

# Intellectual Property Disputes And 5 Important Things You Need To Take Care Of In Vietnam

In recent years, disputes over intellectual property have received more attention due to the increasing awareness and the need to protect intangible assets of enterprises and individuals. However, due to the novelty of these types of disputes, there are still issues that businesses and individuals participating in the dispute need to grasp.

## 1. Coming to an agreement with the violating party

**Resolving intellectual property disputes** through the Court often takes time and money.

Therefore, the first step is to resolve disputes related to intellectual property rights. You need to enter into an agreement with the aggrieved party. This can be done by sending an email or official dispatch to the individual or legal entity. If the two sides cannot reach a mutual agreement by phone or in an arranged meeting, they can proceed to court.

## 2. Preparing relevant evidence and filing a lawsuit

At this stage, you need to gather evidence related to the case such as, Certificate of ownership registration, and documents proving the infringement of the other party. The more detail and specific the evidence is, the higher your chances of winning the law suit. With the evidence, the aggrieved party may be entitled to claim for damages.

In particular, if you are without a certificate of ownership, it is very difficult to win the case because the court has no basis to protect you.

The dossier to initiate a lawsuit includes the:

- Petition
- Documents relating to the lawsuit (certificate of intellectual property registration, documents proving the infringement of the aggrieved party)
- Identity card, household registration (notarised copies) if it is an individual

– Documents about the legal status of the petitioner, the litigants and other related people such as licenses, decisions on establishment of enterprises, certificates of business registration; operation charter, appointment decision or appointing the representative of the enterprise (a copy with true copy) if it is a legal entity.

– A list of documents to be submitted with the lawsuit (clearly stating the number of originals and copies).

### **3. Determining the competent court for resolving the intellectual property dispute**

Basically, **intellectual property disputes** shall be resolved by the People's Courts of districts, urban districts, towns and cities directly under the central government of Vietnam. Firstly, we need to determine the jurisdiction to resolve the case under the 2015 Civil Procedure Code. The authorities to resolve the case of intellectual property infringement belongs to the district People's Court. If either party to the dispute or property is abroad, the dispute will fall under the jurisdiction of the provincial people's court.

### **4. Preparing the application for litigation in court**

The application must be concise and clear because what the judges are concerned about is the arguments and the evidence you have to establish the defendant has violated your intellectual property rights, not how frustrated you are.

### **5. Reinforcing evidence and preparing for appellate trial**

After the first instance trial, you must immediately consolidate the evidence and application, in case you seek leave or have your judgement go to appeal. You will rely on the evidence that both sides made in the first instance trial, and the arguments that both sides made in the first instance trial. Eliminate unnecessary evidence and collect additional relevant evidence is the key for you to achieve a best result.

To initiate a lawsuit, you should consult or hire a lawyer to resolve your case, including completing the litigation process.

If you are having difficulty finding an **Intellectual Property Law Firm in Vietnam**, please contact us: P & Associates is a **professional law firm established in Vietnam** and currently has nearly 100 members working at three offices in Ho Chi Minh City, Hanoi and Da Nang. P & Associates are also considered to be one of **the leading law firms specialising in law on business in Vietnam**, which has a number of notable practice fields in the legal market such as **Labour and Employment, Banking Law, Taxes, Purchases, Selling and Merging, Litigation, IPO advisory services and Intellectual Property**. We are confident to be the **Intellectual Property Law Firm in Vietnam** providing clients with legal services optimally and effectively.