

# **“Registration and Enforcement of Trademark Rights in Vietnam”**

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## **Abstract**

Intellectual Property has been playing a very important role in socio-economic development and become a big concern of many countries. And Vietnam is not an exception. The acquisitions of Intellectual Property Rights are important steps towards Intellectual Property Right protection but it is of little economic value if these rights cannot be effectively enforced. The credibility of the Intellectual Property system depends to a considerable extent on the enforceability of Intellectual Property rights conferred thereby. Well-functioning Intellectual Property enforcement mechanisms are the best means to limit the number of infringements of Intellectual Property rights and to ensure that Intellectual Property right holders and the society as a whole can enjoy the benefits from the IP system.

In recent years, Vietnam has made remarkable legislative changes in the area of Intellectual Property by promulgating the first Intellectual Property Law in 2005, one year before Vietnam become a member of WTO. Despite the development in the field of legislation, the enforcement of Intellectual Property rights in practice is beset by facing many difficulties and those difficulties derived from the lack of legal grounds for dealing with Intellectual Property infringement, as well as the lack of knowledge and experience of relevant enforcement agencies.

As Intellectual Property is still a new field in Vietnam, the government is trying to improve the legislation system and acquire experience from developed countries with a view to building a better Intellectual Property system. In addition, as a member of TRIPS, Vietnam must ensure that enforcement procedures are available under the Vietnamese Intellectual Property Law so as to permit effective action against any act of infringement of intellectual property rights, including expeditious remedies to prevent infringement.

However, Vietnam, having a long border with China, Laos and Cambodia, is facing serious problem regarding the enforcement of intellectual property rights. The matter, of course, does not only happen at the borders but also inside the country itself. Although the enforcement of intellectual property rights has been paid a special attention, unfortunately the actual enforcement of such rights is not as good as expected.