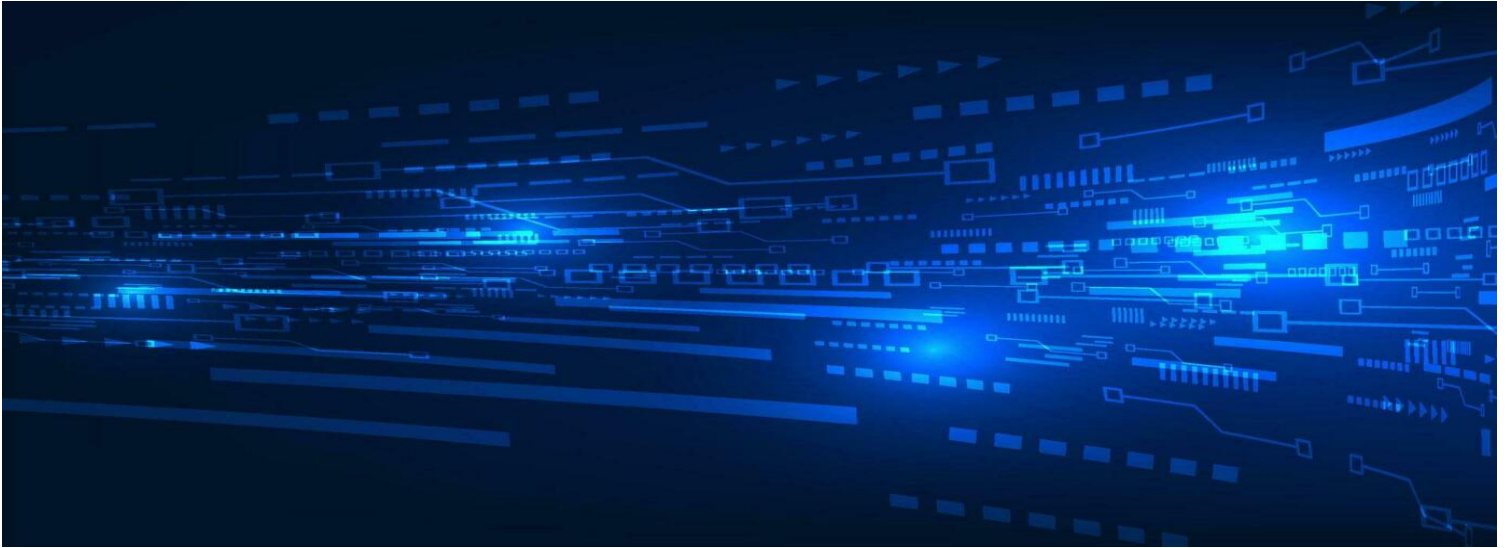
However, establishing reputation remains evidence-intensive. Rights holders should maintain records of market presence, sales, advertising, distribution, media exposure and consumer recognition, particularly evidence connected with the Vietnamese market.

PROVISIONAL PROTECTION

Preliminary injunctions are increasingly relevant as infringement moves into the digital environment, where infringing content and evidence can be rapidly removed or transferred.

Vietnamese law provides provisional measures to prevent irreparable harm and preserve evidence. Recent reforms have expanded these measures to cover online information, content, accounts, websites, applications and Internet address identifiers.

Rights holders must nevertheless demonstrate the required urgency and provide appropriate security where applicable. The effectiveness of these measures will therefore depend not only on their availability under the law but also on how quickly and consistently they are applied in practice.



CONCLUSION

Vietnam is moving towards a more balanced trademark enforcement framework combining administrative enforcement with a stronger judicial role. Reforms concerning evidence, bad faith, well-known marks and provisional remedies provide rights holders with broader protection, but their effectiveness will depend on consistent implementation. As the system develops, early registration, systematic evidence preservation and carefully planned enforcement strategies will become increasingly important for effective trademark protection in Vietnam.

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