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**NEW DRAFT DECREE SIGNALS MAJOR SHIFT
IN VIETNAM INTELLECTUAL PROPERTY
REGULATION**

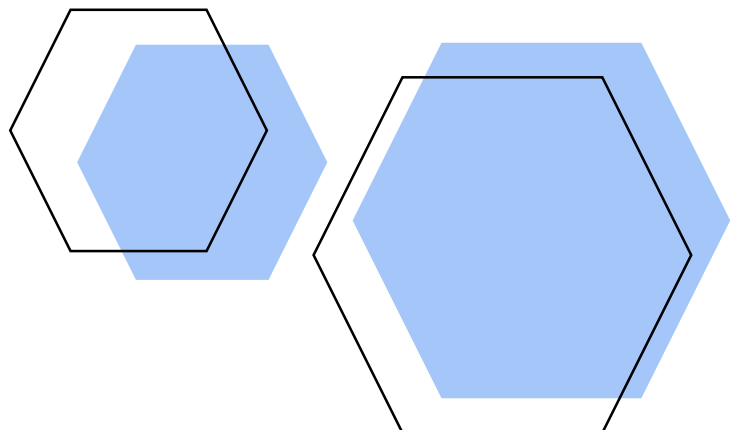


OVERVIEW

The Ministry of Science and Technology (MOST) has released a new draft decree (“Draft Decree”) for public consultation, proposing substantive reforms to Vietnam’s intellectual property (IP) regulatory framework. The Draft Decree addresses longstanding concerns regarding examination quality, enforcement consistency, administrative backlogs, and gaps between statutory protections and practical implementation. Under the current proposal, the Draft Decree would take effect upon signing and remain valid until December 31, 2027, functioning as an interim regulatory instrument while more comprehensive amendments to the Intellectual Property Law are prepared.

This draft follows a government meeting held on September 02, 2025, during which Prime Minister Pham Minh Chinh emphasized the need to strengthen national IP capacity, protect innovation and ensure fair competition in domestic and foreign markets. The prime minister underscored that IP enforcement must evolve in line with the complexity of modern commerce, including digital platforms, cross-border transactions and rapidly emerging technologies.

If adopted, the Draft Decree would introduce new standards for examination procedures, enhance coordination among enforcement bodies and reinforce the role of IP assets in economic development.



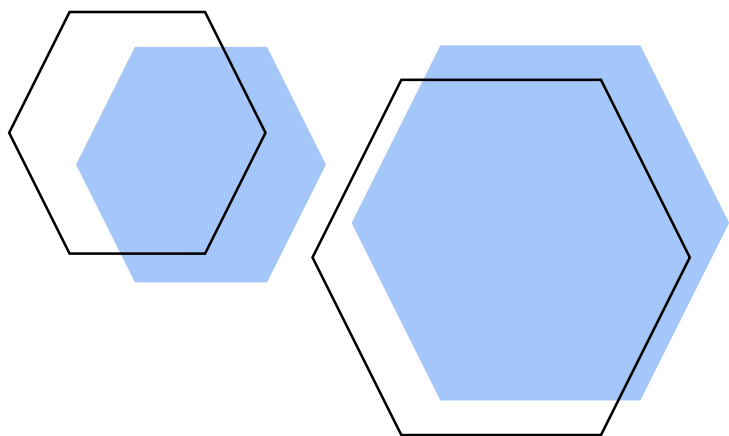


CENTRALIZED IP EXAMINATION OVERSIGHT AND HARMONIZED PROCEDURES

A central proposal of the Draft Decree is the creation of a unified oversight framework for patent, trademark and industrial design examination. Although the IP Office of Vietnam currently administers examination processes, the Draft Decree establishes a supervisory council with authority to review examination quality, audit selected cases and publish annual guidelines. This mechanism aims to address concerns about inconsistent examination practices, prolonged pendency periods and divergence in the interpretation of substantive requirements.

The Draft Decree also outlines a harmonized examination structure for patentability, trademark distinctiveness and design novelty. Examiners would be required to follow standardized search methodologies, provide detailed reasoning for refusals and, where applicable, issue pre-refusal notices to offer applicants an opportunity to clarify or amend their filings. These measures intend to ensure greater transparency, predictability and uniformity, particularly for foreign applicants who have expressed concern regarding the variability of office actions.

Further implementing guidance is expected in accompanying circulars addressing technical standards, search tools and cooperation among specialized examiners.





STRENGTHENED ENFORCEMENT AND INTER-AGENCY COORDINATION

The Draft Decree proposes a notable shift in enforcement policy by imposing mandatory coordination obligations on provincial science and technology departments, market surveillance forces, customs authorities and the police. Under the new framework, enforcement bodies would be required to share case data, verify status of rights in real time and jointly process matters involving counterfeit goods, online infringement and cross-border distribution channels.

A key aspect of the reform is the introduction of an integrated infringement database that aggregates information on prior decisions, pending cases and repeat offenders. Enforcement officials would be required to consult the database before initiating actions, which aims to reduce duplication, improve consistency in sanctioning and ensure earlier detection of organized counterfeiting networks.

For administrative actions, the Draft Decree clarifies evidentiary requirements and instructs authorities to issue written decisions with detailed reasoning, particularly in cases involving parallel importation or comparative advertising. These improvements are meant to align enforcement procedures with international standards and enhance the credibility of administrative rulings.

DIGITAL MARKETPLACE LIABILITY AND ONLINE IP PROTECTION

The Draft Decree dedicates a significant portion to regulating IP enforcement on digital platforms, reflecting the growing volume of online infringement. E-commerce operators, social media platforms and intermediary service providers would be required to implement proactive monitoring systems, remove infringing content upon notice and maintain mechanisms for rights holders to submit complaints electronically.

Platforms would have a duty to verify seller identities, retain transaction data and respond to takedown requests within specified timelines. Failure to comply may result in administrative penalties, suspension of platform operations or obligations to compensate affected rights holders. These rules are intended to create clearer responsibilities for digital intermediaries, ensuring that online environments do not facilitate the distribution of counterfeit and pirated goods.

The Draft Decree also encourages cooperation between digital platforms and enforcement agencies by requiring periodic reporting on infringement trends, seller behavior and remedial measures. This information flow is expected to support investigations and allow authorities to detect patterns that may signal large-scale organized infringement.

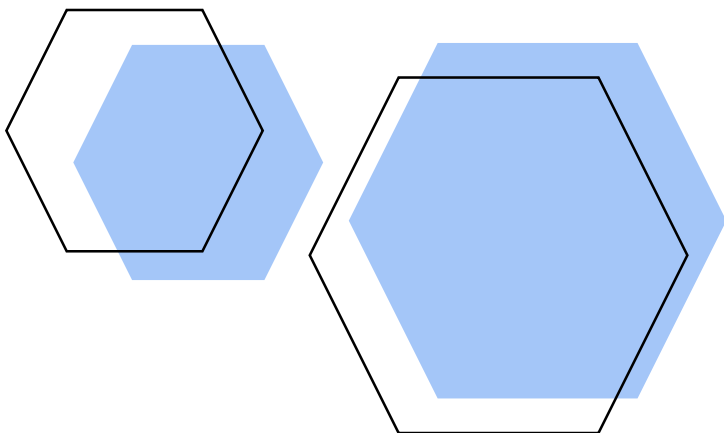


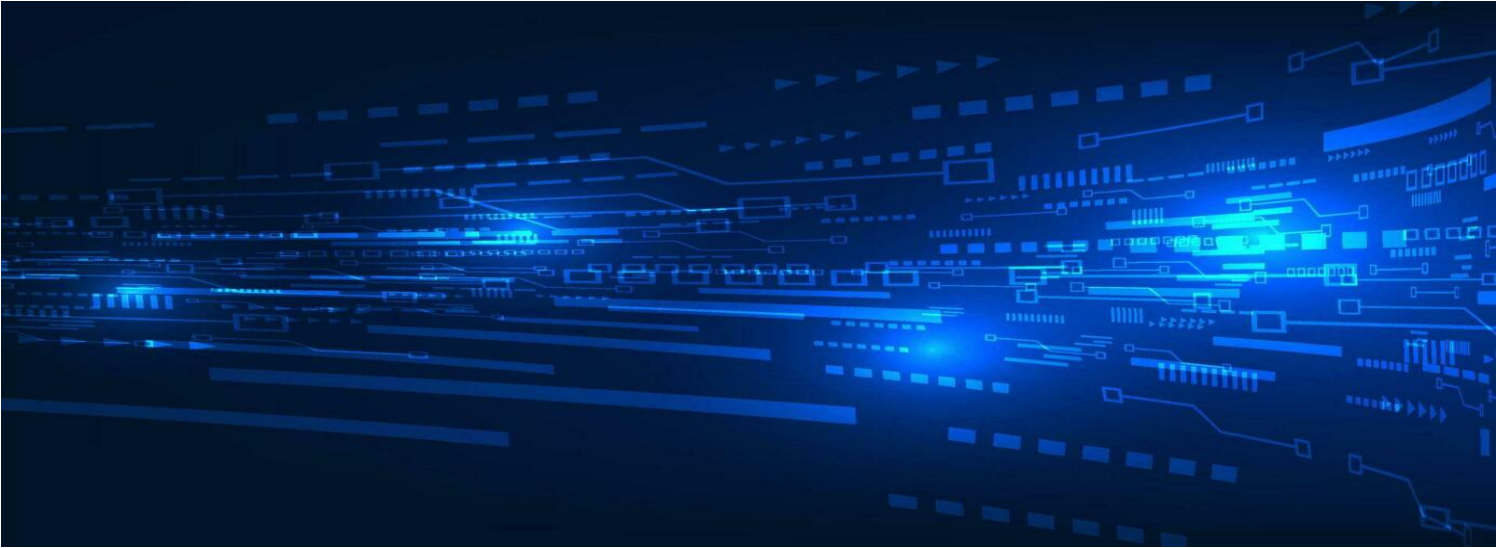
REFORMS TO CUSTOMS PROCEDURES AND BORDER CONTROL MEASURES

Recognizing the increasing sophistication of cross-border IP violations, the Draft Decree introduces more structured procedures for customs intervention. Rights holders would be allowed to submit expanded dossiers containing product authentication methods, supply chain information and rights-holder contact channels. Customs officials may request additional supporting documents during high-risk inspections, reflecting a more adaptive approach to complex import and export practices.

The Draft Decree further clarifies detention timelines, evidence needed to confirm infringement and criteria for releasing goods that are deemed non-infringing. These clarifications aim to reduce uncertainty for importers while ensuring that customs authorities have the necessary tools to intercept counterfeit shipments. The government expects these measures to strengthen trust among foreign investors, particularly those in sectors with high exposure to counterfeit risk such as pharmaceuticals, consumer electronics and fashion.

In addition to procedural reforms, the Draft Decree sets out training and capacity-building initiatives for customs officers, focusing on product identification, modern detection technologies and coordination with foreign IP enforcement agencies.





CONCLUSION

MOST, the IP Office, the General Department of Customs and provincial authorities are expected to release supplementary guidance once the Draft Decree is finalized. During the implementation period, authorities will likely increase inspection activities, organize training programs and evaluate the performance of the new examination and enforcement mechanisms. Digital platforms and multinational corporations may need to update their internal compliance systems, review contractual arrangements with distributors and strengthen brand protection strategies to align with the new regulatory expectations.

While the Draft Decree introduces additional compliance obligations for both right holders and intermediaries, policymakers view these reforms as an essential step toward building a robust IP ecosystem that supports innovation, economic competitiveness and public trust. The effectiveness of the framework will depend on consistent enforcement, timely coordination among agencies and the willingness of market stakeholders to adopt more responsible practices in the creation, use and protection of IP assets.

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DAITIN & ASSOCIATES

Lawyers and Consultants

CONTACT

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.

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

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