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New finds this week

As the 2025 framework takes effect, stakeholders across government, academia, and industry must work together to operationalize its provisions. The ultimate success of this legislative transformation will depend on how effectively the new rules foster a culture of innovation—one that rewards discovery, encourages enterprise, and channels scientific achievement into tangible benefits for society. In doing so, Vietnam reinforces its commitment to building a knowledge-driven economy that thrives on ingenuity, partnership, and global engagement.

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New finds this week

By Uyen Ngo, Nguyen Hoa Binh, et al.

Vietnam's Evolving Policy Landscape for Managing State-Funded Intellectual Property

Overview

Vietnam is entering a transformative period in how it governs science, technology, and innovation (ST&I). Over the past decade, the country has modernized its legal infrastructure to enhance the commercialization of research outcomes and strengthen national competitiveness. The centerpiece of this evolution is the shift from intellectual property (IP)-centric regulation toward a broader, innovation-focused management model for state-funded research results. This transition reflects Vietnam's ambition to move beyond fragmented administrative control and toward an integrated system that promotes creativity, public benefit, and sustainable economic growth.

From Fragmented Oversight to Unified Governance

Historically, the management of IP arising from state-funded science and technology projects was regulated under the Law on Intellectual Property (IP Law). Amendments introduced in 2022 sought to fill long-standing gaps concerning ownership, registration rights, and commercialization of inventions, industrial designs, and layout designs created through government investment. These provisions established clear mechanisms for host organizations—such as universities, research institutes, and state-commissioned enterprises—to register IP and share financial rewards with inventors. They also ensured that the State retained priority rights to assume registration in cases of inaction or neglect, thus safeguarding public investment.

While these amendments represented a major milestone, they also exposed the limits of a purely IP-based framework. In practice, not all outcomes of scientific and technological projects are registrable as IP. Many results—such as research data, prototypes, or technology know-how—fall outside the formal IP registration system yet hold substantial commercial and social value. As a result, the need arose for a unified and more adaptable mechanism capable of managing all forms of ST&I results, not only patentable or registrable outputs. This recognition laid the groundwork for the 2025 legislative overhaul.

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Consolidation Under the ST&I Law

The Law on Science, Technology, and Innovation No. 93/2025/QH15 (ST&I Law), effective 1 October 2025, replaces the 2013 Law on Science and Technology and supersedes the 2022 IP-based provisions related to state-funded research results. Under Article 71.7 of the new law, several key articles of the IP Law—namely Articles 86a, 133a, 135.2, 136a, and 139.6—are formally repealed. Their substantive content, however, is not lost but re-integrated within a more comprehensive regulatory structure.

Chapter II of the ST&I Law, supported by Decree No. 267/2025/ND-CP, establishes detailed rules for the ownership, transfer, and commercialization of all ST&I outcomes. Article 25 introduces a flexible ownership model in which rights are distributed according to each contributor's share of participation and funding. Organizations implementing state-funded projects automatically acquire ownership without additional compensation to the State, except in special sectors such as defense or foreign-led collaborations. Importantly, the State reserves the right to reclaim results that remain unused for three years, ensuring that valuable technologies do not languish unused.

Article 26 strengthens oversight of cross-border transfers by imposing transparency and prioritizing domestic access. Any transfer of state-funded outcomes to foreign entities must comply with the Law on Technology Transfer and, for data-related assets, the Law on Data. High-tech outputs must be published on a national digital platform for at least twelve months before being offered abroad. This approach seeks to balance the State's openness to international cooperation with the need to protect national technological sovereignty.

Commercialization principles are addressed under Article 27, which grants host organizations autonomy in determining how to bring their results to market. They may license, sell, or establish spin-off enterprises using state-funded technologies. At the same time, they remain accountable for ensuring transparency and avoiding misuse of public resources. Article 28 prescribes a structured distribution of profits: authors must receive no less than 30 percent of profits derived from commercialization, while the remaining revenue may be allocated to reinvestment in research or other institutional purposes. These provisions reinforce Vietnam's dual objective of rewarding innovation and reinvigorating the country's research ecosystem.

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Policy Rationale

The relocation of IP-related provisions from the IP Law into the ST&I Law reflects a deliberate policy choice grounded in three core rationales.

First, Vietnam's policymakers sought to eliminate overlapping authority and regulatory fragmentation. Previously, the management of IP rights and the broader administration of scientific results were handled under separate legal regimes—the IP Law and the Law on Science and Technology—each enforced by different agencies. This dual structure often caused delays, inconsistencies, and uncertainty among universities and research institutions attempting to commercialize their findings. Consolidating oversight within a single legislative framework provides clarity, reduces administrative friction, and facilitates smoother coordination among ministries and provincial departments.

Second, the ST&I Law introduces a life-cycle approach to managing scientific outcomes. By governing everything from ownership and funding to transfer, commercialization, and benefit sharing, it acknowledges that innovation does not end at IP registration. Research results must be nurtured, marketed, and scaled to generate socio-economic value. Under the new system, specialized state agencies can oversee each stage with flexibility, moving beyond the static IP registration focus that previously dominated policy.

Third, integration under the ST&I Law aligns Vietnam's domestic legal system with international trends emphasizing innovation governance rather than mere IP protection. Countries such as South Korea, Japan, and Singapore have long adopted frameworks that manage the entire innovation pipeline, ensuring state-funded research yields measurable economic returns. Vietnam's approach mirrors these models, prioritizing adaptability, commercialization, and international cooperation while safeguarding national interests.

Implications for Stakeholders

For universities, research institutes, and enterprises, the new framework offers both opportunities and responsibilities. The enhanced autonomy to commercialize state-funded results allows organizations to negotiate licensing deals, attract investors, and create spin-offs with fewer bureaucratic hurdles. At the same time, they must comply with stricter transparency requirements, annual reporting obligations, and anti-corruption oversight to ensure that public resources are not misused. These checks are critical to maintaining trust and accountability in the system.

For inventors and researchers, the 30 percent minimum profit-sharing rule represents a significant step forward. It guarantees a tangible financial incentive for innovation while recognizing the collaborative nature of modern research. By tying remuneration directly to commercialization performance, Vietnam encourages scientists to pursue practical applications of their work rather than focusing solely on academic publication metrics.

For policymakers, the challenge now lies in effective implementation. The success of the ST&I Law will depend on coherent guidance, timely issuance of secondary regulations, and robust institutional coordination among ministries such as Science and Technology, Finance, Planning and Investment, and Education and Training. Moreover, awareness-raising initiatives will be needed to help organizations understand their new rights and obligations. Training programs, standardized templates for technology transfer, and digital management platforms will be essential tools for ensuring that the reform translates into measurable outcomes.

Conclusion

Vietnam's transition from an IP-centered regulatory approach to a comprehensive innovation-management framework marks a pivotal evolution in national science and technology policy. By consolidating fragmented rules, clarifying ownership, and incentivizing commercialization, the ST&I Law positions Vietnam to better leverage public investment in research for economic growth. The reform does not diminish the importance of IP protection; rather, it embeds it within a wider ecosystem that values creativity, collaboration, and impact.

As the 2025 framework takes effect, stakeholders across government, academia, and industry must work together to operationalize its provisions. The ultimate success of this legislative transformation will depend on how effectively the new rules foster a culture of innovation—one that rewards discovery, encourages enterprise, and channels scientific achievement into tangible benefits for society. In doing so, Vietnam reinforces its commitment to building a knowledge-driven economy that thrives on ingenuity, partnership, and global engagement.

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