**PROCEDURES AND COSTS FOR RENEWAL CERTIFICATE OF TRADEMARK REGISTRATION**

***Legal basis:***

*Intellectual Property Law 2005 to amend and supplement 2019;*

*Circular 01/2007/TT-BKHN is amended and supplemented by Circular 16/2016/TT-BKHCN;*

*Circular 13/2010/TT-BKHCN;*

*Circular 263/2016/TT-BTC.*

1. **How long is the validity period of the Trademark Registration Certificate?**

According to the provisions of Clause 6, Article 93 of Intellectual Property Law 2005 to amend and supplement 2019 (“**Intellectual Property Law**”) regulations on certificate of trademark registration are valid from the grant date until the end of 10 (ten) years from the date of application, can be renewed several times in a row, each ten years.

1. **When is the time to renew the Certificate of Trademark Registration?**

Within 06 months before the date of expiration Certificate of Trademark Registration, trademark owners must file an extension request and prescribed fees to the National Office of Intellectual Property. In addition, an extension request for renewal may be filed late but no later than 06 months from the date the Certificate expires and the trademark owner must pay an additional late renewal fee.

The start date of the trademark renewal period is the filing date and is NOT the date of issue Certificate of Trademark Registration.

1. **What are the legal consequences when the Certificate of Trademark Registration expires?**

In case the trademark owner fails renew Certificate when the Certificate has expired, the trademark owners will no longer have the following rights:

* Use, allow others to use the trademark;
* Prohibit others from using the trademark;
* The right to dispose of the trademark.
1. **Procedures for renewal the Certificate of Trademark Registration**

The trademark renewal procedure will be carried out according to the following steps:

**Step 1:** Determine when the trademark expires for renewal;

**Step 2:** Prepare dossiers for extension of the validity Certificate of Trademark Registration.

Records include:

* The declaration requesting extension of validity of protection title (form 02-GHVB specified in Appendix C of Circular 01/2007/TT-BKHCN);
* The original Certificate of Trademark Registration (in case the renewal is requested to be recorded in the Certificate of Trademark Registration);
* Power of attorney (if any);
* A copy of the voucher for payment of fees and the renewal fee;
* Other documents (if needed).

**Step 3:** Submit application for renewal Certificate of Trademark Registration

* Filed directly at the National Office of Intellectual Property: or
* Submit an application by post.

**Step 4:** Track the renewal application after submission

**Step 5:** Get the result

* Valid dossiers: The National Office of Intellectual Property issues a decision to record the validity extension of the Certificate and publish in the Industrial Property Official Gazette. Update the renewal content to the original Certificate (if any) and return the Certificate of Trademark Registration to the owner.
* Invalid dossiers: The National Office of Intellectual Property issued a notice of its intention to refuse to renew, state the reason and within 02 months from the date of notification for the requester to correct errors or give comments. If at the end of the 2 months of the time limit, the requester fails to correct the omission or unsatisfactory correction of deficiencies, if there is no other opinion, the NOIP shall issue a decision to refuse to extend the validity of the Certificate.
1. **Cost of renewal Certificate of Trademark Registration**

According to **Circular 263/2016/TT-BTC**, the cost of renewing a trademark protection title includes the following items:

* Validity extension fee: 100,000 VND;
* Late renewal fee for trademarks: 10% of renewal fee/month for late payment;
* Fee for appraisal of request for extension is: 160,000 VND/ 1 protection certificate;
* The fee for using the protection certificate is: VND 700,000/1 group of products and services;
* The fee for announcing the decision on recognition of trademark renewal : 120,000 VND/1 renewal application;
* Registration fee for renewal is: 120,000 VND.

**Thus,** the term of protection of a trademark is 10 (ten) years from the date of filing the application for trademark registration, however, the trademark owner can apply for an unlimited number of renewals and the term of protection is renewed for 10 years each time. At the same time, the fee for renewing the certificate of trademark registration will be 1,100,000 VND/1 brand/1 group of products and services.

 ***ADK & Co Vietnam Lawyers Law Firm***