

Refusal of Chinese Language Trademarks in Vietnam: Legal Loophole or Outdated Regulation?

In the context of deep international economic integration and the unceasing development of cross-border trade activities, the protection of IP rights, especially trademarks, plays an indispensable legal foundational role. However, in Vietnam, regulations regarding the registration of trademarks using foreign scripts, particularly languages not belonging to the Latin alphabet such as Chinese, Korean, Japanese, etc., remain a point of contention and require reconsideration. It is time to look at this issue more openly, moving towards the acceptance and protection of Chinese language trademarks and similar languages in Vietnam.

KENFOX IP & Law Office provides analysis on the context of refusing Chinese trademarks and trademarks composed of non-Latin alphabet languages, along with relevant observations on this regulation in Vietnam's IP Law.

Refusal of Trademarks in Non-Latin Alphabet Languages: What is the Cause?

According to current Vietnamese IP law, trademarks consisting solely of characters not belonging to the Latin alphabet – such as Chinese, Korean, Japanese, Arabic script, etc. – are classified as "uncommon languages" and face a high risk of refusal of protection if filed as standalone elements without accompanying Latin script or distinctive visual elements. Pursuant to Article 74.2(a) of the IP Law 2005 (amended and supplemented in 2022), a sign is considered to lack distinctiveness if it is a "letter, word of an uncommon language". In practice, the main reason leading to the refusal of protection is the difficulty faced by examiners at the Intellectual Property Office of Vietnam (IPVN) in determining the pronunciation, [meaning, and degree of similarity](#) of unfamiliar characters, which directly impacts the assessment of distinctiveness and the risk of confusion with registered trademarks.

Ineligible trademarks in Vietnam	Ineligible trademarks in Vietnam	Elegible trademarks in Vietnam
 (IR No. 1676018 designating Vietnam was refused registration because of merely comprising Chinese characters).		

It needs to be clarified that this regulation is not an act of cultural rejection or a direct consequence of historical conflicts. Evidence for this is that the regulation applies generally to all languages using non-Latin scripts, regardless of the historical or political relationship of that country with Vietnam. The languages of close friends such as Laos (Lao script), Cambodia (Khmer script), and Russia (Cyrillic script) also fall under this category. This shows that the essence of refusing protection for trademarks composed of non-Latin alphabet languages lies in a technical factor: the difficulty in recognizing and [examining](#) different writing systems.

Protection of Trademarks in Non-Latin Alphabet Languages: Should or Shouldn't?

However, viewing this issue in the current context and global trends, the aforementioned regulation reveals many limitations and is no longer appropriate:

- Firstly, **inconsistency with international practice and the principle of reciprocity**. This is the most obvious point of contradiction. While Vietnam refuses protection for trademarks consisting only of Chinese, Korean, Japanese characters, most important economic partners and countries with developed IP systems in the region and globally such as China, South Korea, Japan, Singapore, Malaysia, Indonesia, Thailand, etc., are **willing to accept the registration and protection of trademarks in Vietnamese** (using the Latin script). This unequal treatment not only goes against the principle of equality and mutual respect in international relations but also creates a unilateral legal barrier, weakening the principle of reciprocity in IP protection. Vietnam cannot expect its trademarks

to be widely protected abroad while refusing theirs based on a formalistic reason that can be overcome.

- Secondly, **creating difficulties for building and maintaining global brand identity**. In a flat world, maintaining consistent brand identity is a key factor for success. A brand widely recognized globally by its original script (e.g., McDonald's logo with Chinese characters in Chinese markets) will face significant obstacles when wanting to enter the Vietnamese market while preserving the consistency it has built. Forcing them to alter or add elements merely to meet registration requirements in Vietnam is unreasonable, costly, and reduces the effectiveness of brand communication. This directly impacts the investment environment, making Vietnam less attractive in the eyes of investors from countries using non-Latin scripts.
- Thirdly, the argument about "uncommon languages" is **no longer solid**. The initial technical basis, stemming from the limitations in examiners' ability to recognize, is gradually becoming outdated. The number of Vietnamese people learning and proficiently using languages such as Chinese, Korean, Japanese, etc., is rapidly increasing. Language proficiency in society in general, and even within state agencies and the legal profession in particular, has significantly improved. More importantly, with the development of technology (translation software, character databases, AI), recognizing, searching, and evaluating non-Latin characters has become entirely feasible. The issue now is not "cannot be recognized," but the willingness to invest in tools and training to solve that technical challenge.

Accepting the registration of trademarks in the original script of languages popular in international trade like Chinese is not merely a change in an administrative regulation. It is the removal of an outdated legal barrier, demonstrating respect for international partners and creating a more equal and transparent investment and business environment. This directly serves national interests, attracts foreign investment, and simultaneously creates favorable conditions for Vietnamese enterprises when they wish to enter international markets, where fair treatment for Vietnamese trademarks is required.

Final thoughts

The current regulation on refusing protection for trademarks composed of non-Latin scripts, despite originating from a technical reason, has clearly created legal inequality, hindered business activities, and gone against the trend of integration. It is time for Vietnamese intellectual property law to take a strong step forward, demonstrating proactivity and a strategic vision in the global context. Accepting the registration and protection of [trademarks](#) in the original script of languages such as Chinese, Korean, Japanese, etc., is not only about harmonizing with international practice but also a concrete action to promote trade, investment, and enhance Vietnam's position in the international arena. This is a necessary and urgent step for intellectual property law to truly become a sharp tool for protecting Vietnam's interests in a constantly changing world.

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