

## CHAPTER 4 INTELLECTUAL PROPERTY RIGHTS

### OVERVIEW

Vietnam has made significant progress in strengthening the protection of Intellectual Property Rights (IPR) over the last 25 years since its participation in the WTO and commitment to comply with the TRIPS Agreement, Berne Convention and a series of other international, multilateral and bilateral treaties. The process of joining the WTO, and that of negotiating, signing and implementing international, multilateral and bilateral commitments with regions and countries with a highly-developed legal system for IPR protection has strongly facilitated and promoted the enhancement of IPR protection in Vietnam.

It should be emphasised that, while Vietnam has participated in many international treaties on IPR protection and promulgated a series of legal documents to incorporate international commitments into domestic legislation to strengthen IPR protection, in practice, there are still many barriers hindering the full and serious implementation of international commitments and legal provisions on IPR protection. The elimination of these barriers requires special attention from the Government and Ministries of Vietnam. This is essential to ensure that these commitments are fully and effectively integrated into public life, thus contributing to the competitiveness and sustainable development of Vietnam's economy, in line with the ambitions of the Prime Minister and Government.<sup>1</sup>

The upcoming implementation of the EVFTA will bring positive improvements in the IPR field, which will benefit both the IPR owners as well as consumers.

In 2018, Vietnam made certain efforts to consolidate the country's legal framework to protect IPR, including the issuance of the guiding documents including Decree 22<sup>2</sup> replacing Decree 100<sup>3</sup>, Decree 85<sup>4</sup> and Circular 16.<sup>5</sup> The promulgation of these documents has contributed to solving some problems in the implementation of the provisions of the IP Law and previous guiding documents in the protection of copyright and industrial property rights. However, these new documents fail to deal with a number of difficulties and obstacles in the practice of registration and enforcement of IPR in Vietnam mentioned in previous EuroCham Whitebooks.

### I. IPR ENFORCEMENT

Relevant authorities: Ministry of Science and Technology (MOST), Ministry of Information and Communication (MOIC), Ministry of Culture, Sports and Tourism (MCST), Ministry of Industry and Trade (MOIT), Supreme People's Court (SPC), Vietnam Directorate of Market Surveillance (VDMS)

#### 1. Online IPR infringements

##### Issue description

- 1 "Prime Minister on the status of macro-economic", 1 March 2018, *Thutuongchinhphu*, Available at: <<http://thutuong.chinhphu.vn/Home/Bai-viet-cua-Thu-tuong-ve-tinh-hinh-kinh-te-vi-mo/20183/27770.vgp>> last accessed on 8 December 2019.
- 2 Decree 22/2018/ND-CP of Government dated February 23, 2018 with effect from 10 April 10 2018, detailing a number of articles and measures to implement the Law on Intellectual Property 2005 (IP Law) which were amended and supplemented in 2009.
- 3 Decree 100/2006/ND-CP of Government dated 21 September, 2006, detailing and guiding the implementation of a number of articles of the Civil Code and the Law on Intellectual Property regarding copyright and related rights.
- 4 Decree 85/2011/ND-CP of Government dated 20 September, 2011 amending and supplementing a number of articles of Decree 100/2006/ND-CP detailing and guiding the implementation of a number of articles of the Civil Code, the Law on Intellectual Property on copyright and related rights.
- 5 Circular 16/2016/TT-BKHCT of Ministry of Science and Technology dated 30 June, 2016 with effect from 15 January, 2018 on amending and supplementing a number of articles of Circular 01/2007/TT-BKHCHN dated 14 February, 2007 guiding the implementation of the Government's Decree 103/2006/ND-CP dated 22 September, 2006 detailing and guiding the implementation of a number of articles of the Law on Intellectual Property on industrial property, amended and supplemented in accordance with the Circular 13/2010/TT-BKHCHN dated 30 July, 2010, Circular 18/2011/TT-BKHCHN dated 22 July, 2011 and Circular 05/2013/TT-BKHCHN dated 20 February, 2013.

Recent years have seen a surge of online infringements of copyright, related rights and industrial property rights. Online purchase of pirated products such as movies, music, videos, video games or books, paper or electronic publications, and products that infringe patents, protected industrial designs and trademarks in Vietnam is unfortunately not difficult.

### Potential gains/concerns for Vietnam

Unless Vietnam takes urgent and effective measures to prevent this situation, online IPR infringement may quickly get out of control in the coming years.

### Recommendations

We believe that enforcement agencies need to significantly enhance the sanctions and strictly handle the websites providing IPR-infringing information and products, promulgate regulations that facilitate law enforcement agencies and IPR holders' collection of information to identify the owners of the websites providing IPR-infringing information and products, regulate the responsibility of internet service providers for providing information about the owners of the websites suspected of IPR infringement, promulgate legal mechanisms to permit IPR holders to notify and force IPR infringers to remove their IPR-infringing content, and prescribe the responsibility of internet service providers in specific cases of IPR infringement, especially when they have been notified by the IPR holders but continue to convey or store the IPR-infringing content.

EuroCham appreciates IP Vietnam's Official Letter<sup>6</sup> providing feedback to our draft recommendations. We note the effort of MOST and IP Vietnam to work with related Ministries and inter-ministerial agencies in Vietnam on the study and drafting of more effective measures to combat online industrial property rights infringement. We also appreciate MOST and IP Vietnam's information that the regulations relating to online enforcement of copyright rights and related rights are among the issues to be considered and proposed in the Proposal to amend the IP Law. We hope that joint efforts of the Government and the business community will help to resolve this issue and that the amended IP Law and its guiding documents will address the handling of online IPR violations.

## 2. Administrative sanctions

### Issue description

Unlike most countries in the world where IPR infringement is handled in court, administrative sanctions continue to be the most commonly applied ones to handle IPR infringements in Vietnam. Decree 131<sup>7</sup> and Decree 99<sup>8</sup> specify that the maximum fine for infringement of copyright, related rights and industrial property rights is VND 500 million (approximately US\$ 21,600) for organisational infringers and VND 250 million (approximately US\$ 10,800) for individual infringers.

### Potential gains/concerns for Vietnam

In recent years, the situation of IPR infringement in Vietnam has become increasingly serious in terms of scope, scale and implementation method. In that context, the administrative sanctions specified in Decree 131 and Decree 99 are too soft and not enough of a deterrent. In reality, enforcement agencies rarely apply the maximum fine. Common fines range from several million to tens of millions of Vietnam dong. The fines are sometimes much smaller than the actual profits gained from the infringement to be handled and, therefore, do not guarantee deterrence.

### Recommendations

We believe that the current fines specified in administrative sanctions cannot ensure legal deterrence in dealing with IPR infringement. The IPR Sector Committee proposes increasing the fines imposed in administrative sanctions on IPR infringements.

## 3. Handling IPR infringement in Court

<sup>6</sup> Official letter 5290/SHTT-PCCS of IP Vietnam dated 6 March 2020 on feedbacks to EuroCham's draft Whitebook recommendations

<sup>7</sup> Decree 131/2013/ND-CP of the Government dated 16 October 2013 on sanctioning administrative violations of copyright and related rights.

<sup>8</sup> Decree 99/2013/ND-CP of the Government dated 29 August 2013 on sanctioning administrative violations in industrial property.

### Issue description

As mentioned above, administrative sanctions are still the most commonly applied sanctions to handle IPR infringements in Vietnam. Very few cases of IPR infringement are handled in court, although Vietnamese law prescribes civil sanctions for IPR infringements. Among many causes for this situation, the main ones are: Difficulty in investigating and collecting evidence; difficulty in getting permission for applying a temporary emergency measure; complicated and time-consuming procedure for resolving in court; no specialised court on intellectual property, judges' lack of intensive training on intellectual property and experience in dealing with IPR infringement cases, and difficulty or impossibility of judgment execution. These are the main reasons why most IPR holders are reluctant to bring IPR infringement cases to be handled in court.

### Potential gains/concerns for Vietnam

In the early years of Vietnam opening the economy and integrating with the world, while the Vietnamese judiciary was not fully developed and had insufficient resources to meet the complex requirements of handling violations of IPR Law, administrative sanctions played a very important role in limiting IPR infringement and facilitated timely handling of IP Law violations. However, to date, violations of IP Law have become more common, complicated and sophisticated, which requires more comprehensive handling measures and more deterrent sanctions to more effectively fight against IPR infringements in Vietnam.

### Recommendations

We believe that civil sanctions must be prioritised in dealing with IPR infringements. A specialized court of intellectual property rights is required to handle IPR-related cases and dedicated legal provisions on procedures for proceeding IPR cases should be promulgated due to the specific nature of these cases.

In the immediate future, pending the creation of a specialised court of intellectual property rights and legal regulations on procedures for handling IPR cases, we recommend the application of particular provisions that are consistent with cases of this type, including the promulgation of regulations to facilitate IPR holders to collect evidence of violations, specification of the obligations of suspected infringers to provide documents and information on the production and trading of suspected products of IPR infringement, simplification of procedures and requests for application of provisional emergency measures, and prioritisation of resources to deal with IPR-related complaints. We also request an intensification of sanctions to force IPR infringers to seriously implement the court's decisions.

We acknowledge Vietnam's efforts to address the recommendations on strengthening the abilities of specialised IPR judges and judgment enforcement officers, and the organisation of trainings for them. We stand ready to support Vietnamese authorities in this process, especially in terms of IPR enforcement in the context of EVFTA implementation.

## II. INTELLECTUAL PROPERTY PROCEDURE

Relevant authorities: Ministry of Science and Technology (MOST), Ministry of Information and Communication (MOIC), Ministry of Culture, Sports and Tourism (MCST), National Office of Intellectual Property of Vietnam (IP Vietnam)

### 1. Review of the response to provisional refusals

#### Issue description

Pursuant to Article 41.6 of Circular 01/2007/TT-BKHCHN<sup>9</sup> (Circular 01) as amended and supplemented by Circular

<sup>9</sup> Circular 01/2007/TT-BKHCHN of the Ministry of Science and Technology (MOST) dated 14 February 2007 guiding the implementation of the Government's Decree 103/2006/ND-CP of 22 September, 2006, detailing and guiding the implementation of a number of articles of the Law on intellectual property regarding industrial property.

16/2016/TT-BKHCHN<sup>10</sup> (Circular 16), for international trademark registration applications designating Vietnam with part or all of goods/services failing to meet the criteria for protection, the Intellectual Property Office of Vietnam (IP Vietnam) shall issue notifications of provisional refusal. Within three months from the issuance of a notification of provisional refusal by the IP Vietnam, the applicant is entitled to remedy shortcomings or respond to the IP Vietnam intention of refusal. The remedying of shortcomings or response shall be made according to the same procedures as for national trademark registration applications, including provisions on the manner of filing. IP Vietnam is aware of the delay in examining the applicants' responses to the provisional refusal notices for IR and intended to implement various measures to speed up this process, and in the future to timely process these responses of the mark owners after receiving the provisional refusal notices. We highly appreciate IP Vietnam's efforts to resolve this issue and we hope that the applicants' responses to the provisional refusal notices of the International Registrations will be promptly examined as IP Vietnam is preparing solution to accelerate the processing.

In addition, pursuant to Decision 2525/QD-BKHCHN dated 4 September 2018<sup>11</sup>, the Geographical Indication and International Trademarks Centre will examine responses to the IP Vietnam's intention of refusal. As such, the Geographical Indication and International Trademarks Centre have been examining applicants' responses, instead of the former Enforcement and Appeal Division which existed before Circular 16/2016/TT-BKHCHN was issued.

### Potential gains/concerns

We consider that it is a progressive provision, creating procedural fairness for international applicants. At the same time, the fact that the Geographical Indication and International Trademarks Centre will examine responses instead of the Enforcement and Appeal Division is expected to reduce the overload of appeals, making the process of handling responses faster. However, we have not, in fact, received any notification on settlement issued by the Geographical Indication and International Trademarks Centre for over one year since the implementation of this decision.

### Recommendation

We recommend the Geographical Indication and International Trademarks Centre to speed up and expedite the handling of responses of international applicants with trademarks designating Vietnam with regard to notifications of provisional refusals of the IP Vietnam.

## 2. Notifications to third parties in opposition proceeding

### Issue description

Pursuant to Article 6 of Circular 16/2016/TT-BKHCHN on addressing opinions of third parties before granting protection titles, third parties are also informed of examination results of the corresponding applications. However, the current law does not specify when a third party will be notified of the examination results of the application (whether it is after the IP Vietnam issues a notification of substantive examination results, after the IP Vietnam issues a decision on refusal to grant a protection title or after the settlement results of appeal filed by the applicant (if any) are issued).

### Potential gains/concerns

In fact, the IP Vietnam has notified third parties of its opinions after it issued decisions on refusal to grant protection titles to the corresponding applications (in case the IP Vietnam approves third parties' opinions) or after it issued notifications on its intention to grant protection titles to the corresponding applications (in case the IP Vietnam does not approve third parties' opinions). However, this makes the waiting period for the IP Vietnam's opinions with regard to third parties' opinions much longer than before, when the IP Vietnam notified third parties of its opinions at the same time as it issued notifications of substantive examination results of the corresponding applications. This affects the results of processing applications of third parties (if opposed trademarks are also third parties' cited trademarks).

<sup>10</sup> Circular 16/2016/TT-BKHCHN of MOST dated 30 June 2016 amending and supplementing a number of articles of Circular 01/2007/NTT-BKHCHN of MOST on 14 February 2007.

<sup>11</sup> Decision 2525/QD-BKHCHN of MOST dated 4 September, 2018 promulgating the organisation and operation regulations of the National Office of Intellectual Property.

## Recommendation

We respectfully request the IP Vietnam to notify third parties of its opinions (approval or disapproval) together with the issuance of notifications of substantive examination results with regard to corresponding applications. On the other hand, we also recommend the IP Vietnam to continue notifying third parties of the status of corresponding applications when issuing decisions on refusal/grant with regard to the corresponding applications.

We understand that, from the point of view of IP Vietnam, the time when the IP Vietnam notifies the third parties as they issue a notice of grant/refusal of protection or a decision of grant/refusal of protection does not affect the pending time for those third parties' applications to be examined. This is because the registrability of these applications will only be concluded when there is a final decision upon the grant or refusal of protection of the cited marks with an earlier filing date.

However, IP Vietnam underlines that the regulations relating to the opinions of the third parties are one of the issues to be considered and proposed in the Proposal to amend the IP Law which has been submitted to the National Assembly by the Government in order to meet practical requirements and ensure the interests of all parties.

We appreciate IP Vietnam's information and we hope that the amended IP Law will address the delay of examining IP application and ensure the interests of the parties.

### 3. The non-use termination of the cited marks

#### Issue description

According to Article 74.2.e of the IP Law<sup>12</sup>, a mark shall be deemed to be indistinctive if it is a sign other than integrated marks which are identical with or confusingly similar to registered marks of identical or similar goods or services on the basis of applications for registration with earlier filing dates or priority dates. In addition, Article 74.2.h stipulates that a mark shall be deemed to be indistinctive if it is a sign identical with or confusingly similar to another person's mark which has been registered for identical or similar goods or services, the registration certificate of which has been invalidated for no more than five years, except where the ground for such invalidation was non-use. In practice, to overcome the IP Vietnam's refusal on this ground, the applicant may choose to initiate a non-use termination of the cited mark. The IP Vietnam used to accept such argument to grant protection for the later mark once the cited mark is terminated.

However, recently, although there have been no legal changes, the IP Vietnam has issued inconsistent opinions on the above matter. In particular, for some recent cases, the IP Vietnam has refused the argument that the cited mark has been terminated, alleging that at the time of issuing the refusal, the cited mark was still valid. This inconsistency in examination opinion of the IP Vietnam cause confusion to the applicant.

#### Recommendations

We sincerely request the IP Vietnam to have consistent opinion on whether the non-use termination of the cited mark will be sufficient to overcome the refusal or not. In our opinion, in the context of a rapidly developing economy, the life-span of trademarks is shorter, so it is reasonable for the IP Vietnam to accept the non-use termination of the cited marks to grant registration for later marks. This will also help to clear the registry, and give the opportunity to those who are keen on the marks.

We found that in MOST's and IP Vietnam's feedback, the interpretation of the regulations in Article 95.1.d of the IP Law is not clear. In addition, it is undeniable that these regulations have not been changed in principal. However, in fact, IP Vietnam has changed its interpretation of the law and, since then, implemented an examination practice which is completely different from the past, without issuing any official written notice to inform the IP agents/practitioners or applicants, and without specifying the time of exercising. This creates various difficulties for IP agents to explain this change in the examining practice to their stakeholders due to the lack of official notice from the authorities. This also generates a negative impact on the applicants who chose to request the cancellation of invalidity of the cited marks on the non-use ground which were previously accepted by IP Vietnam.

<sup>12</sup> Law 50/2005/QH11 of the National Assembly on intellectual property dated 29 November 2005.

Therefore, we would like to propose if IP Vietnam insist on this new examining practice, it would be highly appreciated if they issued an official notice to the IP agents/practitioners, and clearly regulate the timing of applying practice in order to ensure the transparency and the protection of the rights of the applicants.

### III. OUTLINE OF THE DRAFT LAW AMENDING AND SUPPLEMENTING A NUMBER OF ARTICLES OF THE INTELLECTUAL PROPERTY LAW

Relevant authorities: Ministry of Science and Technology (MOST), Ministry of Information and Communication (MOIC), Ministry of Culture, Sports and Tourism (MCST)

In September 2019, the Ministry of Science and Technology (MOST) sent the Outline of the Draft Law Amending and Supplementing a Number of Articles of the Intellectual Property Law (promulgated in 2005, amended and supplemented in 2009 and 2019) (IP Law) and the Statement attached to the Amendment Law, which raised many issues that need revising in the IP Law to comply with the treaties and conventions that Vietnam has joined such as the CPTPP and EVFTA and to overcome some shortcomings in IP Law enforcement in recent years. However, some inadequacies have not been mentioned in the Draft Outline and the Statement or have been mentioned but, in our opinion, still need further amendments and supplements. Below are some noteworthy issues.

#### 1. Copyright

##### Issue description

The Outline of amending the IP Law proposes to amend the definition of ‘copyright holder’ in Article 36 of the IP Law so that only individuals or organisations holding the whole property rights are considered as copyright holders, and organisations or individuals holding one or several property rights or holding all property rights for a limited period of time are not considered copyright holders.

##### Potential gains/concerns for Vietnam

Property rights to works are independent of each other and may be transferred separately from the original authors or copyright holders (transferors) to other organisations or individuals (transferees). With the new definition proposed, in case one or some property right(s) are transferred from a transferor to one or more transferee(s), neither the transferor nor the transferee(s) will be considered copyright holders because they do not hold the whole property rights. This may compromise the legitimate rights and interests of these organisations or individuals.

In addition, while lawmakers propose to revise the definition of a copyright holder as mentioned above, Article 41 of the IP Law still stipulates that copyright holders are individuals or organisations to be assigned one, some or all property rights. Such a proposal will create a conflict between the provisions of the IP Law.

##### Recommendation

Article 36 of the IP Law should be retained, and Article 41 of the IP Law should be amended to restrict holders to organisations and individuals to be transferred one, some or all property rights.

#### 2. Inventions and industrial designs

##### Issue description

##### Protection capability of partial design

Article 12.35.1 of the EVFTA specifies that ‘...design’ is the appearance of the whole product or a separable and/or inseparable part of product. This means an inseparable part of a product is also protected in the name of industrial design.

Article 4.13 of the IP Law provides the definition of industrial design but does not cover parts of the product.

Item 33.2.b of Circular 01 stipulates:<sup>13</sup> A product is understood as ‘..., or parts used to assemble and make up those products, ..., having clear structure and functions, being independently circulated,...’ where parts that ‘cannot be separated from the product or can only be separated by destroying the product and have no similar parts produced to replace’ are considered not independently circulated (as guided by IP Vietnam’s regulation on appraisal of industrial design registration applications). This indicates that the current Vietnamese regulations on IP are contrary to its EVFTA commitments. The Amendment Law does not address this issue.

### Protection standards for utility solutions:

Article 58.2 of the IP Law prescribes that: ‘unless it is common knowledge, an invention shall be protected by mode of grant of utility solution patent when it is novel and susceptible of industrial application’ but does not specify what is considered common knowledge, leading to different interpretations of this concept.

### Potential gains/concerns for Vietnam

As the provisions on protection capability of partial design of Vietnam’s IP Law are contrary to those of the EVFTA, the IP Law needs revising based on the review of CPTTP Article 18.55 and also in accordance with EVFTA commitments.

The lack of explanation of common knowledge makes it difficult for the process of appraising utility solution applications and also results in controversy in other procedures such as invalidation of protection titles or refusal of applications based on protection standards.

### Recommendations

- Revise Item 4.13 of the IP Law on the definition of industrial design by supplementing the provision ‘Industrial design is the appearance of a product or a separable or inseparable part or component of a product, which is indicated by...’
- Supplement an Article (following Article 62 on industrial applicability) to the IP Law to clearly specify what common knowledge is.

## 3. Trademark

### Issue description

#### Objects protected as trademarks

Obligations stated in CPTTP Article 18.18 on signs registrable as trademarks specify that: ‘No Party shall require, as a condition of registration, that a sign be visually perceptible, nor shall a Party deny registration of a trademark only on the ground that the sign of which it is composed is a sound.’

The current regulation of the IP Law (Article 72) specifies: ‘Trademarks are visible signs...’, which is contrary to CPTTP Article 18.18.

#### Definition of trademark use

The existing provisions on trademark use in Clause 5, Article 124 of the IP Law are not clear enough to help determine the scope of trademark use in e-commerce or in the digital environment which is strongly developing and becomes the current trend. In addition, there are no specific guidelines on documents proving the trademark use as well as the evaluation thresholds - range and quantity of products used to be considered as trademark use.

#### Definition and provisions related to ‘bad faith’ and ‘trademark squatter’

The IP Law provides for the invalidation of protection titles because of their issuance based on the dishonesty of the applicant (Clause 3, Article 96). ‘Dishonest motive’ can be considered as the closest definition to ‘bad faith’, which is commonly mentioned and regulated in IP Law systems in developed countries. However, apart from the

<sup>13</sup> Circular 01/2007/TT-BKHCN of MOST amended and supplemented by Circular 13/2010/TT-BKHCN, Circular 18/2011/TT-BKHCN, Circular 05/2013/TT-BKHCN and Circular 16/2016/TT-BKHCN).

provisions mentioned above, the IP Law contains no other detailed regulations on the definition of ‘dishonesty’ of the applicants as well as factors to identify and prove that the applicants were not honest at the time of application.

In addition, nowadays due to the process of doing business together or spreading information on the internet, an individual/organisation in Vietnam may know about a famous/widely used trademark of a third party in another country and can easily copy and apply for this trademark’s registration in Vietnam without having to put effort into creating the trademark, not to mention that they also have the purpose of profiting based on the available reputation of the already-famous trademark. Such an applicant is called a ‘trademark squatter’ (meaning ‘a person registering another person’s trademark without permission’) and a trademark squatter’s application for trademark registration is often listed among the ‘bad faith’ of international trademark practices.

Vietnam applies the ‘First to File’ principle and therefore recognises ownership of a trademark based on the first registration instead of the first use (except for well-known or widely used trademarks in Vietnam). As a result, many true owners whose trademarks have been appropriated and registered in Vietnam by squatters encountered many difficulties in reclaiming their trademarks in order to expand their business in Vietnam. Additionally, if a trademark squatter regularly appropriates the trademarks of various third parties (frequent trademark squatter) and is still granted trademark certification in Vietnam, this may compromise Vietnam’s legal reputation in the common playing field because the globalisation process also requires the harmonisation of legal regulations of the countries participating in the world playing field.

### Potential gains/concerns for Vietnam

The lack of specific provisions on objects protected as trademarks, in addition to objects being visible signs, will cause difficulties for Vietnam in negotiation and compliance with bilateral or multilateral strategic partnership agreements in the process of integrating in global trade.

The lack of detailed information and guidance on ‘what is trademark use’ will make it difficult for owners to prove the legal use of their trademarks, as well as difficult for third parties having legitimate requests to cancel a trademark that has not been used within the statutory period.

The lack of specific regulations and guidelines on ‘trademark squatting’ and ‘bad faith’ may contribute to encouraging frequent trademark squatters to continue ‘stealing’ intellectual property of third parties to illegally profit and make it more difficult for real trademark owners to enter the Vietnamese market.

### Recommendations

- Supplement the provisions on protection of sound marks to Article 72 of IP Law on conditions for trademark protection, and at the same time amend and supplement the decrees and circulars to provide specific guidance to sound mark appraisal.
- Consider adjusting and clarifying the definition of ‘trademark use’ to be consistent with the current situation, amending and supplementing specific regulations on the scope and documents proving the use of the trademark (forms and evaluation thresholds).
- Set forth the definitions on ‘(frequent) trademark squatter’ and ‘bad faith’, provide more specific instructions on these acts and the approach to deal with trademark applications of frequent trademark squatters and/or applicants with bad faith.

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