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Contact

Uyen NGO (Ms.)
Legal Assistant

Mr. Nguyen Hoa Binh Co-
Founding Partner



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By Uyen Ngo, Nguyen Hoa Binh, et al.

INDIVIDUAL VOICE AND PROTECTION MECHANISMS IN VIETNAM

Overview

Individuals possess unique biological characteristics, including facial attributes, retinal scans, voice patterns, and fingerprints. In Vietnam, voice is recognized as "sensitive personal data" as stipulated in Article 2.4(d) of Decree No. 13/2023/NĐ-CP, which governs personal data protection.

Personal data is broadly defined as information presented in various forms—such as symbols, letters, numbers, images, and sounds—that can be linked to a specific individual or aid in identifying them.

The law provides robust protections for personal data, including voice, against any unauthorized access or breaches. Depending on the nature and severity of the violation, potential legal repercussions can include administrative, civil, or criminal actions. Thus, in Vietnam, an individual's voice is classified as a key biological attribute and safeguarded under personal data protection regulations.

Individual Voices Are Not Eligible For IP Protection In Vietnam

As of the third amendment to Vietnam's Intellectual Property (IP) Law in 2022, the protection of "sound marks expressed in graphic form" has been officially established. Sound marks can include various auditory elements such as sound clips, musical instrument combinations, singing, animal sounds, and various noises produced by objects. These sounds must be distinctive enough for the average consumer to recognize and differentiate them.

However, a key question arises regarding protecting individual voices under Vietnam's IP Law. Currently, individual voices are not explicitly included in the list of exclusive protection subjects, encompassing patents, industrial designs, trademarks, and copyrights, as outlined in Article 3 of the IP Law. Furthermore, there are no established mechanisms for the registration of individual voices. Consequently, it can be concluded that, under Vietnamese law, individual voices do not qualify for protection as intellectual property rights.

These days, it's fascinating to see how individual voices are being used to sell products and promote services! With technology advancing so quickly, voices are making their mark in various areas—from shopping and advertising to entertainment. They grab our attention, share important messages, and help shape a brand's identity and reputation.

In many ways, voices are wonderful tools for boosting sales, influencing what we buy, and creating a unique edge in the competitive marketplace. They even have the potential to distinguish similar goods and services from different businesses, much like traditional trademarks do.

As we explore the world of non-traditional trademarks, it's clear that protecting individual voices as a form of intellectual property isn't just an excellent idea; it's becoming increasingly relevant and valuable!



Challenges

Protecting individual voices as a form of intellectual property (IP) rights presents various challenges. Much like with non-traditional trademarks, it is essential to address several important questions to balance the rights of voice holders and the broader interests of the community. It is crucial to ensure that such protection does not impede freedom of speech or stifle artistic expression.

Firstly, it is essential to determine which voices may be considered unique and thus eligible for protection. A key aspect of this assessment is understanding the required level of distinction from ordinary voices. Factors influencing a voice's uniqueness include elements such as intonation, pronunciation, and other vocal qualities. These considerations must be approached scientifically to establish clear criteria for uniqueness.

Secondly, a critical question in voice protection is whether to safeguard the entire voice or only specific components, such as pronunciation and intonation. This prompts further inquiry into the level of protection awarded to different aspects of a voice. Additionally, clarifying how legitimate use of a voice can be differentiated from potential infringement is vital. A clear delineation of the scope of protection is necessary; otherwise, any framework designed to protect individual voices within intellectual property rights (IPR) will lack practical application and effectiveness.

Thirdly, understanding the rights associated with voice ownership is crucial. This includes the owner's entitlements regarding use, transfer, and granting permission for others to use their voice. Ensuring these rights requires robust mechanisms to address potential infringements. Establishing an effective dispute resolution process is essential for safeguarding voice ownership rights.

Fourthly, the implications of protecting individual voices extend to various professions reliant on vocal performance, including voice actors and singers. It is important to strike a balance between protecting the rights of voice owners and considering the community's common good, especially in cases where multiple individuals may possess similar vocal qualities. Legal frameworks must adequately address these complexities to provide fair and effective solutions.

Lastly, artificial intelligence technology can play a significant role in protecting and managing voice ownership rights. Exploring its responsible application could enhance the effectiveness of voice protection measures, ensuring that individual rights are upheld while fostering innovation within the field. Examining how AI can be integrated into these processes is essential for advancing voice ownership rights.



Effectively Protect Individual Voices Under Intellectual Property Rights

Individual voices currently do not have independent protections as intellectual property (IP) subjects, but they can be safeguarded under IP law in specific situations. The extent and nature of such protections vary by country and depend on the context in which the voice is used. Individual voices may receive legal protection in the following ways:

At first, voices can be protected under copyright law when captured as part of a performance. This means that any unauthorized use of a recorded voice could lead to copyright infringement claims, resulting in potential legal consequences.

Additionally, unique voices may be eligible for trademark registration as "sound marks." This type of protection generally applies to voices that are distinctive, easily recognizable, and strongly associated with a particular brand or character.

Moreover, in light of advancing technology, some countries, including the United States, are working on legislation to address the unauthorized use of voices in AI applications.



Conclusion

Recognizing individual voices under personal data protection laws in Vietnam represents an essential advancement in safeguarding personal rights. To enhance this protection and offer greater benefits for individuals, it is crucial to consider the inclusion of voice protection as an intellectual property (IP) right. Many countries worldwide have already acknowledged individual voices as a form of IP, and adopting a similar approach in Vietnam would align with international legal standards. This alignment could also promote international cooperation, especially in light of the rapid growth of AI technologies.

Recognizing individual voices as intellectual property (IP) can significantly foster creativity and innovative applications. When voices are treated as valuable IP assets, individuals can experiment and use their voices in novel ways, which can lead to increased creative expression. This recognition can subsequently stimulate the expansion of voice-centric creative industries, including sectors such as voice recognition technology, virtual assistant applications, and audio production.

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DAITIN & ASSOCIATES

Lawyers and Consultants

Contact

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info@daitin.com.vn | www.daitin.com.vn