

Trademark Examination Processes in Vietnam: Why You Need to Monitor Every Step to Avoid Costly Delays

The trademark examination process in Vietnam involves formality examination, publication, substantive examination, and a decision on registration or refusal. The process typically takes 12 to 18 months, but can be longer if there are objections or oppositions.

With extensive practical experience, KENFOX IP & Law Office provides comprehensive representation services, assisting trademark owners in closely monitoring each step of the registration process to ensure timely, lawful execution of procedures and to avoid [potential risks](#).

1. Formality Examination (approx. 1 month)

- Upon filing the application, the IPVN conducts a formality examination within one month of the filing date to ensure all required documents are complete, fees are paid, and the application complies with formal requirements. This includes checking the accuracy of information, proper classification of goods/services (according to the Nice Classification), and that the trademark specimen meets basic criteria.
- If the application is incomplete or incorrect, the IPVN will issue a Notice of Deficiency, and the applicant is given a chance to amend the application (usually within 2 months, with possible extensions).
- If the application meets all formality requirements, the IPVN issues a Decision on Acceptance as to Formality.

2. Publication of the Application (approx. 2 months after formality acceptance)

- Once formally accepted, the trademark application is published in the Industrial Property Official Gazette within two months.
- This publication serves as a public notice, allowing third parties to file oppositions against the trademark if they believe it [infringes](#) on their rights. Third parties can file oppositions against the application within five months of publication. If this 5-month period expired, they can file a "third-party observation".

3. Substantive Examination (approx. 9-12 months from publication, but can be longer)

- The IPVN examines the trademark's registrability based on absolute and relative grounds. This includes assessing the distinctiveness of the mark and its compliance with legal requirements.
- **If the trademark meets all requirements**, the IPVN will issue a **Notification of Intention to Grant a Trademark Registration Certificate**. The applicant will then be requested to pay the granting fee. Upon successful payment, the IPVN officially issues the **Trademark Registration Certificate** and records the mark in the National Register of Industrial Property.
- If the IPVN finds grounds for refusal, they will issue an official Notification, specifying the legal basis and reasons for refusal. The applicant has **3 months** from the date of notification to submit a response, which may include arguments, evidence, or an amended application. This deadline may be extended once upon request.

4. What if a response fails?

If, after reviewing the applicant's response, the IPVN upholds its objections, the IPVN will issue a **Refusal Decision**.

[1] First Appeal to the IPVN (*Internal Appeal*)

- If the IPVN issues a Refusal Decision after reviewing the applicant's response, the applicant is entitled to file a first appeal (also referred to as a "first instance appeal" or "internal appeal") directly with the IPVN.
- **Time limit:** This appeal must be filed within **90 days** from the date of awareness or receipt of the Refusal Decision.

[2] Second Appeal to the Ministry of Science and Technology (MOST) (*External Appeal*)

- If the IPVN upholds its Refusal Decision after the first appeal, or if the applicant is not satisfied with the IPVN's resolution of the first appeal, the applicant can file a second-level appeal with the Ministry of Science and Technology (MOST), which is the supervising body of the IPVN.
- **Time limit:** This appeal typically needs to be filed within 30 days from the date of awareness or receipt of the first-time appeal decision.

[3] Administrative lawsuit

- At **any stage** of the [appeal process](#) (meaning, you don't necessarily have to exhaust both levels of administrative appeals), the applicant has the option to bypass the administrative appeals or, if dissatisfied with the appeal outcomes, to file an administrative lawsuit.
- **Time limit:** An administrative lawsuit challenging the IPVN's (or MOST's) decision must generally be filed within **01 year** from the date of awareness or receipt of the refusal decision or the decision on the appeal.

Final thoughts

Trademark registration is not only the foundation for brand development, but also the first and most critical legal basis for protecting intellectual property – a core asset that defines a business's value and competitive advantage. In Vietnam, this process requires close oversight and timely action at every stage – from filing, formality examination, publication, and substantive examination, to handling refusals and oppositions. Even a minor oversight or delay in monitoring can result in loss of protection, legal complications, or serious disruptions to your business strategy.

With extensive experience in the field of intellectual property, **KENFOX IP & Law Office** is committed to accompanying you throughout the entire trademark registration journey in Vietnam. We not only ensure your applications are processed in full compliance with regulations, but also help you proactively respond to any challenges – making your trademark protection process more efficient, cost-effective, and resilient.

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