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INTELLECTUAL PROPERTY ENFORCEMENT IN THE CPTPP ERA

OVERVIEW

The United Kingdom's accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) on 1 January 2024 has transformed the dynamics of UK–Vietnam trade. This expansion, bringing together a market of over 500 million people and representing about 15% of global GDP, strengthens the bloc's position as a major force in international commerce. For Vietnam, a founding CPTPP member, the UK's entry opens not only economic possibilities but also a new chapter in legal and regulatory alignment with high-standard trade norms. The challenge lies in maximizing market access while undertaking domestic legal reforms that ensure long-term competitiveness and compliance.



STRENGTHENING THE LEGAL FRAMEWORK FOR GLOBAL TRADE INTEGRATION

The CPTPP sets high benchmarks for transparency, predictability, and the rule of law in trade. Vietnam must align its domestic legislation with CPTPP obligations covering labor rights, environmental standards, competition policy, state-owned enterprises, and dispute settlement. Such alignment is not merely procedural; it is a signal to investors and trading partners that Vietnam is a reliable, rules-based economy. In practical terms, this means implementing clear regulations on tariffs, customs procedures, and investment protections, while ensuring that dispute resolution mechanisms—both state-to-state and investor-to-state—are functional, credible, and consistent with CPTPP commitments.

The UK's accession also increases scrutiny on Vietnam's ability to deliver legal certainty in contractual enforcement, arbitration processes, and administrative transparency. For policymakers, this is an opportunity to address longstanding gaps in enforcement capacity and to create a more predictable investment climate, particularly in infrastructure, renewable energy, and technology sectors.

INTELLECTUAL PROPERTY

One of the most transformative legal impacts of the CPTPP is the elevation of Vietnam's intellectual property (IP) regime to TRIPS-plus standards. The agreement introduces more comprehensive protections for trademarks, patents, copyrights, geographical indications, and trade secrets. For Vietnamese businesses, this means stronger safeguards for innovation, branding, and creative works when entering advanced markets such as the UK.

However, the benefits of stronger IP protection will only materialize if enforcement mechanisms are effective. This requires closer coordination between the Ministry of Science and Technology, customs authorities, and the courts. Border enforcement is especially crucial, as counterfeit goods and IP-infringing products remain a challenge in both imports and exports. For SMEs, compliance with CPTPP IP rules is not simply a legal obligation—it is a competitive advantage that can open premium export markets and secure licensing revenue.

From the UK's perspective, Vietnam's improved IP environment reassures investors in technology, pharmaceuticals, and creative industries that their assets will be protected. Yet, the practical test will be whether Vietnam can close the gap between statutory provisions and on-the-ground enforcement, particularly at customs checkpoints and in civil litigation.





MARKET ACCESS, TARIFF REDUCTIONS, AND RULES OF ORIGIN

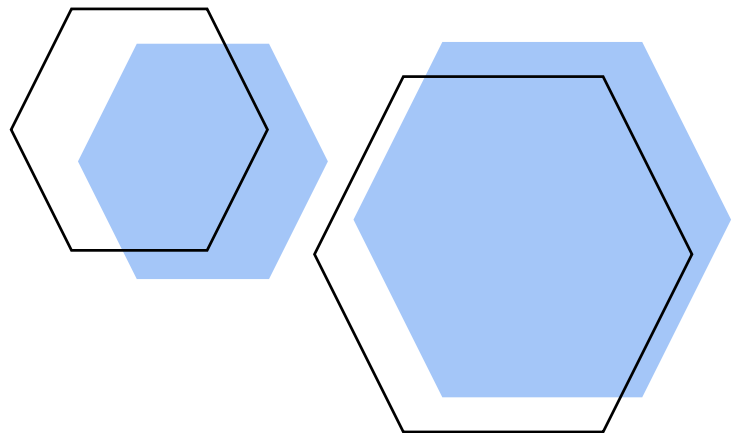
With tariffs eliminated on 95% of goods traded within the CPTPP, Vietnamese exporters stand to gain significant cost advantages in the UK market. However, access to these preferential tariffs depends on strict compliance with rules of origin. Exporters must maintain robust documentation systems to trace inputs, ensure qualifying origin status, and respond promptly to verification requests from customs authorities.

The legal risk of non-compliance is significant—violations can lead to back-payment of duties, fines, and even reputational damage. Therefore, both exporters and trade officials need capacity-building programs to deepen their understanding of origin requirements, certification processes, and dispute resolution procedures in case of origin-related challenges. For sectors such as textiles, agriculture, and seafood, where supply chains are complex, legal and procedural readiness will determine whether tariff preferences are fully utilized.

E-COMMERCE, DIGITAL TRADE, AND DATA GOVERNANCE

The CPTPP includes modern, binding commitments on e-commerce and digital trade, creating a framework that supports cross-border data flows, electronic authentication, and consumer protection, while also prohibiting data localization requirements in most circumstances. For Vietnam, compliance with these provisions requires a comprehensive review of its existing laws on cybersecurity, data protection, and digital transactions to ensure compatibility with CPTPP standards.

The legal opportunity lies in positioning Vietnam as a regional hub for cross-border digital services, attracting UK technology companies seeking a CPTPP-compliant base in Southeast Asia. However, this will require not only regulatory harmonization but also practical enforcement to safeguard privacy and IP rights in the online environment. SMEs engaging in cross-border e-commerce must understand these legal requirements to maintain market access and avoid disputes.





SUSTAINABILITY, LABOR STANDARDS, AND ETHICAL TRADE OBLIGATIONS

The CPTPP embeds enforceable commitments on labor and the environment, requiring Vietnam to comply with international labor conventions and to strengthen environmental protection laws. Labor provisions include the rights to collective bargaining, elimination of forced labor, and prohibition of child labor, while environmental obligations cover biodiversity conservation, control of illegal logging, and sustainable fisheries management.

For Vietnam's exporters, especially in labor-intensive sectors like garments and agriculture, compliance with these standards is essential not just to meet CPTPP obligations but also to satisfy UK buyers who increasingly demand proof of ethical sourcing. Failure to comply risks not only legal penalties but also loss of contracts in markets where corporate social responsibility and ESG (environmental, social, and governance) criteria influence purchasing decisions. The legal challenge will be in monitoring, auditing, and certifying compliance across supply chains without imposing disproportionate costs on smaller businesses.

CONCLUSION

The UK's inclusion in the CPTPP presents Vietnam with a rare dual opportunity: economic expansion into one of the world's largest consumer markets and a catalyst for domestic legal modernization. Yet, these benefits are contingent on Vietnam's ability to implement its CPTPP commitments fully and effectively. This will require sustained investment in regulatory reform, enforcement capacity, and business education on compliance.

If approached strategically, the CPTPP can serve as more than a trade facilitation instrument—it can be a structural upgrade to Vietnam's entire legal and economic governance framework. For policymakers, the imperative is clear: transform high-standard commitments into enforceable domestic law, build institutional capacity to implement them, and use the UK partnership as a model for deeper integration into global value chains. For businesses, the CPTPP offers both a challenge and a promise—the challenge of navigating complex legal obligations and the promise of unprecedented access, protection, and growth in one of the most competitive trade environments in the world.

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Please contact Daitin & Associates if you require any further information or guidance in the procedures of acquiring, protecting intellectual property rights in Vietnam | Cambodia | Laos | Myanmar | Thailand | Philippines | Brunei | Indonesia.

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