LEGAL UPDATE
NEWSLETTER

INSIDE THIS ISSUE

Overview

In Details

Conclusion



PROTECTING DOMAIN NAMES IN VIETNAM AGAINST CYBERSQUATTING AND TRADEMARK INFRINGEMENT



OVERVIEW

As businesses increasingly rely on digital platforms to reach customers and establish their market presence, domain names have become essential components of corporate identity and brand protection. A domain name often serves as the first point of contact between a business and its customers, making it a valuable commercial asset closely associated with the company's reputation and goodwill. However, the growing commercial significance of domain names has also increased the risk of cybersquatting, unauthorized registration, and other forms of online brand infringement.

In Vietnam, disputes involving domain names frequently arise when third parties register Internet addresses identical or confusingly similar to established trademarks or trade names. Such registrations may be intended to divert customers, exploit brand recognition, obstruct legitimate business operations, or demand substantial payments from trademark owners seeking to recover their corresponding domain names.

Although Vietnamese law provides mechanisms for addressing these practices, businesses must understand the relationship between intellectual property rights and domain name administration to determine the appropriate course of action. Effective protection requires not only securing trademark registrations but also developing a coordinated strategy for domain name registration, monitoring, enforcement, and dispute resolution.



CYBERSQUATTING AND ITS COMMERCIAL IMPLICATIONS

Cybersquatting generally refers to the registration, acquisition, or use of domain names corresponding to another party's trademark, trade name, or commercial identity, particularly where the registrant intends to exploit the reputation or legitimate interests of the rights holder.

A common example involves an individual registering a domain name incorporating a well-known trademark before the trademark owner has secured the corresponding Internet address. The registrant may subsequently offer to transfer the domain name to the trademark owner at a significantly inflated price. In other circumstances, the domain name may redirect Internet users to competing websites, display misleading commercial information, or facilitate fraudulent activities.

These practices can cause substantial commercial harm. Customers attempting to access an official website may instead encounter an unrelated or deceptive platform, creating confusion regarding the identity and legitimacy of the business. Such confusion can undermine consumer confidence, damage brand reputation, and result in lost commercial opportunities.

Domain name disputes may also affect businesses entering the Vietnamese market. Foreign companies sometimes discover that their trademarks have already been incorporated into ".vn" domain names registered by unrelated parties. Even where the foreign company possesses valid trademark rights in Vietnam, recovering the disputed domain name may require legal proceedings, negotiations, or other enforcement measures.

Importantly, not every registration of a domain name similar to an existing trademark automatically constitutes cybersquatting or unlawful conduct. The assessment generally depends on the rights of the parties, the registrant's legitimate interests, the circumstances surrounding registration and use, and evidence indicating bad faith or unfair competition.



LEGAL PROTECTION OF DOMAIN NAMES UNDER VIETNAMESE INTELLECTUAL PROPERTY LAW

Vietnamese intellectual property law does not recognize domain names as an independent category of industrial property subject to registration and the issuance of protection titles. Nevertheless, domain names may function as commercial identifiers, and their registration or use can give rise to disputes involving trademarks, trade names, geographical indications, and unfair competition.

Under the Law on Intellectual Property, certain conduct involving the registration, possession, or use of domain names identical or confusingly similar to protected commercial indications may constitute unfair competition when the relevant statutory conditions are satisfied.

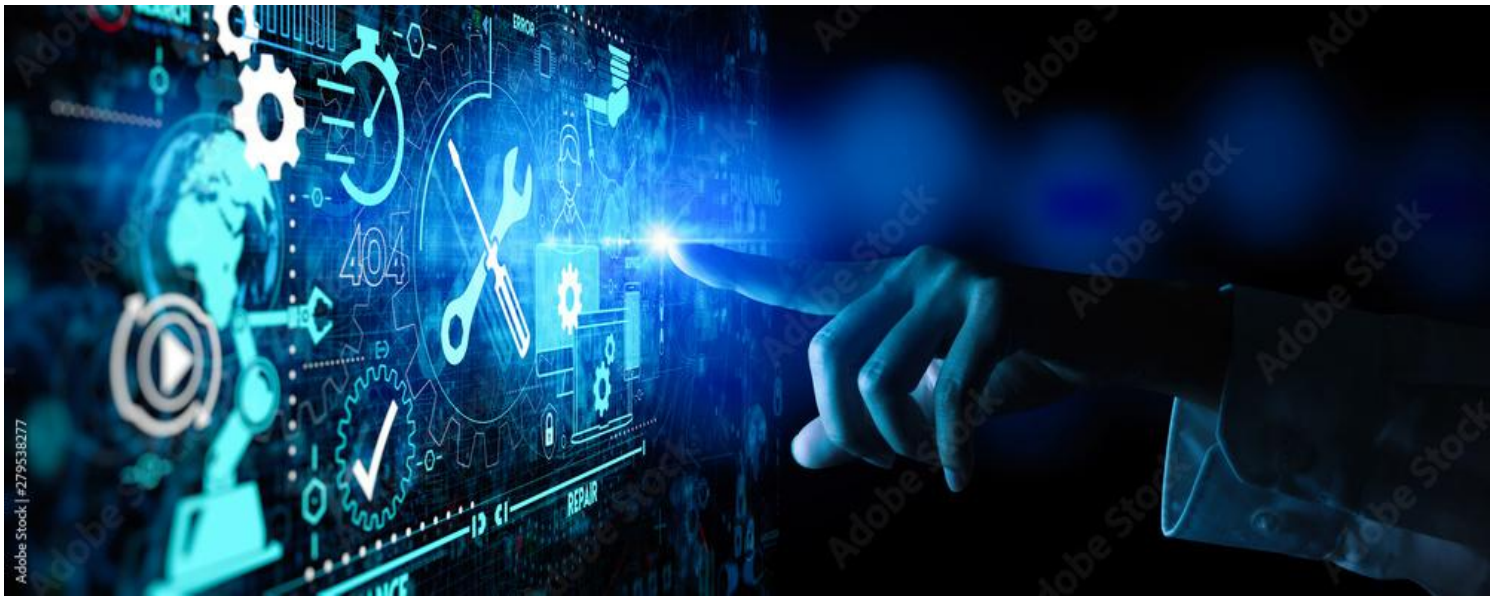
The legal assessment focuses on whether the disputed domain name interferes with the legitimate interests of the rights holder and whether the registrant's conduct demonstrates an intention to exploit another party's commercial reputation or obtain improper advantages.

For example, a third party registering a domain name incorporating an established trademark and subsequently demanding an excessive transfer payment may raise concerns regarding bad-faith registration. Similarly, operating a website under a confusingly similar domain name to promote competing goods or services may provide evidence of an intention to mislead consumers.

However, establishing infringement or unfair competition requires more than demonstrating similarity between a trademark and a domain name. The rights holder must identify the relevant legal grounds and provide evidence supporting the alleged violation.

Evidence may include trademark registration certificates, documents establishing the use and reputation of a trade name, historical website records, correspondence concerning the disputed domain name, screenshots of misleading content, and communications demonstrating an intention to sell the domain name for improper commercial gain.

The strength of such evidence can significantly influence the outcome of enforcement proceedings. Businesses should therefore maintain comprehensive records of their intellectual property rights and commercial activities, particularly when operating across multiple jurisdictions.



DOMAIN NAME REGISTRATION AND DISPUTE RESOLUTION IN VIETNAM

Alongside intellectual property law, Vietnam's telecommunications and Internet resource regulations establish the administrative framework governing the registration, allocation, management, and use of national domain names.

The national ".vn" domain name system is administered through the competent Vietnamese authorities and the Vietnam Internet Network Information Center (VNNIC). Under the applicable framework, ordinary domain names are generally allocated according to the principle of first-come, first-served, subject to relevant restrictions and special allocation mechanisms.

This principle facilitates efficient domain name registration but may also create conflicts with pre-existing intellectual property rights. A domain name can become registered by a third party even where its wording corresponds to another business's trademark, because ordinary domain name registration does not necessarily involve a substantive examination of trademark ownership. Consequently, possessing a registered trademark does not automatically confer ownership of the corresponding ".vn" domain name. Trademark protection and domain name registration are distinct legal mechanisms, and businesses must take separate steps to secure their interests under each framework.

Disputes concerning the registration or use of ".vn" domain names may be resolved through mediation, arbitration, or proceedings before a competent court. In determining whether a disputed domain name should be recovered, relevant considerations include whether the domain name is identical or confusingly similar to a commercial indication in which the complainant possesses legitimate rights, whether the registrant has corresponding rights or legitimate interests, and whether the registration or use demonstrates bad faith and unfair competition. Where a competent decision establishes the legal grounds for resolving the dispute in favor of the complainant, the applicable administrative procedures may enable the rights holder to register the disputed domain name following implementation of the decision. Nevertheless, the recovery of a domain name is not necessarily equivalent to an automatic transfer of ownership. The procedures for implementing dispute resolution decisions must be considered separately from the determination of intellectual property infringement. Businesses should also distinguish disputes involving national ".vn" domain names from those concerning generic top-level domains such as ".com", ".net", or ".org". Depending on the domain name extension and the applicable registration arrangements, international dispute resolution mechanisms, including the Uniform Domain Name Dispute Resolution Policy (UDRP), may provide an alternative avenue for addressing abusive registrations. Selecting the appropriate procedure is therefore essential to achieving an efficient and legally enforceable outcome.



NEGOTIATION AND ENFORCEMENT STRATEGIES FOR RECOVERING DISPUTED DOMAIN NAMES

Although formal dispute resolution mechanisms are available, litigation or arbitration may not always represent the most commercially efficient solution. In practice, businesses may consider negotiating directly with the registrant to secure a voluntary transfer of the disputed domain name. Negotiation can offer advantages where the parties are willing to cooperate, particularly when the commercial value of recovering the domain name outweighs the expected costs and duration of legal proceedings. However, negotiations should be approached carefully. A registrant's willingness to transfer a domain name for payment does not, by itself, establish unlawful conduct. The circumstances surrounding the registration, the registrant's rights, and the proposed transfer conditions must be examined before drawing conclusions regarding bad faith. Before initiating negotiations, businesses should assess the legal strength of their position, the commercial significance of the domain name, the likelihood of successful enforcement, and the potential consequences of allowing the registration to remain in place. Where negotiations result in an agreement, the parties should clearly establish the transfer price, payment conditions, responsibilities for completing registration procedures, and the consequences of non-performance. Particular attention should be given to the timing of payment and the administrative steps necessary to complete the transfer. Businesses should avoid arrangements that expose them to substantial financial risk without adequate assurances that the domain name will be transferred as agreed. Where voluntary settlement is unsuccessful, the rights holder may consider initiating proceedings before a competent authority, arbitral tribunal, or court, depending on the applicable legal framework and the circumstances of the dispute. In certain cases, administrative enforcement measures may also be relevant where the domain name is used in connection with conduct violating intellectual property or other applicable regulations. However, suspension or revocation of a domain name must be supported by the appropriate legal grounds and implemented through the competent authority. A coordinated enforcement strategy should therefore evaluate both legal remedies and practical commercial considerations rather than relying exclusively on a single dispute resolution mechanism.



CONCLUSION

As domain names become increasingly valuable commercial assets, businesses operating in Vietnam must adopt a proactive approach to protecting their online identities. Understanding the interaction between intellectual property law and telecommunications regulations is essential for preventing cybersquatting and resolving domain name disputes effectively. By combining early registration, regular monitoring, and timely enforcement measures, businesses can safeguard their intellectual property rights, minimize legal risks, and maintain a secure digital presence.

Disclaimers:

This material is provided for informational purposes only. The provision of this material does not create an attorney-client relationship between the firm and the reader and does not constitute legal advice. Legal advice must be tailored to the specific circumstances of each case, and the contents of this article are not a substitute for legal counsel. Do not take action in reliance on the contents of this material without seeking the advice of counsel.

The information contained in this article may or may not reflect the most current legal developments. Accordingly, information in this article is not promised or guaranteed to be correct or complete and should not be relied upon as such. Readers should conduct their own appropriate legal research.

DAITIN & ASSOCIATES

Lawyers and Consultants

CONTACT

Please contact Daitin & Associates if you require any further information or guidance in the procedures of acquiring, protecting intellectual property rights in Vietnam | Cambodia | Laos | Myanmar | Thailand | Philippines | Brunei | Indonesia.

info@daitin.com.vn | www.daitin.com.vn

© 2026 Daitin & Associates Co., Ltd _ All rights reserved.