

“Bad Faith”, “Conflict of Rights”, and “IP Abuse” in Vietnam: What Lessons Can Be Drawn from the “Foellie” Trademark Dispute?

On 15 September 2025, the Intellectual Property Office of Vietnam (“VN IPO”) issued a Decision No. 205432/QĐ-SHTT annulling the validity of Certificate of Trademark Registration No. 525787 for “FOELLIE” in the name of Lưu Ngọc Anh, thereby ending four years of dispute and bringing an end to a pattern of

abusive assertions of IP rights. For Laorganic Co., Ltd. (Korea) - the true proprietor of the “*Foellie*” (“**Foellie**”) mark - this Decision is not merely a matter of victory or defeat. Beyond restoring their name as the rightful owner, it revives the **entire commercial flow** that had been throttled by unethical abuse of IP enforcement designed to dismantle authorized distribution channels, resulting in mass takedowns of seller accounts on e-commerce platforms, precipitous revenue decline, and repeated summonses of Vietnamese distributors by enforcement authorities.

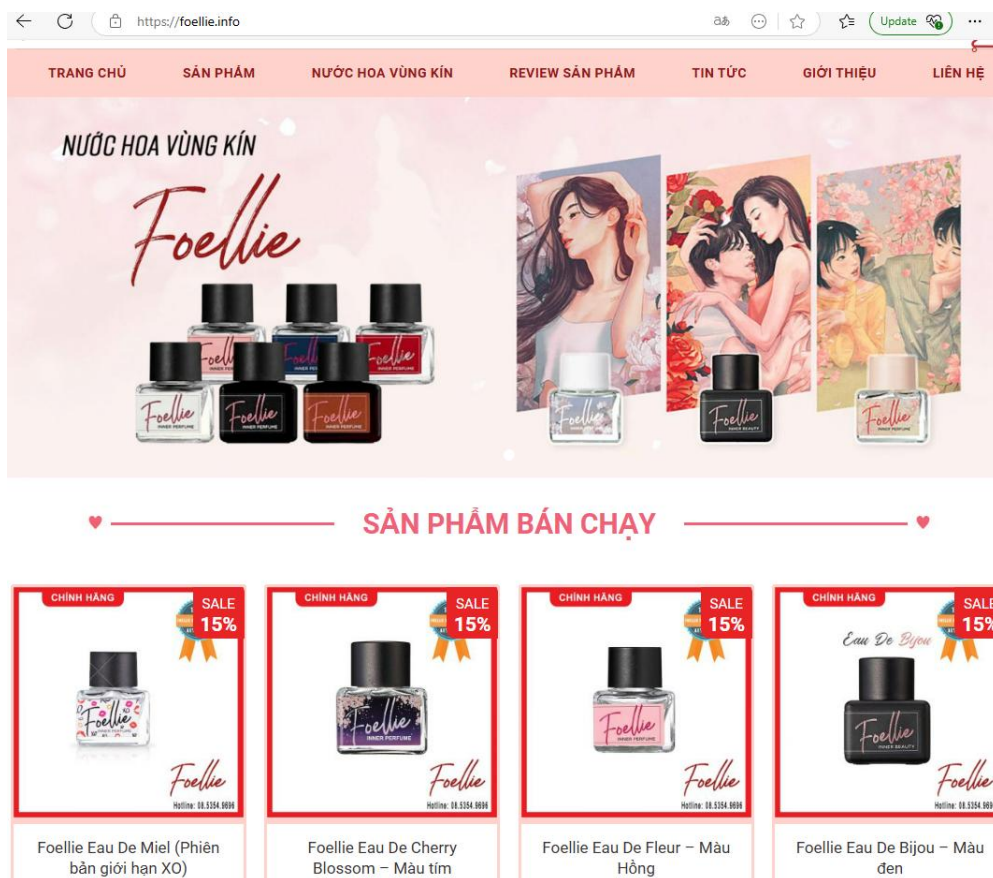
KENFOX IP & Law Office has accompanied Laorganic throughout the handling of this matter. This article is intended to help businesses in Vietnam better understand: (i) why the “first-to-file” principle cannot shield the misappropriation of a trademark; (ii) how Vietnamese law addresses conflicts between [trademark rights](#) and copyright; and (iii) the lawful boundary between rights enforcement and procedural abuse, together with the legal consequences of exceeding the scope of protection.

Background

In 2022, Laorganic Co., Ltd. (Korea), the lawful and exclusive owner of the “Foellie” trademark, discovered that a series of cosmetic products and intimate perfumes bearing the mark “FOELLIE” were being promoted and distributed without authorization on e-commerce platforms in Vietnam. Notably, these products were released by La Pharma Pharmaceutical Co., Ltd. (“**La Pharma**”), a legal entity that had no official distribution arrangement with Laorganic.

A legal investigation conducted by KENFOX IP & Law Office shed light on a sequence of acts indicative of serious infringement of IP rights. It was established that Lưu Ngọc Anh, the Director of La Pharma, was not only directly managing the unauthorized distribution activities, but was also the individual who had filed an application to register the “FOELLIE” trademark in Vietnam in 2020.

On the website <https://foellie.info>, which is controlled by Lưu Ngọc Anh, promotional content was presented as though La Pharma were the official distributor of the “Foellie” mark in Vietnam. The “About the Foellie Brand” section even asserted that “**Foellie Inner Perfume** is a **leading premium perfume** brand in **Korea**... exported to multiple countries... including Vietnam”, thereby creating serious confusion regarding the origin of the goods and the right to distribute them.



In response to the unauthorized use of the “Foellie” logo, an applied-art work for which Laorganic (Korea) had obtained copyright registration in Vietnam, KENFOX IP & Law Office sought an expert appraisal from the Copyright and Related Rights Assessment Center (**ECCR**). The ECCR’s conclusion clearly confirmed that the use of the “Foellie” logo on La Pharma’s products constituted blatant copying and amounted to copyright infringement under Vietnamese law.

In September 2023, KENFOX IP & Law Office submitted a Request for Handling of Infringement to Hanoi Market Surveillance Department No. 1. However, because La Pharma primarily sold goods online and did not store inventory at its registered address, the authorities were unable to secure physical evidence of infringement.

A legal turning point occurred in November 2024, when the Trademark Examination Center of the VN IPO issued a Notice rejecting Laorganic’s opposition, thereby paving the way for the issuance of [Certificate of Trademark Registration](#) No. 525787 to Lưu Ngọc Anh in January 2025.

Retaliatory Measures and Abuse of IP Procedures by Lưu Ngọc Anh

Immediately upon obtaining the trademark certificate, Lưu Ngọc Anh launched a retaliatory legal campaign marked by procedural abuse of IP enforcement mechanisms, aimed at exerting maximum pressure on Laorganic (Korea) and its lawful distribution network in Vietnam.

- **Threatening Cease-and-Desist Letters:** Authorized distributors of Laorganic (Korea) successively received cease-and-desist letters from Lưu Ngọc Anh warning of legal consequences should they continue trading in “Foellie” products.
- **Media Takedowns - Demands to Remove Advertising Content:** Reports were filed with YouTube requesting removal of KOL/creator content relating to “Foellie”, creating an information vacuum, distorting consumer perception, and effectively paralyzing Laorganic’s share of voice.
- **Channel Squeeze - Demands to Suspend Accounts on TikTok, Shopee, Lazada:** Unilateral requests were submitted to e-commerce platforms to take down accounts that had operated for nearly a decade, thereby severing the digital commerce infrastructure of the distribution network - eliminating communication, order-processing, and customer-service channels and diverting consumers toward unauthorized sources.

- **Regulatory Activation - Targeted Administrative Complaints:** A petition was filed with the Vietnam E-Commerce and Digital Economy Agency, triggering Official Letter No. 892/TMĐT-QL to the Ho Chi Minh City Market Surveillance Sub-Department, in an effort to mobilize state instruments to legitimize pressure and disrupt the business operations of the opposing party.
- **Identity Misappropriation - Setting Up “Official” Proxy Channels:** To misappropriate commercial advantage and mislead consumers, Lưu Ngọc Anh self-registered TikTok channels and Shopee/Lazada accounts in his own name and openly used the “Foellie” logo and Laorganic’s entire brand identity, promoting them as official channels and creating a serious risk of confusion as to commercial origin.
- **Escalated Negotiations - Agreeing to “Sell” the Trademark at an Exorbitant Price:** Under intense legal and psychological pressure (widespread account takedowns, business operations stalled, and sales representatives repeatedly summoned by Market Surveillance authorities), Laorganic (Korea) was compelled to enter negotiations in hopes of persuading the other side to transfer the registered “FOELLIE” mark. Exploiting the asymmetry that he himself created and Laorganic’s weakened position, Lưu Ngọc Anh demanded an unreasonable price for assignment. After the first round of negotiations collapsed, he escalated the foregoing legal measures to force a second round of talks.

All of the above retaliatory actions occurred after the Hanoi Market Surveillance Team had conducted a surprise inspection and summoned Lưu Ngọc Anh regarding [copyright infringement](#) for use of the “Foellie” logo at Laorganic’s request; with knowledge that he was not the true owner of the mark and that the mark was under annulment review by the Intellectual Property Office of Vietnam. These acts do not constitute good-faith rights protection; they represent the exploitation of procedures to sow market confusion, to leverage platform takedown mechanisms, and to deploy administrative pressure for coercive gain. The result has been distorted competition, infringement of Laorganic’s copyright/brand identity, and a serious threat to the integrity of the digital commercial environment.

Corrective Action by TikTok Vietnam

Following persistent complaints and KENFOX IP & Law Office’s robust legal submissions, on **25 August 2025** TikTok Vietnam issued an official response: Owing to the “disputed nature” of the matter, the platform would suspend all previously requested takedown measures and **restore all content and accounts** associated with Laorganic’s authorized distribution network. Issued after careful consideration of the Complaint, this decision constitutes a necessary procedural adjustment. It recognizes the principle of independent assessment of trademark rights and copyright, and remedies the practical consequences of nearly six months of suspended seller accounts. Legally, this is a positive signal that the platform has reverted to appropriate IP-dispute handling standards: respecting the parallel operation of distinct legal regimes, safeguarding the market access of legitimate right holders, and avoiding the abuse of content-removal mechanisms as a tool of commercial pressure.

Invalidation of Certificate of Trademark Registration No. 525787 (“FOELLIE”)

On 15 September 2025, the Intellectual Property Office of Vietnam issued a decision annulling Certificate of Trademark Registration No. 525787 for “FOELLIE” in the name of Lưu Ngọc Anh, on the following key legal grounds: Article 74.2(g), Article 87.2, and Article 96 of the Law on Intellectual Property. This decision not only terminates the legal effect of a registration that had been misused as leverage for commercial coercion, but also reaffirms a core standard: trademark rights must derive from lawful entitlement and good-faith filing; registrations pursued with [bad faith](#) or improper intent will be excluded from protection.

Key Takeaways from the Case

1. Abuse of IP Enforcement Procedures

Article 198.5 of the Law on Intellectual Property establishes a vital safeguard against weaponizing IP rights: *“Any organization or individual that abuses procedures for the protection of intellectual property rights and thereby causes damage to another organization or individual must compensate for such damage.”* This provision is not only preventative; it also supplies a legal basis to address deliberate conduct that exceeds the lawful scope of protection for the purpose of unfair competition.

In the “Foellie” matter, the conduct of **Lưu Ngọc Anh** exemplifies procedural abuse to manipulate the market. Despite a clear expert conclusion by the Copyright and Related Rights Assessment Center

confirming copyright infringement, he proceeded to file for the “FOELLIE” trademark not to vindicate legitimate interests, but to retaliate against, and exert pressure upon, Laorganic (Korea) and its authorized distribution network in Vietnam.

- **Retaliatory, not protective, enforcement strategy:** Immediately after obtaining the certificate, Lưu Ngọc Anh initiated a sequence of threatening legal actions aimed at Laorganic’s vetted distributors, entities that had invested substantially in the Vietnamese market. Using IP rights as an offensive weapon, rather than to protect lawful interests, departs from the objectives of IP-rights protection procedures. This was a deliberate, calculated effort to appropriate the fruits of investment made by a foreign enterprise.
- **Bad-faith filing - turning a trademark into a legal weapon:** By applying to register “FOELLIE” while knowing it was not his intellectual asset, Lưu Ngọc Anh converted the registration procedure into a legal veneer for misappropriation. In a system that applies the **first-to-file** principle strictly, such bad-faith filing erected a **spurious legal barrier**, exposing injured parties to the risk of administrative measures, business suspension, or irrational loss of market share.
- **A trend of leveraging IP to suppress competition:** The “Foellie” dispute is more than a routine brand conflict; it is a warning about the emerging practice of using IP rights to stifle and dismantle the true trademark owner and its distributors in Vietnam. When IP is diverted from protecting creativity to eliminating rivals, the legal system itself becomes subject to manipulation. Unless such conduct is identified and addressed firmly, it will erode confidence in [the investment environment](#) - particularly among foreign businesses operating in Vietnam.

2. Misconceptions and Mechanical Handling by E-Commerce Platforms (Shopee, Lazada, TikTok) Causing Serious Harm

At the unilateral request of Lưu Ngọc Anh, Shopee, Lazada, and TikTok collectively removed and disabled the accounts of the **authorized distributors** of “Foellie” intimate perfume products in Vietnam. This occurred **despite** Laorganic (Korea) repeatedly submitting legal documentation and **KENFOX IP & Law Office** filing formal Complaints with the foregoing platforms.

- **Misconstruing “trademark” and “copyright”:** Under Vietnam’s IP regime, *trademark* and *copyright* are different legal regimes protecting different subject matter. Possession of trademark rights by an individual **does not** confer the right to use a logo or applied-art work protected by copyright in Vietnam in the name of another right holder (Laorganic). Confusing these regimes distorts the identification of ownership of two separate rights recognized by Vietnamese law and creates acute risks in dispute resolution - particularly where a party has deliberately registered a **trademark** to misappropriate a work **already protected by copyright**. Consequently, any action on takedown requests or on the recognition of rights on e-commerce platforms must be assessed with care, based on a clear distinction between these two regimes, so as not to facilitate infringement of others’ IP rights or **unfair competition under a legal pretext**.
- **Breaching their own stated policies:** E-commerce platforms such as Shopee, Lazada, and TikTok publicly declare that they “**respect and protect all intellectual property rights**”. Notwithstanding this statutory obligation, the platforms failed to undertake even a **minimum legal review** of the legitimacy of the takedown request and of KENFOX IP & Law Office’s Complaints in this dispute **before** imposing sanctions on lawful accounts.

Severe Consequences Caused by the Conduct of Lưu Ngọc Anh and the Platforms Shopee, Lazada, and TikTok to Laorganic (Republic of Korea) and Its Distributors in Vietnam

In this matter, Lưu Ngọc Anh took advantage of e-commerce platforms as instruments to carry out retaliatory measures. **Shopee, Lazada, and TikTok** made a grave error and caused irreparable harm by collectively removing the seller accounts of Laorganic’s **authorized distributors** of “Foellie” products in Vietnam - based solely on his unilateral request.

In the digital marketplace, a seller account on an e-commerce platform is not merely a transactional tool; it is **core commercial infrastructure** that sustains brand presence, customer engagement, marketing campaigns, and after-sales services. Account removal resulted in:

- **Severed direct communication channels** with customers, depriving the business of the ability to respond, provide care, and maintain consumer trust.

- **Erasure of accumulated digital assets**, including promotional content, product imagery, and positive reviews - causing serious damage to brand goodwill built over time.
- **Disruption of the supply chain**, preventing distributors from fulfilling orders, leading to revenue loss and diverting customers to **unauthorized sources**.

Unaddressed Legal Liability: When Digital Platforms Enable IP Infringement

Despite having been notified and provided with complete documentation evidencing that the “Foellie” logo is copyrighted by Laorganic (Korea), Shopee, Lazada, and TikTok nevertheless permitted Lưu Ngọc Anh to create channels and use the “Foellie” logo, while simultaneously removing content/accounts belonging to Laorganic’s authorized distributors.

This approach is not merely irresponsible; it introduces bias in dispute handling and, in effect, facilitates copyright infringement and unfair competition.

Proper handling upon receipt of Laorganic’s Complaint - supported by the legal dossier - should have included, at a minimum, the following measures: Suspend sanctions (account/content takedowns) against authorized distributors pending full verification; Conduct a threshold legal assessment to distinguish between trademark and copyright rights and to determine the appropriate treatment of the IP dispute; Reinstate accounts/content absent a clear and substantiated basis for infringement, and implement a transparent internal appeal mechanism with expedited timelines and a designated legal point of contact responsible for resolution.

Conclusion

The VN IPO’s Decision to annul Certificate of Trademark Registration No. 525787 marks a complete victory for Laorganic Co., Ltd. in reclaiming its brand and sends a strong message about the rigor of Vietnamese law toward [trademark](#) hoarding and misappropriation.

The annulment reflects the registrar’s exercise of corrective authority: although the opposition had previously been rejected, the IP Office reassessed the evidentiary record in its entirety and invalidated a registration obtained with bad faith. The deterrent is clear: the **first-to-file** principle does not shield malicious conduct, and the abuse of procedures to capture market advantage will not be tolerated.

From the standpoint of ethics and responsibility, **Lưu Ngọc Anh’s** conduct in the “Foellie” matter merits severe censure. Deliberately exploiting legal procedures to seize a brand inflicted serious economic and reputational harm on Laorganic and its distribution network, while undermining confidence in the fairness of the business environment. Although this legal victory ends an extended period of unjust coercion, it does not automatically erase the consequences Laorganic has suffered. Under **Article 198 of the Law on Intellectual Property**, Laorganic has a solid legal basis to seek damages for the **abuse of IP-rights protection procedures**.

Beyond legal obligations, a **public and sincere apology** is the minimum step **Lưu Ngọc Anh** should take to acknowledge responsibility for the harm caused. The “Foellie” dispute closes with justice served - a well-earned result for a legitimate enterprise and its legal team.

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