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### New finds this week

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# New finds this week

By Uyen Ngo, Nguyen Hoa Binh, et al.

## VIETNAM'S 2025 INTELLECTUAL PROPERTY LAW REFORM AND ITS BROADER SIGNIFICANCE

### Overview

On December 10, 2025, Vietnam's National Assembly adopted a comprehensive set of amendments to the Intellectual Property Law, signaling a decisive shift in how the country regulates, protects, and enforces intellectual property rights. These amendments, scheduled to take effect on April 1, 2026, represent one of the most substantial recalibrations of Vietnam's IP framework since the law's initial enactment. The reforms aim to address long-standing practical shortcomings while positioning Vietnam's legal system closer to global standards governing innovation, digital assets, and enforcement.

The revised law reflects a broader policy objective: strengthening IP protection as a foundation for economic growth, technological development, and international integration. For rights holders and practitioners, the amendments introduce both new opportunities and heightened compliance expectations.

### Expanding the Scope of Protectable Subject Matter

One of the most consequential developments under the amended law is the expanded recognition of protectable subject matter, particularly in the area of industrial designs. Vietnam now expressly acknowledges protection for partial designs and nonphysical designs, including digital product appearances that exist independently of a tangible form. This marks a significant departure from traditional notions that tied design protection strictly to physical products.

By clarifying that digital and virtual appearances can constitute industrial designs, the law responds directly to the realities of a digitized economy, where value increasingly lies in user interfaces, virtual goods, and online environments. The revised provisions also treat the circulation of digital copies of protected appearances as acts of use, thereby extending enforcement reach into cyberspace. This evolution aligns Vietnam with jurisdictions that already recognize design protection beyond physical constraints.

## IP Insights – July 2025



### **Clarifying Ownership and Rights Allocation**

Another critical aspect of the amendments concerns ownership and control of intellectual property, particularly where public funding is involved. Organizations tasked with managing state-funded scientific and technological projects are now explicitly entitled to register and hold IP rights arising from those projects. This clarification reduces uncertainty surrounding ownership of publicly financed innovation and supports the commercialization of research outputs.

The law also addresses conflicts arising from overlapping IP rights. Where a later-established right interferes with the legitimate exploitation of an earlier one, courts are empowered to terminate the later right. This judicial safeguard introduces a clearer hierarchy of rights and mitigates risks of strategic filings intended to block or undermine existing protections.

### **Digital Use, Artificial Intelligence, and Data Access**

The amendments respond to rapid technological change by acknowledging the role of data and published materials in artificial intelligence development. Lawfully published and publicly accessible data may now be used for research, testing, and AI system training, provided such use does not unreasonably harm the interests of rights holders. While this provision opens pathways for innovation, it is carefully balanced against copyright protections and subject to regulatory oversight.

At the same time, digital platform operators are placed under greater responsibility to prevent and address online infringement. Platforms must adopt measures consistent with intellectual property, cybersecurity, and e-commerce regulations, reinforcing Vietnam's intent to curb IP violations in online spaces where enforcement has historically been challenging.



### **Strengthening Enforcement and Remedies**

Enforcement mechanisms under the revised law are both broader and more flexible. Administrative and judicial authorities are granted enhanced powers to address infringement, without the rigid enumeration of specific agencies found in earlier versions of the law. This broader framing allows for a more responsive enforcement environment, adaptable to evolving forms of infringement.

Civil remedies have also been strengthened. Courts may now order the destruction of counterfeit and pirated goods, along with the equipment and materials used in their manufacture, subject to limited exceptions. Compensation thresholds for infringement have been raised significantly, doubling the cap on material damages and expanding the range of moral damages available to rights holders. These changes reflect a policy shift toward deterrence and meaningful redress.

### **Procedural Efficiency and Legal Certainty**

The amended law introduces notable adjustments to procedural timelines, particularly in examination and publication stages. Shorter publication periods and clearer opposition deadlines aim to improve transparency and predictability for applicants and third parties alike. The ability to suspend substantive examination in cases involving court disputes or invalidation proceedings provides procedural flexibility while avoiding inconsistent outcomes.

In parallel, formal requirements have been simplified in specific areas. Notarization and certification are no longer required for certain powers of attorney involving foreign applicants, reducing administrative burdens and facilitating cross-border filings. These refinements demonstrate an effort to balance stricter enforcement with streamlined procedures.



### **Conclusion**

Vietnam's 2025 amendments to the Intellectual Property Law represent more than incremental reform. They reflect a deliberate effort to modernize the legal framework in response to digital transformation, international commitments, and domestic enforcement realities. By expanding the scope of protection, clarifying ownership, enhancing remedies, and refining procedures, Vietnam has laid the groundwork for a more robust and credible IP regime.

For businesses, innovators, and legal practitioners, the changes demand careful attention. While the reforms offer stronger protection and clearer rules, they also require proactive compliance and strategic planning. As the amended law comes into force, its practical impact will depend on consistent implementation and the ability of rights holders to navigate this evolving legal landscape effectively.

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## IP Insights – December 2025

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