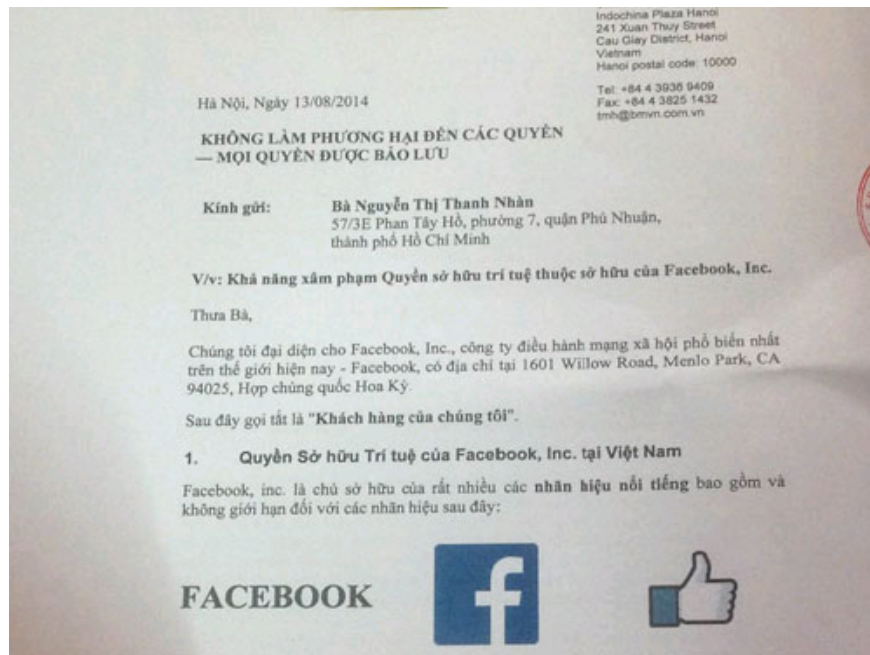


# Facebook threatened to sue the Ganh restaurant

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The letter of legal representative of Facebook warned Ganh.

## Open restaurant from above . Facebook

The restaurant was warned in this story named *Nang Ganh* on *Tran Quoc Thao Street* , District 3 owned by *Nguyen Thi Thanh Nhan* .

**Ms. Nhan said:** In late 2011, she decided to sell food online. Due to the delicious food, the appetite should be ordered more and more crowded. From here, she wants to expand her business by renting premises to open restaurants.

However, unlike online food business, it is necessary to spend a considerable amount of money on opening a restaurant. Being a marketing citizen, Ms. Nhan saw clearly the effectiveness of social networks. Ms. Nhan drafted a rather attractive business plan and posted on Facebook calling for capital and was suddenly supported by many people.

*"Your Facebook brand can constitute an infringement of intellectual property rights and unfair competition in accordance with Vietnamese intellectual property laws,"* stressed BMVN's letter.

*"In the evening, I posted a plan to call up capital on Facebook, the next morning there were more than 100 people agreed to contribute capital. Some people contributed 100 USD, 500 USD, even 1,000 USD. Many people even agreed to transfer money in advance."* Idle said.

The plan to call for capital contribution on Facebook brought Ms Nhan about 30,000 USD (*more than 600 million VND*), from 160 people. Plus the accumulated money, borrowed, at the end of 2013, Ms. Nhan opened Nang Ganh restaurant on Tran Quoc Thao street (*district 3*).

To appreciate the number of people contributing money on Facebook, during the process of designing restaurant brands, Ms. Nhan decided to choose the slogan: *"The first restaurant was built from Facebook"*. At the same time, the owner of this restaurant makes an application for registration of the above trademark at the National Office of Intellectual Property.

*"Although the opening time is not long, the business is quite favorable. I have paid more than 80% of the capital contribution on Facebook so far,"* Nhan said.

## **It's easy to confuse Facebook**

In the middle of August 2014, Ms Nhan received a letter from BMVN Limited Law Company (BMVN for short) - legal representative of Facebook, Inc. in Vietnam - warning about the ability of Nang Ganh restaurant to violate intellectual property rights owned by Facebook.

In the letter, MBVN said that Facebook, Inc. is the legal owner of famous Facebook brands in the world, including Vietnam. Therefore, Facebook, Inc. reserves the right to exclusively use or allow others to use Facebook trademarks in Vietnam.

Facebook's legal representative in Vietnam is concerned that Nang Ganh's *"First restaurant built from Facebook"* is not intended to take advantage of Facebook's reputation but may make consumers mistakenly believe this restaurant has affiliated, sponsored or accredited by Facebook, Inc.

*"Your Facebook brand can constitute an infringement of intellectual property rights and unfair competition in accordance with Vietnamese intellectual property laws,"* stressed BMVN's letter.

BMVN law firm asked the owner of Nang Ganh to withdraw the trademark registration application containing *"Facebook"* trademark or remove the *"Facebook"* component in the trademark registration application. The owner of the restaurant also terminates the use of the *"Facebook"* mark on any potentially confusing business vehicle.

BMVN asked Nang Ganh to have a reply before September 15, 2014. Otherwise Facebook, Inc. will take legal measures to protect their legal rights in Vietnam.

Ms Nhan said that the above slogan is to thank the first people who contributed capital to build a restaurant, not the purpose of eating according to Facebook's popularity. So when she received a warning letter from a Facebook representative, she was very surprised and confused.

According to Ms Nhan, the failure to use slogan related to this social network brand will cause losses of more than VND 200 million when the restaurant missed printing the slogan with Facebook letters on chopsticks, spoons and leaflets. light boxes, signs, paper bags, menus, name cards and other promotional items .

*"When receiving a warning, many options are offered such as not using Facebook but replacing with social networking, or Facebook will be written in Vietnamese phonetic version Phây Búc, and can use another slogan. However, I still hope to use this slogan because that is the true nature of the capital contribution story of the restaurant," she said.*

Ms. Nhan said it would soon contact to ask this social network to accept the old slogan.

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