GUIDE 03 / 06 · INTELLECTUAL PROPERTY

For businesses building a brand

Trademark registration in Viet Nam

Protection requirements, filing documents, procedure, fees and enforcement, under the Law on Intellectual Property as amended in 2025, effective from 1 April 2026.

BEFORE YOU START

Five questions businesses often ask

Each answer below is a short version. The analysis, legal basis and document lists are in the chapter shown on the right.

01 **Must a company conduct a trademark search before filing?** — CHAPTER II

Not mandatory, but advisable. Search the databases of the Intellectual Property Office of Viet Nam and the WIPO Global Brand Database to identify identical or similar marks in the same class.

02 **Can foreign investors file trademark applications directly?** — CHAPTER III

Only if they reside permanently or have a production or business establishment in Viet Nam. Otherwise, they must file through a lawful representative in Viet Nam.

03 **How long does substantive examination of a trademark application take?** — CHAPTER IV

5 months from publication of the application. Expedited examination takes 3 months and applies only to cases specified in Decree No. 65/2023/ND-CP.

04 **What is the trademark application filing fee?** — CHAPTER V

VND 75,000 per application until 31 December 2026, reflecting a 50% fee reduction under Circular No. 64/2025/TT-BTC. From 1 January 2027, it reverts to VND 150,000 absent new regulations.

05 **When does a company lose its rights to a registered trademark?** — CHAPTER VI

If the mark is not used for 5 consecutive years without legitimate reason, or is not renewed upon expiry of its 10-year term and the grace period.

DIAGRAM 03

PROCEDURE

From filing to registration

1. **Filing**
   Filing date
   The application is published right after receipt

2. **Formality examination**
   01 month
   Cure deficiencies within 02 months if requested

3. **Publication**
   01 month
   In the Industrial Property Gazette

4. **Opposition period**
   03 months
   Third parties may file oppositions

5. **Substantive examination**
   05 months
   03 months under expedited examination where allowed by law

6. **Pay the grant fee**
   02 months
   From the notice of intended grant

7. **Registration in force**
   10 years
   Renewable repeatedly, 10 years each time

HOW TO READ

The diagram runs from the filing date to the registration taking effect. The blue line is the statutory time limit for each step. Chapter IV gives the details.

SUMMARY

Law No. 131/2025/QH15 amending the Law on Intellectual Property, effective 1 April 2026, significantly shortens the trademark registration procedure. Applications are made public as soon as they are received. The separate decision accepting a valid application is abolished. The substantive examination period is reduced to 05 months from the date of publication.

01
month for formality examination from the filing date

03
months for third-party oppositions from the publication date

05
months for substantive examination from the publication date (expedited: 03 months)

10
years of validity from the filing date, renewable multiple times for 10 years each

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I

CHAPTER I

Which trademarks are protected

What can be protected and the common grounds for refusal.

A trademark is protected if it meets two conditions. First, it is a visible sign in the form of letters, words, drawings, images, three-dimensional shapes or a combination of these, presented in one or more colours, or a sound sign that can be represented graphically. Second, it is capable of distinguishing the owner's goods or services from those of others.

1. Signs commonly refused

- signs describing the goods or services: their type, quality, use, composition or value (for example, "Sạch" (clean) or "Premium" for food products);
- simple geometric shapes, numerals, letters or common names that lack distinctiveness;
- signs indicating geographical origin, unless they have been used and widely recognised before the filing date or are registered as collective marks or certification marks;
- signs identical or confusingly similar to a trademark registered or applied for earlier for identical or similar goods or services, or to a well-known trademark;
- national flags, national emblems, names and symbols of state agencies and international organisations; names and images of leaders, national heroes and famous persons.

Law No. 131/2025/QH15 adds a specific rule for signs indicating the geographical origin of Viet Nam as a country. Such a sign is accepted only if it was widely recognised before the filing date, or if it is a component of a distinctive collective mark or certification mark.

2. The first-to-file principle

> *"Where several applications are filed by different persons to register the same invention, or to register industrial designs that are identical or not significantly different from each other, or to register trademarks that are identical or confusingly similar to each other for identical or similar products or services, a protection title may only be granted to the valid application with the earliest priority date or filing date among the applications that satisfy the conditions for the grant of a protection title."*

Clause 1, Article 90 (First-to-file principle), Law on Intellectual Property No. 50/2005/QH11, as amended

Viet Nam protects trademarks on a first-to-file basis, not a first-to-use basis. Businesses should file before announcing a brand or signing distribution or franchise agreements. From 1 April 2026, a protection title granted in breach of the first-to-file principle may be invalidated.

II

CHAPTER II

Before filing: searching and classification

Clearance searches and the classification of goods and services.

1. Registrability search

A search is not mandatory but is recommended. It shows whether an identical or similar trademark has been filed for the same class of goods or services, so the mark can be adjusted before fees and time are spent. The trademark database of the Intellectual Property Office of Viet Nam and the WIPO Global Brand Database are the two main search sources.

2. Classification under the Nice Classification

The list of goods and services must be classified under the Nice Classification. Version 13-2026 has applied since 1 January 2026. Fees are charged per class, and each class covers up to 06 goods or services within the basic fee. The list should accurately describe the actual

products and the expansion plans for the next 3–5 years, because rights arise only for the goods and services registered.

III

CHAPTER III

Who may file and the application dossier

Who may file and the documents to prepare.

1. Applicants

Vietnamese organisations and individuals, foreign individuals permanently residing in Viet Nam, and foreign organisations and individuals with a production or business establishment in Viet Nam may file directly or through a representative. Foreign individuals not permanently residing in Viet Nam, and foreign organisations and individuals without a production or business establishment in Viet Nam, must file through a lawful representative in Viet Nam.

> *"2. Foreign individuals not permanently residing in Viet Nam, and foreign organisations and individuals without a production or business establishment in Viet Nam, shall file applications for procedures relating to industrial property rights through a lawful representative in Viet Nam."*
>
> Clause 2, Article 89 (Methods of filing applications for procedures relating to industrial property rights), Law on Intellectual Property, as amended by Clause 23, Article 1 of Law No. 131/2025/QH15

2. Application dossier (Article 68, Circular No. 10/2026/TT-BKHCN)

a) Trademark registration request form, using Form No. 04, Appendix I to Circular No. 10/2026/TT-BKHCN.

b) Specimens of the mark (05 specimens for paper filings) and the classified list of goods and services.

c) Power of attorney, if filing through a representative.

d) Regulations on the use of the mark, for a collective mark or certification mark.

đ) Documents supporting the priority claim (a copy of the first application), if priority is claimed under the Paris Convention.

e) Written consent to use a person's image or name, or other documents, if the mark contains such elements.

g) Proof of payment of fees and charges.

Applications may be filed on paper or online through the e-filing system of the Intellectual Property Office of Viet Nam, Ministry of Science and Technology.

IV

CHAPTER IV

Examination procedure under the new law

Examination steps and time limits applicable from 1 April 2026.

STEP	STAGE	STATUTORY TIME LIMIT	DETAILS
1	Receipt and making the application public	Immediately upon receipt	The trademark application is made public immediately after the Intellectual Property Office of Viet Nam receives it
2	Formality examination	01 month from the filing date	If there are deficiencies, the applicant has 02 months to correct them; an application not falling into the invalid cases is deemed valid, with no separate acceptance decision
3	Publication of the application	01 month from the date the application is deemed valid	Published in the Industrial Property Official Gazette
4	Third-party opposition	03 months from publication	Time spent handling oppositions is not counted towards the substantive examination period
5	Substantive examination	05 months from the publication date	Assessment of distinctiveness and conflicts with prior rights; if refusal is intended, the applicant has 02 months to respond
6	Payment of grant fees	02 months from the notice of intended grant	Payment of the grant charge, the fee for publishing the grant decision and the registration fee

7	Issuance of the Certificate	Grant decision published within 30 days	Recorded in the National Register of Industrial Property

> *"b) For trademarks, industrial designs and geographical indications: within five months from the date of publication of the application."*

Point b, Clause 2, Article 119 (Time limits for processing industrial property applications), Law on Intellectual Property, as amended by Clause 44, Article 1 of Law No. 131/2025/QH15

1. Expedited substantive examination

New Clause 2a, Article 119 allows applicants to request expedited substantive examination within 03 months, but only in the cases prescribed by the Government in Decree No. 65/2023/ND-CP (as amended by Decree No. 100/2026/ND-CP). This procedure does not apply to every application. The specific conditions should be assessed before filing the request and paying the expedited examination fee.

2. Applications filed before 1 April 2026

Applications filed before 1 April 2026 are processed under the law in force at the time of filing. The exceptions are formality examination of applications not yet accepted as valid, and the opposition period and substantive examination period for applications published from 1 April 2026; these matters are governed by the new law.

Lawyer's note. The time limits above are statutory. In practice, the time from filing to grant is often longer because of application backlogs and time spent on corrections and responses. During the wait, the filing date has already established priority. Businesses should show the application number on packaging and in contracts as evidence.

V

CHAPTER V

Fees and charges

The main official fees for one class of goods or services.

Industrial property fees and charges apply under Circular No. 263/2016/TT-BTC and its amending circulars. From 1 July 2025 to 31 December 2026, charges are reduced by 50% under Circular No. 64/2025/TT-BTC; fees remain unchanged. The table below sets out the main items for one class of goods or services with no more than 06 goods or services.

ITEM	AMOUNT APPLICABLE UNTIL 31 DECEMBER 2026	NOTES
Filing charge (per application)	VND 75,000	Standard amount VND 150,000
International classification fee (per class)	VND 100,000	Not reduced
Substantive examination fee (per class)	VND 550,000	Not reduced
Application publication fee	VND 120,000	Not reduced
Grant charge (first class)	VND 60,000	Standard amount VND 120,000
Fee for publishing the grant decision; registration fee	VND 120,000 each	Not reduced
Renewal charge (per class)	VND 50,000	Standard amount VND 100,000

The table excludes the search fee for examination purposes, fees for the seventh and each subsequent good or service in a class, the priority claim fee and representation service fees. Applications filed through the VNeID application may be exempt from certain charges in 2026 under Circular No. 29/2026/TT-BTC. From 1 January 2027, charges return to the standard amounts unless new rules are issued.

VI

CHAPTER VI

After registration: use, renewal and enforcement

Renewal, use requirements and enforcement after registration.

PHOTO: HELEN CHENG / UNSPLASH

GUIDE 03

A trademark must be distinctive

Signs that merely describe the goods, or that are identical or similar to an earlier-filed mark, are usually refused, so a search before filing is advisable. A registration lasts 10 years and can be renewed any number of times.

1. Validity and renewal

> *"A trademark registration certificate shall be valid from the date of grant until the end of ten years from the filing date and may be renewed multiple consecutive times, each time for ten years."*

Clause 6, Article 93 (Validity of protection titles), Law on Intellectual Property No. 50/2005/QH11, as amended

Owners should file a renewal request within 06 months before the expiry date. After expiry, a grace period is available upon payment of a surcharge. After that period, the protection title ceases to be valid.

2. Obligation to use

> *"Trademark owners are obliged to use their trademarks continuously. Where a trademark is not used continuously for five years or more, the ownership of that trademark shall be terminated in accordance with Article 95 of this Law."*

Clause 2, Article 136 (Obligation to use inventions and trademarks), Law on Intellectual Property No. 50/2005/QH11

Any person may request termination of a trademark that has not been used for 05 consecutive years without justifiable reason, unless use was started or resumed at least 03 months before the request. Businesses should keep invoices, contracts and advertising materials bearing the trademark as evidence of use.

3. Protecting the trademark

- monitor the Industrial Property Official Gazette to oppose third-party applications within 03 months from publication;
- request administrative or civil measures against infringement; request customs authorities to control infringing goods at the border;
- register domain names and social media account names identical to the trademark to limit misappropriation.

VII

CHAPTER VII

International registration under the Madrid System

Filing abroad through the Madrid System.

A trademark applied for or registered in Viet Nam may serve as the basis for international registration under the Madrid Protocol, designating multiple countries in one application filed through the Intellectual Property Office of Viet Nam. For international applications designating Viet Nam, the Intellectual Property Office of Viet Nam issues a decision of acceptance or provisional refusal within 12 months from receipt of the notification from the International Bureau. The applicant has 03 months to respond to a provisional refusal and must do so through an industrial property representative in Viet Nam.

VIII

CHAPTER VIII

Frequently asked questions

Four questions businesses often ask, with our lawyers' answers.

1. Our company name is already registered as a business. Do we still need to register a trademark?

Yes. A company name is protected under enterprise law within the scope of the business registration. Trademark rights arise only when the Intellectual Property Office of Viet Nam grants a protection title. Others may still file a trademark application identical to your company name if you have not filed.

2. May we use the ® symbol while the application is pending?

This is not advisable. The ® symbol is generally understood to mean a registered trademark; using it before grant may be considered a misleading indication. While waiting, you may state "Trademark application No. ... filed" or use the ™ symbol.

3. Should the logo and the word mark be registered together or separately?

If the budget allows, register the word element and the logo separately. Separate registrations give broader protection when the business changes its logo design or uses the name in plain text.

4. What can we do if the application is refused?

The applicant may respond, amend the list of goods and services, or appeal the refusal decision. If the refusal is based on a cited trademark that is no longer in use, the applicant may request suspension of examination in order to seek termination of the cited trademark, under the new mechanism in Law No. 131/2025/QH15.

PL

APPENDIX

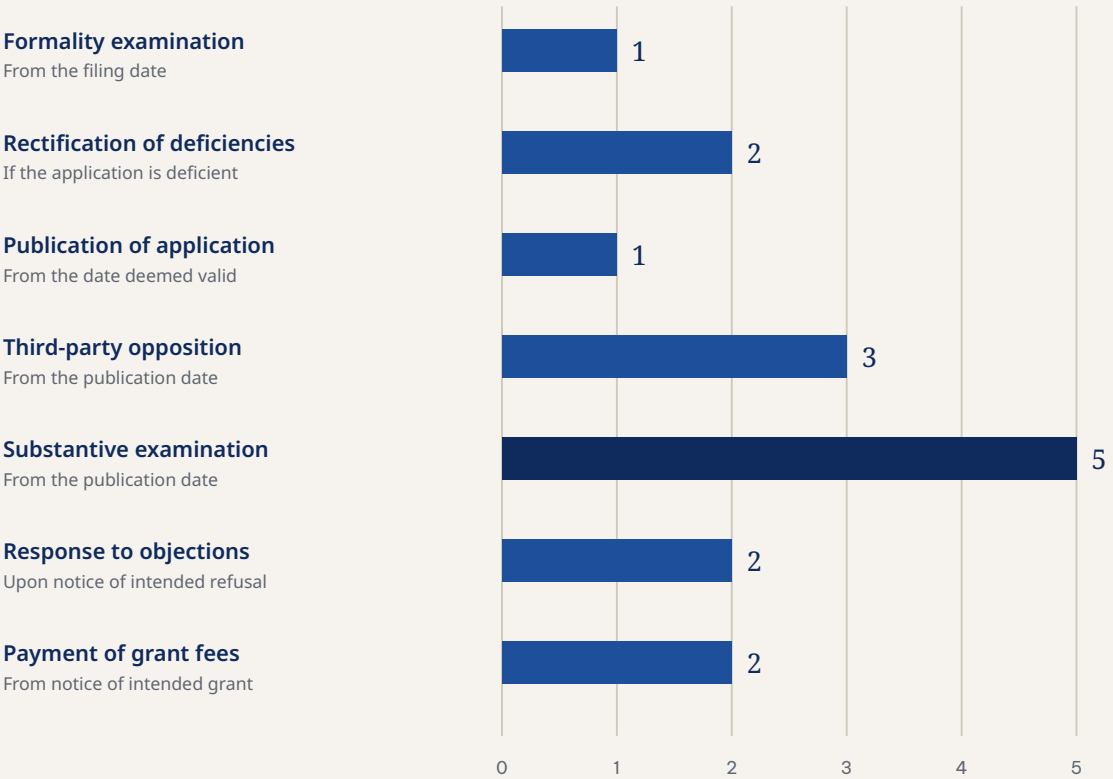
Legal bases

The legislation referred to in this guide.

NO.	INSTRUMENT	NUMBER	EFFECTIVE DATE
1	Law on Intellectual Property, as amended in 2009, 2019, 2022 and 2025	50/2005/QH11	1 July 2006
2	Law amending and supplementing certain articles of the Law on Intellectual Property	131/2025/QH15, passed on 10 December 2025	1 April 2026
3	Consolidated text of the Law on Intellectual Property	67/VBHN-VPQH, dated 23 March 2026	Consolidated text
4	Decree detailing certain articles of and measures to implement the Law on Intellectual Property regarding industrial property	65/2023/ND-CP, dated 23 August 2023; amended by 15/2026, 33/2026 and 100/2026/ND-CP	23 August 2023
5	Circular detailing certain articles of and measures to implement the Law on Intellectual Property and Decree No. 65/2023/ND-CP	10/2026/TT-BKHCN, dated 31 March 2026; amended by 20/2026/TT-BKHCN	1 April 2026
6	Circular on rates, collection, payment, management and use of industrial property fees and charges	263/2016/TT-BTC, dated 14 November 2016	1 January 2017
7	Circular on rates of certain fees and charges to support businesses and citizens	64/2025/TT-BTC, dated 30 June 2025	1 July 2025 to 31 December 2026

Statutory time limits for each processing step

Each bar shows the statutory time limit, in months, for one step in processing a trademark application under the Law on Intellectual Property as amended in 2025. Unit: months.



Legal basis: Article 119(2)(b) of the Law on Intellectual Property, as amended by Article 1(44) of Law No. 131/2025/QH15.

ABOUT THIS GUIDE

Guide 03 is part of 7SLAW Legal Guides, a series that helps businesses quickly understand the procedures, documents and time limits that apply in Viet Nam. For advice on a specific matter, please contact 7SLAW.

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TALK TO A LAWYER

Need to apply this to your business?

This guide gives general legal information. Send us the details of your project; the lawyer in charge will review it and propose the route, timeline and fees in writing.

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HOW 7SLAW HELPS

01

Check the conditions

Review business lines, location and documents, and choose the right route before you incur costs.

02

Prepare the file

Draft the full application, and guide legalisation, translation and signing on the correct forms.

03

Deal with the authorities

File on your behalf, follow up, explain and supplement the file when requested.

04

Hand over and track deadlines

Receive and hand over the result, and remind you of reporting and renewal obligations.

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