

Vietnam IP News Bulletin

Kenfox IP & Law Office

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OTHER MEANS/OPTIONS TO REQUEST CANCELLATION OF A TRADEMARK REGISTRATION IN VIETNAM

1. Could you advise us other than non-use cancellation or invalidation actions, are there any other means to request cancellation of a trademark registration in Vietnam?

KENFOX: Besides the non-use arguments, per Article 95.1a, b, c, dd, e, the IP Law 2005, we advise that trademark cancellation actions in Vietnam can be taken on following grounds: (i) The owner fails to pay the stipulated validity maintenance or extension fee; (ii) The owner declares relinquishment of the industrial property rights; (iii) The owner no longer exists, or the owner of a certificate of registered mark is no longer engaged in business activities and does not have a lawful heir; (iv) The owner of a certificate of registered collective mark fails to supervise or ineffectively supervises the implementation of the regulations on use of the collective mark; and (v) The owner of a certificate of registered certification mark violates the regulations on use of the certification mark or fails to supervise or ineffectively supervises the implementation of such regulations.

2. If a third system to request cancellation of a trademark registration is available, is it filed before the Vietnam IP Office or any other body?

KENFOX: Cancellation actions should be filed before the Vietnam IP Office.

3. If such a third system to request cancellation of a trademark registration available, is it filed before a Vietnamese Court?

KENFOX: The trademark cancellation is not subject to the court's jurisdiction. However, in case either party does not agree with the Vietnam IP Office's decision on the cancellation case, they may initiate a lawsuit under administrative proceedings against the Vietnam IP Office's decision.

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*Should your clients be interested in IP protection in the above-mentioned jurisdictions, please feel free to **contact us**.*