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# INSIDE THIS ISSUE

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Overview

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In Details

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Conclusion

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VIETNAM AT A TURNING POINT IN  
INTELLECTUAL PROPERTY REFORM

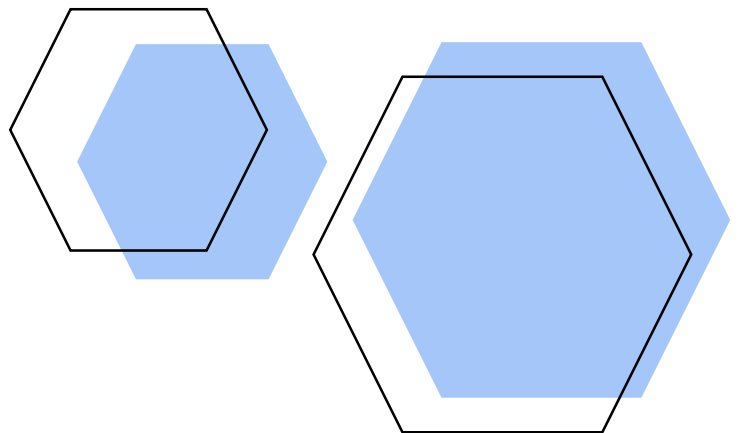


## OVERVIEW

Amendments to Vietnam’s Intellectual Property Law have been anticipated for years, not merely as a routine legislative update, but as a necessary response to structural weaknesses that have become increasingly visible to businesses, investors, and rights holders. Over time, delays in registration procedures, uncertainty in enforcement, and inconsistent remedies against infringement have eroded confidence in the system. Many enterprises, both domestic and foreign, have expressed frustration at the difficulty of translating intellectual property rights into effective protection or meaningful economic value.

Against this backdrop, Vietnam has entered a decisive reform phase. The upcoming amendments go beyond the relatively narrow revisions of 2009, 2019, and 2022. They reflect broader economic changes, including Vietnam’s transition toward an innovation-driven economy, the rapid expansion of digital business models, and the State’s commitment to deeper integration into global trade and investment frameworks. The scope and ambition of this legislative cycle signal that intellectual property is no longer viewed as a purely legal construct, but as a core component of national competitiveness.

The reform process is already underway. On October 27, 2025, the Government officially submitted the Draft Law amending and supplementing a number of articles of the Intellectual Property Law to the National Assembly. This was followed by a plenary debate on November 24, 2025, during which lawmakers examined issues such as intellectual property valuation, digital copyright protection, enforcement mechanisms, and alignment with free trade agreements including CPTPP, EVFTA, and RCEP. Based on legislative timelines and the level of consensus emerging from these discussions, the amendments are likely to be adopted in late 2026, with practical effect expected from 2027 once implementing regulations are issued.



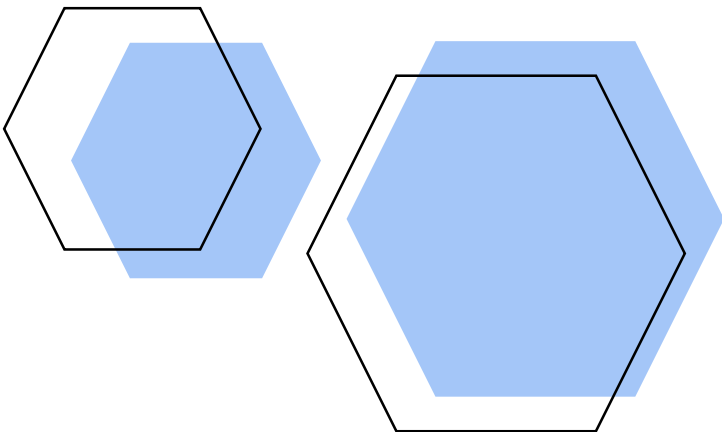


## FROM LEGAL PROTECTION TO ECONOMIC VALUE

One of the most significant policy shifts reflected in the draft law is the repositioning of intellectual property from a passive legal entitlement to an active economic asset. The Ministry of Science and Technology, in its explanatory dossier submitted to the National Assembly, clearly articulated the need for intellectual property to play a more direct role in economic development. This aligns with Vietnam's broader strategy to develop a functioning market for science, technology, and innovation.

Under the existing framework, businesses often face difficulties when attempting to monetise intellectual property. Valuation remains opaque, licensing transactions lack transparency, and the use of intellectual property as collateral or capital contribution is legally uncertain. The draft amendments seek to address these barriers by establishing clearer legal recognition of intellectual property valuation and by laying the groundwork for a national database on intellectual property transactions and valuation references.

By improving transparency in licensing and transfer mechanisms, and by clarifying the principles governing the use of intellectual property as security in financial transactions, the law aims to unlock dormant value. For innovators, startups, and research-driven enterprises, this shift could significantly improve access to financing and investment. For investors, it offers greater confidence that intellectual property assets can be assessed, managed, and enforced in a predictable manner.



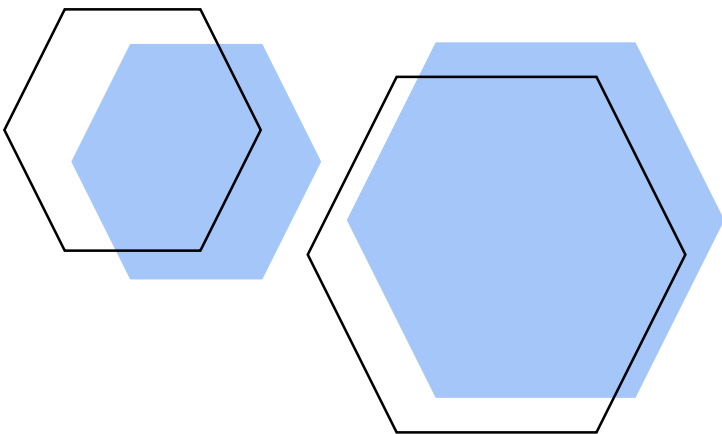


## RESPONDING TO THE REALITIES OF THE DIGITAL ECONOMY

The November 24, 2025 National Assembly debate made clear that the existing Intellectual Property Law is increasingly misaligned with digital realities. Lawmakers highlighted gaps in the regulation of online content, algorithm-driven distribution, and emerging technologies such as artificial intelligence. Issues surrounding the redistribution of news content, platform responsibility for copyrighted material, and automated reproduction have become particularly pressing as digital platforms dominate information and entertainment markets.

The draft amendments introduce provisions designed to modernise copyright protection and clarify responsibilities across the digital ecosystem. These include clearer obligations for online platforms and intermediaries, stronger enforcement tools against digital infringement, and a more nuanced approach to content generated or disseminated through automated systems. The aim is not only to protect traditional rights holders such as authors and media organisations, but also to provide legal certainty for technology companies operating complex digital infrastructures.

By addressing cross-border streaming, digital licensing models, and AI-related risks, the amendments acknowledge that intellectual property enforcement can no longer be confined within national or analogue boundaries. This is a necessary step if Vietnam is to support a sustainable digital economy while remaining an attractive destination for technology-driven investment.





## TOWARD PREDICTABLE AND HARMONISED ENFORCEMENT

Enforcement has long been one of the most criticised aspects of Vietnam’s intellectual property regime. Reports submitted to the National Assembly’s specialised committees pointed to inconsistencies between administrative, civil, and criminal enforcement channels. Rights holders frequently encounter overlapping sanctions, limited deterrence against large-scale infringement, and weak coordination among enforcement authorities.

The draft law seeks to address these shortcomings by clarifying enforcement pathways and harmonising available remedies. Strengthened border measures are intended to improve control over infringing imports and exports, while enhanced coordination mechanisms aim to reduce fragmentation among market surveillance authorities, police, and courts. For businesses, greater predictability in enforcement is as important as stronger sanctions. A system that is consistent and transparent allows companies to assess risk more accurately and to plan enforcement strategies with greater confidence.

These reforms respond directly to long-standing concerns raised by both domestic enterprises and foreign investors, many of whom view effective intellectual property enforcement as a prerequisite for long-term investment and technology transfer.

## ALIGNING DOMESTIC LAW WITH INTERNATIONAL COMMITMENTS

Vietnam’s participation in high-standard free trade agreements imposes concrete obligations on its intellectual property framework. CPTPP, EVFTA, and RCEP all require enhanced protection in areas such as digital copyright, border enforcement, intermediary liability, and trade secret protection. The Government’s explanatory report accompanying the draft law explicitly identifies these commitments as a key driver of the amendments.

Alignment with international standards is not merely a matter of formal compliance. It plays a critical role in building investor confidence and facilitating cross-border commercial activities such as licensing, franchising, OEM and ODM manufacturing, and technology transfer. By strengthening rules on confidential information, fair licensing practices, and online intermediary responsibilities, Vietnam positions itself as a more reliable partner in global value chains.



### SIMPLIFYING PROCEDURES AND REDUCING COMPLIANCE BURDENS

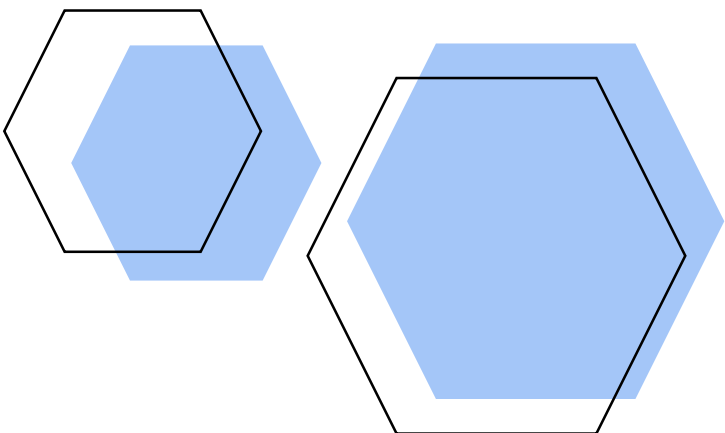
Another recurring theme in stakeholder consultations conducted in mid-2025 was the need for procedural reform. Lengthy registration timelines, unclear opposition procedures, and cumbersome recordal requirements have imposed significant costs on businesses, particularly small and medium-sized enterprises and foreign investors unfamiliar with local processes.

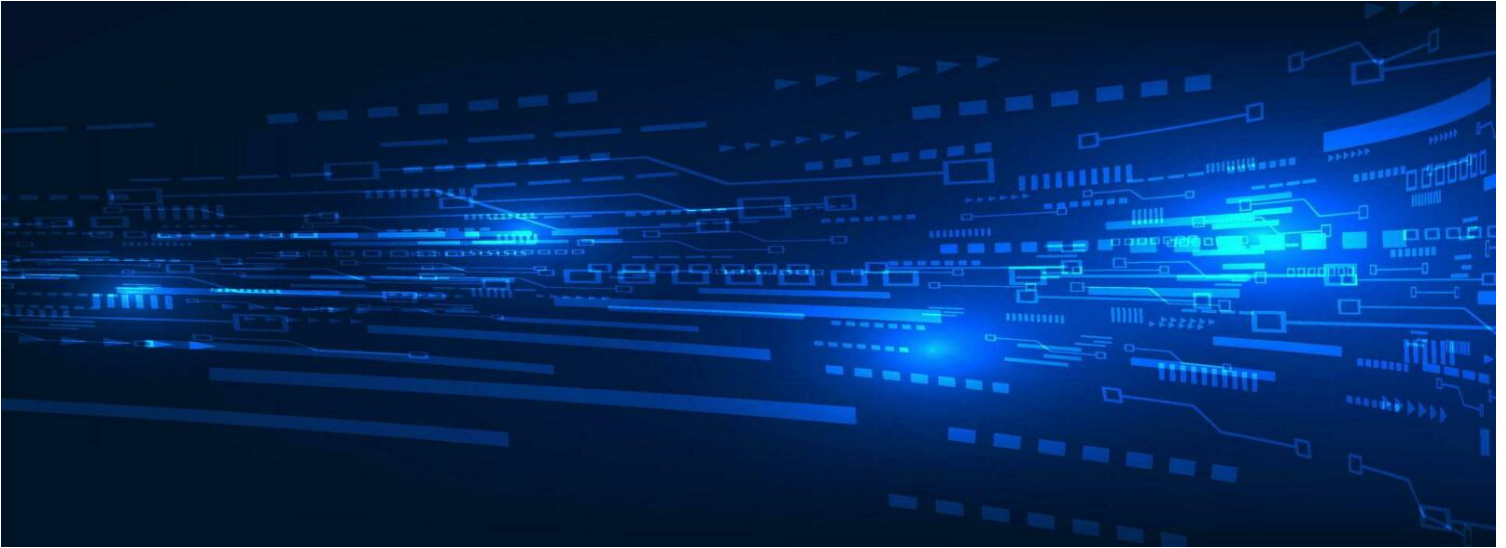
The draft amendments propose a series of procedural improvements aimed at increasing efficiency and transparency. Shorter registration timelines, clearer opposition and invalidation mechanisms, and simplified renewal and recordal processes are expected to reduce administrative burdens and improve access to protection. While the practical impact will depend on implementing regulations, the direction of reform suggests a more user-oriented intellectual property system.

### PREPARING FOR THE NEXT PHASE OF REFORM

With adoption anticipated in late 2026, businesses still have time to prepare. Early preparation will be essential to minimise disruption and to take advantage of new opportunities created by the amendments. This includes reviewing existing intellectual property portfolios, assessing which assets may benefit from valuation or commercialisation, strengthening internal governance, and updating contracts to reflect evolving legal obligations. Particular attention should be paid to digital content management and AI-related compliance, areas likely to receive heightened scrutiny under the new regime.

Monitoring the legislative process throughout 2026 will also be critical, as detailed guidance will emerge through implementing decrees and circulars that shape how the law operates in practice.





## CONCLUSION

The forthcoming amendments to Vietnam’s Intellectual Property Law reflect a deliberate and strategic shift in economic policy. Intellectual property is being repositioned as a driver of innovation, digital resilience, and international integration. With the draft already submitted to the National Assembly and publicly debated, the timeline for reform is increasingly clear.

For enterprises, this reform is more than a technical legal adjustment. It presents an opportunity to rethink how intellectual property is valued, managed, and leveraged within broader business strategies. Companies that prepare early and align their systems with the new framework will be better placed to turn intellectual property into a tangible and strategic asset in Vietnam’s evolving economic landscape.

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