# The Intellectual Property Review

Third Edition

Editor
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Law Business Research

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This article was first published in The Intellectual Property Review - Edition 3
(published in May 2014 – editor Robert L Baechtold).

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# Chapter 32

# VIETNAM

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## I FORMS OF INTELLECTUAL PROPERTY PROTECTION

In Vietnam, intellectual property matters consist of copyrights and neighbouring rights; plant varieties; and industrial property rights, which include patents for inventions, patents for utility solutions (petty patents), industrial designs, layout designs of semi-conductor integrated circuits, business secrets, trademarks, trade names, and geographical indications.

### i Copyright

Copyright comprises copyright and related rights. Copyright is defined as the right of an organisation or individual to works they have created or own. Copyright-related rights are the rights of an organisation or individual to performances, sound recordings, video recordings, broadcasts, and encrypted program-carrying satellite signals. Computer software is included in copyright. Vietnam became a member of the Berne Convention for the Protection of Literary and Artistic Works on 26 October 2004.

### ii Plant varieties

Although Vietnam is an agricultural country, not many plant varieties have been registered. A plant variety is defined as a plant grouping within a single botanical taxon of the lowest known rank, morphologically uniform and stable through repeated propagation cycles, which can be distinguished by a phenotype expressed by a genotype or a combination of genotypes and is distinguishable from other plant groupings in at least one genetic phenotype. Vietnam has been a member of the International Union for the Protection of New Varieties of Plants since 24 December 2006.

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### iii Geographical indication

A geographical indication is a sign used to indicate that a product originates from a specific area, locality, region or country. So far, most geographical indication registrations have been domestic.

### iv Industrial design

An industrial design is defined as the appearance of a product expressed in shapes, lines, colours or any combination thereof. Vietnam recognises priority for industrial designs under the Paris Convention, but it is not a member of the Hague System for the International Registration of Industrial Designs.

An application for many embodiments (similar designs) is permissible, provided that they are quite similar. An application for designs of articles in a set of articles is allowable as well. Partial designs are not permissible; however, a Vietnamese application could claim priority from an application for partial design. Requirements on drawings are quite strict. In general, seven basic views are required, except for label designs. In addition, drawings should be very clear. Additional views are often required.

Submission of a specification is obligatory. The description therein should describe the appearance in words.

### v Trademark

A mark is defined as any sign, including a three-dimensional sign, used to distinguish the goods or services of different organisations or individuals. Vietnam recognises priority for trademarks under the Paris Convention, and applies Nice classification of goods and services. An application for a mark in multiple classes is permissible.

Certification marks and collective marks can be registered. Well-known marks can be protected without registration; however, intensive evidence of use of the mark in Vietnam is required to prove the well-known status.

### vi Patent

Vietnam provides patents for protection of inventions and utility solutions. The fields covered by patents for invention and patents for utility solution are the same. The application documents for the two kinds of matters are also the same. The requirements for an invention to be eligible for protection are: (1) worldwide novelty; (2) an inventive step; and (3) industrial applicability. A utility solution requires worldwide novelty and industrial applicability, but does not require an inventive step. A utility solution need only be 'not common knowledge'.

The period of patent protection is 20 years for inventions and 10 years for utility solutions. During prosecution, a patent application for invention may be converted into a patent application for utility solution and vice versa.

Vietnam is a member of the Paris Convention and a member of the Patent Cooperation Treaty (PCT). Applicants can choose the protection type (patent for invention or patent for utility solution) when filing an application under the Paris Convention and entering a PCT application. A national phase application should probably follow the formal requirements of the PCT, but Vietnamese examiners often require applicants to amend their applications to conform to Vietnamese formal requirements. There is no

extension of time for the submission of a Vietnamese specification, which can present difficulties to applicants.

A patent application will be examined as to formality, published and then examined as to substance. E-filing was trialled for a long time, but it still is not available. There is a lack of official regulations on specific cases. For example, the procedures to remedy a missed deadline are not indicated, even though the deadlines, such as the period of time for an applicant to respond to a National Office of Intellectual Property (NOIP) action, are quite short.

The online database does not cover a large range of information. For example, only 1,000 patent records are available in the database.

Unlike in large patent systems, the formality examination in Vietnam covers many issues of substantive examination. Foreign applicants may encounter office actions based on formalities such as clarity of claims or sufficient disclosure.

In substantive examination, because of backlogs at the patent office, examiners often suggest that the applicant conform the application to a corresponding patent granted by one of the larger NOIP offices.

The NOIP has three patent divisions, which may handle patent applications differently from each other in some aspects. For example, one division requires that statements of method of treatment in the description must be deleted or amended because method of treatment is an excluded subject matter. However, the other divisions do not require this. In some cases, after the applicant amends a description to avoid said objection, the application is assigned to another division, and is refused because of such amendment. So, some inconsistencies in examination may arise.

The accelerated examination system is not developed. Examiners have discretion on a request for accelerated examination. Therefore, it could be considered to be a case-by-case basis system.

A first filing is required. Specifically, an applicant will have to file a patent application in Vietnam, then six months later can file the applications abroad, if the invention is owned by a Vietnamese individual or Vietnamese organisation or is made in Vietnam. Otherwise, the invention will not be granted protection in Vietnam. Nevertheless, lack of detailed regulations is a concern of applicants. For example, if an invention is owned by a Vietnamese individual, and then is assigned to a foreign individual, a first filing will still be obligatory.

## II RECENT DEVELOPMENTS

The government has passed Decree 72/2013/ND-CP and Decree 99/2013/ND-CP, bringing some changes to the regime in resolving domain-name disputes. Under Decree 72/2013/ND-CP, the government expressly sets forth three measures to resolve domain name cybersquatting, namely, mediation, arbitration, and civil action. However, the Decree seems to still need more clarity in domain-name resolution as it prescribes the grounds for such resolution too vaguely. Indeed, the Decree causes confusion to brand owners as to whether they must meet all or just any one of the prescribed grounds to retrieve the disputed domain name. Additionally, the Decree does not touch on administrative measures as a route to resolve domain-name disputes.

Decree 99/2013/ND-CP seems to demonstrate positive progress in domain-name disputes when clearly stipulating administrative action as a measure to resolve the dispute. The Decree also shortens the timing in the action, which can help brand owners protect their rights more effectively.

In the realm of enforcement, recently, competent authorities have been more willing to deal with patent infringement. The Inspectorate of the Ministry of Science and Technology, one of the few agencies empowered to deal with patent infringement, has just concluded a case in the pharmaceutical field. Further, and for the very first time in Vietnam, the local courts are also handling two patent infringement cases.

## III OBTAINING PROTECTION

### i Exclusions

Vietnam is a member of the World Trade Organization. Excluded subject matters must comply with WTO requirements. In general, excluded subject matters in Vietnam are those commonly recognised as such internationally. However, the following excluded areas should be noted.

***Genetic material***

Genetic material, whether natural or mutated, and genetically altered cells, plants, animals are patentable subject matters.

***Plant or animal varieties***

Under Article 59 of the Law on Intellectual Property, plant or animal varieties are excluded from patent protection. However, if the invention concerns plants or animals and if the technical feasibility of the invention is not confined to a particular plant or animal variety, the invention is patentable.

Processes for producing plant or animal varieties are patentable. However, these processes must not be essentially biological processes and must not comprise processes which produce plant or animal varieties through essentially biological processes.

The question whether a process is 'essentially biological' is one of degree, depending on the extent to which there is technical intervention by man in the process. If such intervention plays a significant part in determining or controlling the result it is desired to achieve, the process will not be an essentially biological process. For example, a method of treating animals by radiation to obtain more milk and a method of obtaining good pork by improving the feed method are patentable.

***Microorganisms***

An invention concerning microorganisms is an invention for producing chemical substances (for example, antibiotics) or for disintegrating a substance via microorganisms such as bacteria, fungi, and viruses. Microorganisms and microbiological processes would be patentable if they are not excluded under Article 8.1 of the Law on Intellectual Property, which excludes subject matters contrary to public policy or morality.

*Business methods*

Methods for doing business are an excluded subject matter. However, if a claimed subject matter, in its entire content, includes not only methods for doing business, but also describes a technical process or apparatus to perform at least some part of these methods with specific technical features, then this subject matter, under an overall consideration, will not be an excluded subject matter under Article 59 of the Law on Intellectual Property.

*Computer programs*

Although computer programs are excluded from patent protection, if the claimed subject matter has a technical character and is a technical solution for solving a technical problem by technical means to attain a technical effect, it can be patented. As a consequence, a computer program may be considered as an invention if the program has the potential to bring about, when running on a computer, a further technical effect which goes beyond the normal physical interactions between the program and the computer.

However, even in the case of said patentable program for computer, the designations of subject matters of claims in the form of 'program for computer', 'software for computer', 'program for computer/software for computer product', 'signal carrying program', and the like are not acceptable. The designations of subject matters of claims for said patentable computer programs can be, for example, 'method of operating a normal apparatus', 'apparatus set up to execute a method', or 'readable medium carrying a program to execute a method'.

*Methods of medical treatment*

This subject matter is excluded from patent protection. In fact, some patent examiners consider any method with at least one step performed on the body to be a method of treatment. From an applicant's perspective, such method should be considered to be a method of treatment only when the scope of protection prevents a doctor from treating a patient.

*Second (and further) medical use inventions*

In Vietnam, a second medical use invention is understood as an invention in which the substance is known but the medical use is new. Although many patent examiners believe that such an invention is not patentable, the matter is still in dispute. This is because the legislation does not specify clearly whether only a new substance renders the invention novel. In addition, the Vietnamese Guidelines for patent examination have seemingly considered a second medical use invention to be permissible and some legal documents seemingly support new use to be a new technical feature. In practice, selection inventions are acceptable. The substance in a selection invention is also not new and therefore the novelty of new use should be acknowledged.

Normal formats for a second medical use invention are use claims or method-of-treatment claims. Method-of-treatment claims have never been acceptable in Vietnam. Use claims have not been permissible since 2006. Therefore, Swiss-type claims are not usable. Method-of-treatment claims and use claims will be objected to accordingly. When the claims are converted into process claims, they would be objected to by the patent office as lacking process steps. When they are converted into dependent substance

claims, they would not be objected to, but the examiners would imply that the scope of protection of such a claim is zero. When they are converted into independent substance claims, many different objections to them have been raised. For example, many examiners believe that the converted claim goes beyond the original disclosure and many examiners object to its novelty because the substance is not new; etc.

Therefore, this matter is quite complex from the perspective of foreign applicants. Official communications from the NOIP have not been issued to resolve this dispute.

*Gambling machines*

Gambling machines have currently been excluded from the patent system although some patent experts believe that the exclusion does not comply with TRIPs. Vietnam has some casinos for foreign people. Experts argue that the casinos in combination with Item 2 in Article 27 of TRIPs allow gambling machine inventions to be patented in Vietnam. A deeper study should be conducted to reach a conclusion as to whether the exclusion violates TRIPs and must be removed.

### ii Permissibility of amendment

Like many patent systems, under Vietnamese regulations, an amendment to a specification must not go beyond the original disclosure. Many examiners look at technical features to check whether any new features have been added. However, many examiners look at the protection form to say whether an amendment goes beyond the original disclosure. In the latter case, conversion of claim categories is difficult and a new combination of disclosed features would be objected to.

### iii Grace period

A grace period of six months is available if the invention is published without permission of the owner, it is published in the form of a scientific report by the owner, or the owner shows it at certain exhibitions. Nevertheless, the lack of detailed regulations is a concern for applicants. For example, it is unclear what document must be submitted to seek the grace period.

### iv Submission of documents during examination

Circular 01/2007/TT-BKHCN introduces a regulation permitting the NOIP to require an applicant to file relevant documents issued by foreign patent offices on corresponding applications. It seems that beyond the strict terms of this regulation, some patent examiners require applicants to submit Vietnamese or English translations of foreign granted patents, which involves significant fees.

### v Length of protection

The protection term for a patent for invention of 20 years is normal. However, the actual period of examination is not short and there is no real accelerated examination process, resulting in a demand for establishing an extension of patent term such as that found in many foreign patent regimes.

## IV ENFORCEMENT OF RIGHTS

Although Vietnam has been a member of TRIPs for many years and aspires to join the Trans-Pacific Partnership, which aims for stronger IPR protection, enforcement of intellectual property rights in Vietnam, especially patent enforcement, often falls short of the expectations of IP holders.

### i Possible venues for enforcement

Basically, there are four legal actions upon which right holders rely to protect and enforce their IPRs, namely, administrative action, civil litigation, border control, and criminal action. However, criminal action is not available in a patent infringement case.

Administrative actions are both cost-effective and time-efficient, and this is the most common route in Vietnam for most companies if their main priority is to stop an ongoing infringement.

Civil action is currently not widely used because right holders often feel the courts are inexperienced. However, civil action is gaining in popularity because it provides unique remedies that are not available under administrative action, such as compensation for damages, a public apology and rectification and recovery of attorney's fees.

Border control can be considered a type of administrative action. By virtue of border-control measures, right holders can seek a customs seizure of an infringing shipment crossing the borders of Vietnam.

In Vietnam, criminal prosecutions have the power to award the harshest penalties for IP infringement. Criminal charges can be brought against copyright infringement and IP counterfeiting under Article 170a and Article 171 of the Penal Code, respectively. Patent infringement is not subject to criminal liability. At present, due to a lack of guidelines and an inconsistency in regulations on the actions, criminal action against IP crimes is practically unfeasible.

### ii Requirements for jurisdiction and venue

In administrative action, there are various authorities empowered to carry out the action such as the police, the Inspectorate of the Ministry of Science and Technology and the Market Control Force. However, only the Inspectorate of the Ministry of Science and Technology and Customs are entitled to address patent infringement. The local People's Committee upon request by the Inspectorate of the Ministry of Science and Technology and Customs is also entitled to sanction a patent infringement.

To initiate an administrative action, the right holder must file a complaint with a competent authority. The authority examines the request within one month from the filing date. When the request and its accompanying documents are found to be satisfactory, the competent authority will then raid and seize infringing goods without prior notice to the infringer. If infringement is found, the competent authority shall impose sanctions upon the infringer.

To employ a civil action, the right holder would need to file a petition and necessary documents to the court within two years from the date on which the holder discovers that its rights have been infringed. It usually takes four to 12 months for a case to come to hearing. If the parties are able to reach an amicable agreement before

the judgment is issued, the court will acknowledge its agreement and issue its decision accordingly.

A court's judgment at the first instance can be appealed to a higher court within 15 days from its issuance. The court will begin its hearing four to 12 months from the appeal.

In Vietnam, there is no legally binding preventive adjudication like a declaratory judgment. To dispel the cloud of an infringement lawsuit hanging over its head, the putative infringer should seek expert opinions on the infringement instead. Although an expert opinion is not binding and affirmative, such opinion could help the accused infringer to rectify the situation.

### iii Obtaining relevant evidence of infringement and discovery

Prior to instituting any legal actions, the right holder must collect evidence of infringement such as samples of the infringing products, advertisement of the infringing products, etc. The holder could also seek legal actions based on evidence that the competent authorities collect in other cases. For example, the right holder can use the evidence collected in an administrative action to commence civil litigation to claim for damages.

The mechanism of discovery of evidence does not exist in Vietnam. However, litigants have the right to study the evidence submitted by the other party to the court. For collecting evidence that is under the control of the other party, either the plaintiff or defendant has the right to request the court to compel the party to produce such evidence.

### iv Trial decision-maker

In the Vietnamese court system, there are no special chambers dealing with IP cases, including patent infringement cases. IP dispute cases shall be treated as other disputes when it comes to resolution by the courts.

Many Vietnamese judges lack experience and knowledge on IP, especially regarding patents. Some judges have very little experience with IP even though they are assigned to deal with an IP case. In practice, when handling an IP case, judges often rely on an expert opinion, as the expert opinion often provides them with guidelines to deal with the case.

The panel for first-instance trial of civil cases shall be composed of one judge and two people's jurors. In special cases, the first-instance trial panel may consist of two judges and three people's jurors[2]. Generally, there are no judges specialising in IP cases.

### v Structure of the trial

The principle of judicial inquisition is dominant and has become a customary practice of the local courts. Recently, Vietnam has been trying to introduce the doctrine of oral arguments to improve its adjudication system.

The burden of proving infringement initially lies with the plaintiff. However, in the case of infringement of a patented process, the burden of proof may switch to the

2 Article 52 of the Code on Civil Procedure.

defendant if the product made by the patented process is new, or is not new but the patent owner believes that the defendant's product is made by the patented process and is unable to identify the process used by the defendant despite reasonable measures taken.[3]

Under Article 82 of the Code on Civil Procedure, evidence may be collected from the following sources:

*a* readable, audible or visible materials;
*b* exhibits;
*c* involved parties' testimonies;
*d* witness testimony;
*e* expert conclusions such as the expert conclusion of the Vietnam Intellectual Property Research Institute (VIPRI);
*f* on-site appraisal results;
*g* practice;
*h* property valuation and price appraisal results; and
*i* other sources prescribed by law.

Every piece of evidence shall be publicly and equally disclosed and used during the trial. However, courts will not publicise evidence related to state secrets, 'fine customs and practices' of the nation, professional secrets, business secrets or secrets of individuals' private lives at the legitimate request of the litigants.[4]

Due to the lack of knowledge and experience in IP, Vietnamese courts often rely on expert opinions to handle IP cases. Therefore, generally speaking, the decisive factor in a civil action is an expert opinion from an authorised expert witness, although, technically, it is not binding. So far, VIPRI is the only agency in Vietnam playing the role of expert witness in the IP field. Apart from VIPRI, the NOIP can also issue its opinion, which is of the same value as a VIPRI expert conclusion.

Vietnamese courts strictly follow the principle of a continuous trial. The hearing shall be conducted orally and continuously, excluding breaks.[5] Typically, a trial can last one or several days depending on the complexity of the case.

The court's judgment is often pronounced right after the hearing. Within a time-limit of 10 days from the date of pronouncement of the judgment, the court shall deliver or forward the judgment to the concerned parties.[6]

### vi Infringement

A statement of claims must contain the information prescribed under Article 164 of the Code on Civil Procedure. Particularly, apart from the claims, the petition must indicate the date of the petition; name of the court receiving the petition; name and address of the litigators, the person whose rights and interests must be protected (if any), the defendant, witnesses, and the persons with related rights and obligations (if any).

3 Article 203 of the IP Law.
4 Article 97 of the Code on Civil Procedure.
5 Article 197 of the Code on Civil Procedure.
6 Article 241 of the Code on Civil Procedure.

If the plaintiff comes from a foreign country, the petition as well as other documentary evidence must be legalised prior to the filing. However, in cases where the plaintiff comes from a country that has a judicial assistance agreement with Vietnam with regard to civil actions, the formality of documents submitted to the courts could possibly be simple. For example, France and Vietnam have a judicial assistance agreement in civil suit and case documents that come from France are not required to be legalised for the purpose of civil litigation.

Vietnam applies the doctrine of equivalents in finding patent infringement. This means that patent infringement not only covers literal infringement but also extends to equivalent infringement.

### vii Defences

A putative infringer will always try to seek a defence against an IP infringement charge. In a patent infringement case, the following defences can be raised:

*a* prior use – as the alleged infringer has the prior use right, the putative infringer shall not be held liable for the use of the granted patents of the patentee;[7]

*b* fair use – the alleged infringer uses the patent fairly for personal needs or non-commercial purposes, or for the purposes of evaluation, analysis, research, teaching, testing, pilot production or for collecting information to carry out procedures to obtain a production licence, or import or product marketing permit;[8]

*c* parallel importation – Vietnam applies the doctrine of international exhaustion. Accordingly, parallel importation of the patented goods[9] will not constitute patent infringement;

*d* compulsory licence – the alleged infringer has the rights to use the patent under a compulsory licence.[10] In this case, that person could not be charged with patent infringement. However, in practice, Vietnam has never granted any compulsory licence;

*e* the use of the patent only for the purpose of maintaining the operation of a foreign vehicle in transit or only temporarily entering into the territory of Vietnam;[11] and

*f* the statute of limitations. When the statute of limitations runs out, the competent authorities may decline to resolve the case. In administrative action, the statute of limitations is two years from the date of termination of the patent infringement if the infringement has ended. If the infringement is ongoing, the statute of limitations shall be two years from the time of detecting the infringement.

Equitable defences including laches and estoppel do not exist under the prevailing laws and regulations.

7 Article 125.2.d of the IP Law.

8 Article 125.2.a of the IP Law.

9 Article 125.2.b of the IP Law.

10 Article 125.2.dd of the IP Law.

11 Article 125.2.c of the IP Law.

In civil action, the statute of limitations is two years from the date on which the patentee becomes aware that its legitimate rights and interests are being encroached.

When a lawsuit is instituted, a defendant can take various kinds of countermeasures against a plaintiff in proceedings. In practice, the common measures that are taken by the defendant include cancellation of the preliminary injunctions, invalidation of the IP registration and claim for recovery of damages caused by the plaintiff's actions.

### viii Time to first-level decision

Statutorily, within two to six months of receiving a complaint, the courts must open a hearing. However, in practice, it usually takes between six and 12 months for a case to come to hearing. If the parties are able to reach an amicable agreement before the judgment is issued, the court will acknowledge their agreement and issue its decision accordingly.

### ix Remedies

The following remedies are available under a patent infringement case in the courts:[12]

*a* compulsory termination of the act of IPR infringement;
*b* compulsory public rectification and apology;
*c* compulsory performance of civil obligations;
*d* compulsory compensation for damages; and
*e* compulsory destruction or distribution or putting to use for non-commercial purposes of goods, materials and implements, the predominant use of which is for the production and trade of goods infringing intellectual property rights, provided that such distribution and use does not influence the exploitation of rights by the right holder.

Preliminary measures (PM) are available under Vietnamese law. However, when seeking PMs, the right holder must prove to the court that its request for PMs falls within the following criteria:

*a* there is a demonstrable risk of irreparable damage caused to the patentee; or
*b* there is a demonstrable risk of removal or destruction of goods suspected to infringe IPRs or relevant evidence of infringement of IPRs if they are not protected promptly.

An application for PMs can be lodged at any time during the civil action. If the application is filed before the hearing, the judge in charge of the case shall consider and decide on the PMs. If the application is filed during the hearing, the judging panel shall consider and decide on the PMs.[13]

In the former case, within three days after the receipt of the applications, subject to the applicant having deposited a bond or submitted a bank guarantee, the judge must decide whether to apply the PM.

12 Article 202 of the IP Law.

13 Article 100 of the Code on Civil Procedure.

In the latter case, the judging panels shall consider and issue decisions to apply the PM immediately or after the applicant has completely deposited the bond or submitted the bank guarantee.

Attorneys' fees, in principle, can be recovered by the plaintiff if the plaintiff wins the case. In practice, some courts have indeed awarded the legal fees incurred by the plaintiff as a result of the civil suit. However, in such cases, the plaintiff must provide sufficient documents establishing the fees.

### x Appellate review

Vietnamese courts implement the two-level adjudication system (two instances of trial).[14] Apart from the two-instance trials, Vietnamese law also provides for the following special procedures to review enforceable decisions or judgments:

*a* cassation review (judicial review) in case of a finding of serious breach of the law in the course of handling the case; and

*b* new trial (or reopening trial) in case of a finding of fresh evidence that may fundamentally change the content of a judgment or decision of a court and that was previously unknown to the parties or the court when the court made such judgment or decision.

The cassation or reopening trial panels of the provincial-level courts shall be the judges' committees of the courts. Meanwhile, the cassation or reopening trial panel of the Supreme People's Court shall be the Judges' Council of the Supreme Court.[15]

The sessions of cassation review and new trial shall require the presence of the Procuracy. When deemed necessary, the court could summon concerned parties to the cassation review and new trial sessions.[16]

A protest from the chief judge of the court or the Procuracy at the same level as the court will open up the review sessions. Within four months from the date of receiving the protests and case files, the competent courts must open court sessions to review cases.

### xi Alternatives to litigation

As alternatives to litigation and administrative action, right holders can opt for arbitration and informal actions such as sending cease-and-desist letters or mediation, to protect their rights.

To bring a dispute to arbitration, it is mandatory to obtain the consensus of the infringer. However, in practice, it is quite difficult to obtain such consensus from the infringer. As such, virtually no IP infringement has been resolved by arbitration, to our best knowledge.

Concerned parties can embark on mediation whereby the parties can reach agreement on an amicable resolution of the case. Typically, mediation often follows the sending of a cease-and-desist letter. In some cases, especially where the infringer commits

14 Article 17 of Code on Civil Procedure.

15 Article 54 of the Code on Civil Procedure.

16 Article 292 of the Code on Civil Procedure.

the infringement out of ignorance of the law, a cease-and-desist letter and a mediation process can work well.

## V TRENDS AND OUTLOOK

There are an increasing number of right holders who aspire to seek remedies that are only available in civil actions, such as compensation for damages or a public apology. Therefore, recent years have witnessed an upward tendency in employing civil action though the trend is still vague.

There will be major developments in enforcement in Vietnam as Vietnam considers IPR issues a priority for its global integration. It is hoped that admission to the Trans-Pacific Partnership will improve the current ineffective enforcement regime of Vietnam. For the time being, right holders should keep up their initiatives to protect their rights and interests.

## Appendix 1

# ABOUT THE AUTHORS

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Thang Duc Nguyen is a certified attorney-at-law and manages the patent group in Tilleke & Gibbins' Vietnam offices. Thang specialises in prosecuting patent and industrial design applications for foreign clients in all industry sectors, from chemical to automotive to software. His efficient, methodical, detail-oriented working style has helped him handle more than 900 patent applications in over 14 years in the practice area. Thang also advises clients on patent issues and strategies in Vietnam, and handles other proceedings related to patent and design.

An avid lifelong learner, he has earned degrees in disparate fields of law, organic chemistry and English. Thang is a member of the Hanoi Bar Association and a Vietnam-qualified patent agent.

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Loc Xuan Le is a principal in T&G Law Firm LLC (TGVN), a licensed law firm and IP agent that partners with Tilleke & Gibbins for local filings in Vietnam. With 10 years of experience in IP enforcement, he has cultivated strong relationships with Vietnamese authorities including the court, market control, inspectors, the police, customs, and People's Committees of various levels. He has organised and overseen raids for leading clients in the automotive, high-tech and luxury goods industries. In addition to IP enforcement, Loc also represents clients on technology transfer, IP licensing, and franchising matters.

Loc is a member of the Hanoi Bar Association and a qualified intellectual property agent at the National Office of Intellectual Property of Vietnam. He also serves as a visiting professor at some of Vietnam's top universities and regularly publishes on IP matters.

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Linh Duy Mai is a consultant with T&G Law Firm LLC (TGVN), a licensed law firm and IP agent that partners with Tilleke & Gibbins for local filings in Vietnam. His practice focuses on the enforcement of intellectual property rights in Vietnam, Linh has helped clients in a wide range of industries – including automotive, computer software, cosmetics, fashion, and food – to protect their valuable trademarks and patents in Vietnam.

Linh was a top student at the People's Security Academy, where he received a BA in English, with distinction. Linh served in the police and worked in the faculty of the People's Security Academy before moving into private practice. His law enforcement background is a major asset when representing clients in criminal cases in IP.

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