

HOW SHOULD BUSINESSES RESPOND TO TRADEMARK INFRINGEMENT ON E-COMMERCE PLATFORMS?



Goods bearing signs identical or confusingly similar to protected trademarks are increasingly common on e-commerce platforms. From July 1, 2026, the 2025 E-Commerce Law officially takes effect, placing clearer responsibilities on platforms to cooperate in handling infringement. This document systematizes the process businesses can follow when they discover their trademark has been infringed.



IDENTIFYING INFRINGEMENT

WHAT ACTS ARE CONSIDERED TRADEMARK RIGHTS INFRINGEMENT?

Under Clause 1, Article 129 of the Intellectual Property Law, the following acts, if performed without the owner's permission, are considered infringement:

- 1** Using a sign identical to the protected trademark for goods or services identical to those registered under that trademark.
- 2** Using a sign identical to the protected trademark for goods or services similar to or related to those registered under that trademark, where such use is likely to cause confusion as to the origin of the goods or services.
- 3** Using a sign similar to the protected trademark for goods or services identical, similar to, or related to those registered under that trademark, where such use is likely to cause confusion as to the origin of the goods or services.
- 4** Using a sign identical or similar to a well-known trademark, or a sign that is a translation or transliteration of a well-known trademark, for any goods or services — including goods or services not identical, not similar, and not related to those bearing the well-known trademark — where such use is likely to cause confusion as to the origin of the goods or to create a false impression of a connection between the user of the sign and the owner of the well-known trademark.

IDENTIFYING INFRINGEMENT

WHAT GOODS ARE CONSIDERED COUNTERFEIT INTELLECTUAL PROPERTY?

Under Article 213 of the Intellectual Property Law, goods bearing a sign identical or so similar as to be indistinguishable from a protected trademark, without the owner's permission, are determined to be counterfeit trademark goods.

- 1** Counterfeit intellectual property goods under this Law include counterfeit trademark goods, counterfeit geographical indication goods, and pirated goods as defined in Clauses 2, 3, and 4 of this Article.
- 2** Counterfeit trademark goods are goods or packaging bearing a trademark, sign, stamp, or label containing signs identical or so similar as to be indistinguishable from a protected trademark used for the same type of goods, without the trademark owner's permission.
- 3** Counterfeit geographical indication goods are goods or packaging bearing a sign, stamp, or label containing signs identical or so similar as to be indistinguishable from a protected geographical indication used for the same type of goods, where such sign was affixed by an organization or individual not entitled to use the geographical indication under Clause 4, Article 121 of this Law or under the law of the country of origin of that geographical indication.
- 4** Pirated goods are copies produced without the permission of the copyright owner or related rights holder.

PROCESS FOR BUSINESSES TO HANDLE TRADEMARK INFRINGEMENT

01 Self-protection: gather evidence, prepare documentation

Under Article 198 of the Intellectual Property Law, the rights holder may require the infringing party to cease the act and remove the infringing content, request state authorities to take action, or file a lawsuit.

- ✓ Preserve evidence of infringement (screenshots of the storefront, product links, timestamps).
- ✓ Prepare a copy of the Trademark Registration Certificate to prove ownership (Article 203).
- ✓ May authorize another organization or individual to carry out self-protection measures (Clause 1a, Article 198).

02 File a complaint directly with the e-commerce platform

From July 1, 2026, the 2025 E-Commerce Law takes effect. Under Articles 15 and 17, platforms are responsible for promptly checking, reviewing, and removing content upon receiving an infringement report.

- ✓ Each platform must publicly disclose its contact channel, process, and specific response deadline (Article 7, Decree 248/2026/ND-CP).
- ✓ Submit the complaint through this designated channel, together with the ownership documentation prepared in Step 1.

Articles 198, 203 IP Law · Articles 15, 17 E-Commerce Law 2025 · Article 7 Decree 248/2026/ND-CP

PROCESS FOR BUSINESSES TO HANDLE TRADEMARK INFRINGEMENT

03 Request administrative handling by state authorities

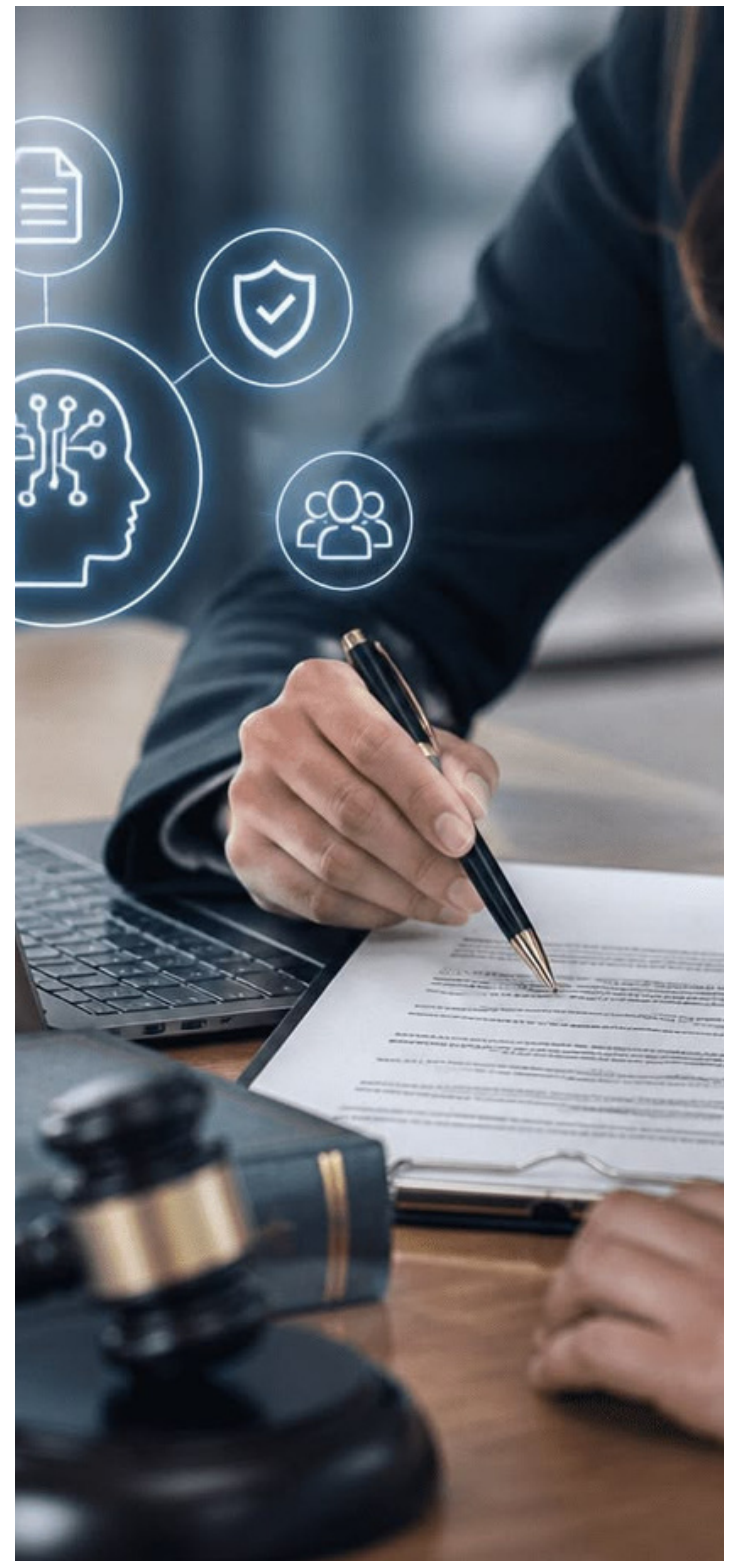
If the platform fails to handle the matter adequately, request handling by the Inspectorate, Police, Market Surveillance, Customs, or People's Committee (Article 200). Basis: the act causes damage or involves trading counterfeit trademark goods (Article 211); penalties follow administrative sanctions law (Article 214).

04 File a civil lawsuit in court

Under Articles 199 and 202, the plaintiff may request the court to order cessation of the act, a public apology and correction, damages (Articles 204, 205), or destruction of the infringing goods. The plaintiff must prove ownership and the infringing act (Article 203).

05 Request criminal prosecution (serious cases)

Under Article 212, large-scale, organized, repeat, or seriously damaging infringements may be subject to criminal prosecution - businesses may file a report with the investigating authority.



Articles 199, 200, 202, 203, 204, 205, 211, 212, 214 of the Intellectual Property Law



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