

## Facing a Trademark Refusal in Vietnam? Learn How to Appeal and Win

Have you invested time and effort into crafting the perfect trademark, only to see it rejected by the Intellectual Property Office of Vietnam (**IP Vietnam**)? Don't give up! Trademark refusals can be frustrating, but they aren't necessarily the end of the road. There are still options for challenging the decision and potentially securing your trademark registration. Our firm, KENFOX IP & Law Office provides a clear breakdown of the appeal process in Vietnam, equipping you with critical information to pursue a successful appeal.

The [appeal](#) process in Vietnam involves two potential stages, with the option of initiating legal action at any point:

### 1. First-Time Appeal (Internal Appeal)

**Response to refusal notice:** Upon receiving a [notification of intended refusal](#) from IP Vietnam, applicants have **3 months** to submit a response objecting to the decision.

**Appeal Decision:** If your response is unsuccessful, IP Vietnam will issue a formal refusal decision (first decision).

**Appeal options:** Applicants can then choose one of two options:

- **Internal appeal with IP Vietnam:** File an appeal against the first decision within **90 days** of receiving it. IP Vietnam has **30 days** (extendable to 45 days for complex cases) to settle the appeal.
- **Lawsuit against IP Vietnam:** File a lawsuit challenging the refusal decision in a Vietnamese court.

### 2. Second-Time Appeal (External Appeal)

**Appeal of first-time appeal Decision:** If the internal appeal is unsuccessful or remains unresolved after the deadline, applicants can pursue a second-time appeal.

**Appeal options:** There are two choices:

- **Appeal to Ministry of Science and Technology (MOST):** MOST, the supervising body of IP Vietnam, can review the case. Applicants have **30 days** from the expiration of the first-time appeal deadline or from receiving the first-time appeal decision to file. MOST has **45 days** (extendable to 60 days for complex cases) to settle the appeal.
- **Lawsuit against MOST's Decision:** Applicants can file a lawsuit against MOST's Decision.

### 3. Initiating a Lawsuit

- **Administrative lawsuit option:** At any stage of the appeal process, applicants can choose to bypass the internal and external appeal procedures and directly file an administrative lawsuit against IP Vietnam or MOST's decision.
- **Time limit for lawsuit:** Applicants have **1 year** from the expiration of the appeal deadline or from receiving the relevant decision to initiate a lawsuit.

### 4. Important considerations

- **Time limits:** Strict deadlines apply at each stage of the appeal process. Missing deadlines could result in your appeal being dismissed.
- **Legal representation:** Considering the complexities involved, consulting with an experienced Vietnamese intellectual property lawyer is highly recommended. They can guide you through the appropriate course of action, prepare a strong appeal case, and represent your interests effectively.

## Final thoughts

Trademark refusals in Vietnam can stem from various reasons, such as [similarities](#) to existing registered trademarks, resemblance to expired trademarks within a certain timeframe, or being deemed [descriptive](#) in nature. However, a rejection doesn't necessarily mean your trademark fails to meet protection standards. In many cases, it may reflect the subjective views of examiners. Understanding the appeal process and taking prompt action can significantly increase your chances of reversing the decision. Not only can you successfully challenge the refusal, but you can also safeguard your brand protection in Vietnam.

Our firm, KENFOX IP & Law Office, understands the frustration of a trademark refusal. With years of experience and a proven track record of success, our team of intellectual property experts has helped numerous clients overcome IP Vietnam's rejections and secure their trademark registrations. We offer a comprehensive approach, leveraging our in-depth knowledge of Vietnamese trademark law and extensive experience navigating the appeals process. We'll work closely with you to understand the reason for refusal, develop a compelling appeal strategy, and ensure you meet all deadlines.

Contact us if you require our professional assistance in securing your trademark rights in Vietnam.

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