

THESIS INFORMATION PAGE

Thesis title: **Law of trade dress protection**

Specialization: Economic Law

Code: 62380107

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1. ABSTRACT

In the intellectual property laws of some countries, has a new regulations that is trade dress. Due to increasingly complex competition, some businesses have invested and created marks in a new way, more special than trademarks, that signify the source of the product to consumers. Trade dress is the characteristics of the visual appearance of a product or its packaging.

The law of Vietnam does not provide for trade dress, but some marks constituting trade dress are still protected through provisions in the intellectual property law or unfair competition law... However, this way still creates some problems in the law enforcement. So, the thesis has researched the regulations of countries on trade dress, especially the law of the United States that has a strict, complete regulations on trade dress. In comparison with the law of Vietnam, the thesis "Law on the protection of trade dress" has selected experience lessons of the United States and proposed some recommendations to improve Vietnam law.

2. THE NEW RESULTS OF THE THESIS

- The thesis is the first research to systematically study the theoretical and practical basis of the law to protect trade dress.

- The thesis has analyzed, assessed the United States regulations and law enforcement on the conditions for protecting the trade dress. Base on, the thesis has compared with the provisions in the Vietnam law, the thesis recommend solutions to improve the Viet Nam law. For example: expanding the concept of a trademark, adding regulations of Nonfunctionality marks, adding testing for likelihood of confusion marks...

3. APPLICATIONS / APPLICABILITY OR UNRESOLVED ISSUES

3.1 Applicability

The thesis gathered the scientific system of the trade dress and proposes some recommendations for the improvement of the Vietnam law. This is a valuable reference for legislators, authorities in law making and law enforcement; for researchers and business entities.

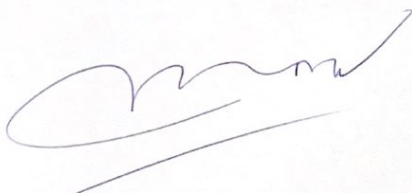
3.2. Unresolved issues

Some research contents that the thesis is still open:

- Franchise issues of trade dress
- Handling violations against of the trade dress.

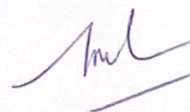
To analyze the above contents fully and clearly, another in-depth study is needed. Due to the limitation of time and pages of the thesis, the PhD student did not mention these issues in the thesis.

PROFESSOR



DR. Mai Thi Tu Oanh

PHD STUDENT



Pham Thi Diep Hanh

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