APAA 2026, in Hong Kong
Trademark Committee
Group Report – Vietnam

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A. KEY DEVELOPMENTS

1. Law No. 131/2025/QH15 amending the IP Law being passed by the National Assembly on 10 December 2025 and Decree No. 100/2026/NĐ-CP amending Decree No. 65/2023/NĐ-CP and Circular No. 10/2026/TT-BKHCN replacing Circular No. 23/2023/TT-BKHCN all took effect from 1 April 2026 for trademarks:

   i. substantive examination must be completed within five months of publication, with a new three-month expedited track subject to certain conditions (*for goods made under patented strategic technologies or emergency-use inventions, or where a registration is a licensing prerequisite, and excludes collective, certification, three-dimensional and sound marks*).

   ii. Examination may be suspended at the applicant's request while it seeks non-use cancellation or invalidation of the earlier marks or pending court proceedings on entitlement or bad faith filings.

   iii. Oppositions must be filed within three months upon publication while observation is still from publication to the end of substantive examination.

   iv. Vietnam & Viet (in Vietnamese & English) are national geographical indications which are only accepted for exclusive protection if such indication acquires distinctiveness through use or being applied in the form of collective mark or certification mark.

   v. No decision on acceptance of application in term of formality upon formality examination and valid application proceeds directly to publication.

   vi. Time limit for response against office action and payment of granting fee is shortened from 03 months to 02 months and from 02 months to 01 month for responding to opposition.

   vii. Post-registration procedure for recordal/appointment of IP Agent is introduced enabling the local authorized contact for the registered trademark (many registrations had been cancelled, invalided due to failure of communication between IP Office and trademark owner/authorized IP Agent; or enforcement authorities are not able to contact with trademark owner/authorized IP Agent when detecting the counterfeiting, infringement and/or smuggling products);

   viii. Mass filings of copied marks beyond normal capacity of applicant without real intention to use; and/or copied marks which are recognized by the public as widely-use in Vietnam or well-known abroad in order to take advantage of good will, re-sales or block the entrance/ business in Vietnam, are introduced as new grounds for bad-faith actions.

ix. Procedures for recordal of trademark assignment no longer exists but under the procedures for amendment of trademark registration.

2. Decree No. 186/2026/NĐ-CP amending Decree No. 99/2013/NĐ-CP on administrative sanctions against the infringement of IPRs has been issued and in force from 15 July 2026.

i. IP Vietnam Office is entitled as one of the IPRs enforcement authorities wherein the Director General is empowered to impose the monetary fine upto VND 250 million ~ USD 10,000).

ii. New measure of blocking access of web portals, domain names that infringe the IPRs is introduced to add more efficiency to enforcement actions against the infringement on internet, media, and e-commerce platforms.

iii. Up to 29 September 2026, in the nationwide campaign upon the release of Special Report 301 by US Trade Representative (30 April 2026), 244 criminal cases including 205 cases for trademark counterfeits (Clause 226, Vietnam Penal Code) have been initiated and about 5,500 administrative cases have been handled as for the infringement acts over trademarks and geographical indications.

3. A further amendment to Vietnam's Intellectual Property Law is under legislative review. The published draft focuses on simplifying administrative procedures, reforming IP assessment services and consolidating responsibility for plant variety protection. State management on plant variety is proposed to transferred from Ministry of Agriculture and Environment to Ministry of Science & Technology.

B. STATISTICS

Year	**2025**	**2026 (first 09 months)**
New applications	78,842	54,152
Average time from filing to registration	22 months	12.7 months
Provisional Refusal	30,229	22,885
Opposition/ Observation	1,776	1,518

Year	**2025**		**2026 (first 06 months)**	
	National	Madrid	National	Madrid
New applications	68,048	10,794	32,393	4,073

C. CASES

1. Nike, Inc. – counterfeit NIKE and AIR JORDAN footwear manufactured for export (Department of Domestic Market Development and Management, Ministry of Industry and Trade, Ho Chi Minh City, July 2026)

Facts

Acting on a lead from US Homeland Security Investigations, the Department of Domestic Market Development and Management inspected a Ho Chi Minh City footwear manufacturer on 16 July 2026. The company claimed that it produced the goods under a processing contract with a foreign partner, using materials supplied by that partner, and produced a document presented as a trademark authorisation. Eleven containers had

already been exported to the United States in 2026. Nike confirmed that no licence had been granted.

Decision

The authorities seized 25,396 finished pairs and 31,675 pairs of uppers and soles bearing the NIKE and AIR JORDAN marks, with a seized value of over VND 23.5 billion (~USD 800,00) and an estimated market value of about VND 100 billion (~USD 4 million). The case is under criminal prosecution for "trademark counterfeit crime" in accordance with Article 226, Vietnam.

The market surveillance authorities confirmed that a purported processing (OEM) arrangement is no defence where the trademark owner has not authorized the use.

2. Shangri-La International Hotel Management Limited v. FBC Trading, Manufacturing and Service Company Limited – Trademark Application No. 4-2017-07798

Facts

FBC Trading, Manufacturing and Service Company Limited filed trademark application No. 4-2017-07798 on 30 March 2017 for "SHANGRI-LA COFFEE & TEA & Device" in Class 43. Shangri-La International Hotel Management Limited submitted a third-party observation requesting refusal of the application, citing its earlier registered SHANGRI-LA marks covering hotel, restaurant, café and bar services.

"Shangri-La" trademark has not been used for hotel, restaurant, café and bar services so far, and relied on its international reputation and registration portfolio, together with evidence of media coverage in Vietnam and the availability of its hotels on online booking platforms accessible to Vietnamese consumers. It argued that the applied-for mark was confusingly similar to its earlier marks and that the relevant public in Viet Nam was familiar with the SHANGRI-LA brand.

Decision

On 22 April 2025, IP Vietnam accepted the third-party observation finding that the applied-for mark did not satisfy the distinctiveness requirements followed by a total refusal decision against the applied-trademark application.

The case illustrates that prior trademark registration is vital but the practical use of trademark in Vietnam should accompany. The use of trademark is not simply and physically in Vietnam market but online place targeting to Vietnamese customers and known to Vietnamese customers.

3. SOHACO v. Lại Đức Vinh – Cancellation of "SACHI" Trademark Registration No. 520506 (Decision No. 147294/QĐ-SHTT.IP, dated 9 October 2026)

Facts

SOHACO Pharmaceutical and Trading Group requested the cancellation of Trademark Registration No. 520506, granted to Lại Đức Vinh on 24 December 2024, for Sachi trademark covering goods in Class 10. SOHACO argued that the mark conflicted with its

earlier rights in the "SACHI" mark and product packaging, relying on evidence of prior use, industrial design registrations, copyright, bad faith and the first-to-file principle.

Decision

IP Vietnam issued the decision on cancellation the full validity of registration No. 520506 on the grounds that the concerned mark was not significantly different from SOHACO's earlier protected industrial designs, conflicted with SOHACO's prior copyright, and had been granted contrary to the first-to-file principle under Article 90.3 of the IP Law.

However, IP Vietnam disagreed with OHACO's argument that its "SACHI" mark had been widely used and recognized in Vietnam before the contested filing date as SOHACO had launched the products on 15 October 2022, while the application was filed on 24 October 2022, although SOHACO owns the distribution systems of 300 distributors and nearly 10,000 points of sales nationwide. IP Vietnam also held that, the provision on bad-faith filing under the IP Law 2019 (2005 and amended in 2009 and 2019) was not clear enough to be applicable in this case.

The case illustrates that prior IP rights provide independent grounds for cancellation as long as it is sufficiently proved to be the conflict between the applied mark and the design rights, and copyrights which have been earlier established.

4. Gas Thủ Đức: Earlier Trade-Name Rights versus a Later Trademark Registration

Facts

Gas Thủ Đức challenged trademark registration No. 298756 for "Thu Đức Gas", filed in March 2017 and granted in April 2018 for gas-related goods and services in Classes 6 and 39. The company relied on its earlier use of "Thủ Đức Gas" as a trade name. IP Vietnam rejected its challenge, and the first-instance court dismissed its claim, principally finding insufficient evidence of qualifying trade-name use at the relevant time.

Decision

The appellate court reversed the first-instance judgment and annulled both the trademark registration and IP Vietnam's appeal-resolution decision. It accepted the company's longstanding lawful use of "Thủ Đức Gas" in its gas business. The court also found that the original applicant lacked entitlement to register under its application of Article 87 and identified deficiencies in IP Vietnam's examination and complaint-handling procedures. These additional grounds were material to the outcome.

The case illustrates that an earlier trade name established through lawful use can support a challenge to a later trademark registration, even without a corresponding trademark registration. It does not establish that trade names invariably prevail over registered trademarks. The contrasting judgments underline the importance of proving the precise name used, the chronology, business activities and geographical scope of use. Businesses should register their core brands early and retain dated contracts, invoices and advertising materials; trademark clearance and acquisition due diligence should also investigate earlier trade names.