

IP KNOWLEDGE EXTRACT



VIETNAM'S INDUSTRIAL DESIGN REGIME ENTERS THE DIGITAL ERA

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What's New

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Overview

Vietnam's intellectual property framework continues to evolve rapidly as the country pursues innovation-driven growth, digital transformation, and deeper international integration. Following the 2022 amendments to the Intellectual Property Law, the legislative revisions adopted at the end of 2025 mark another decisive milestone. Effective from April 01, 2026, the amended law fundamentally reshapes the scope of industrial design protection, extending legal recognition to partial designs and non-physical designs.

This reform reflects a broader policy shift away from a purely manufacturing-oriented understanding of industrial design toward a framework capable of accommodating digital products, virtual environments, and interface-driven innovation. As Vietnam's economy increasingly relies on software, digital services, and technology-enabled branding, the expanded protection responds directly to the changing nature of design and commercial value.

Background of Industrial Design Protection Before 2026

Prior to the 2025 amendment, Vietnam's industrial design regime was firmly anchored in the concept of tangible products. Under the 2022 Intellectual Property Law, an industrial design was defined as the external appearance of a product or a component capable of assembly into a complex product, provided that such appearance was visible during the product's use. This definition implicitly required a physical carrier and the possibility of independent circulation.

As a result, industrial design protection primarily benefited traditional industries involving manufactured goods, tools, equipment, and consumer products. Designs that existed only in digital form, such as graphical user interfaces, screen layouts, or virtual decorative elements, were generally excluded. Applications covering such subject matter were often rejected at the formality examination stage due to the lack of a qualifying "product" under the law.

Although applicants occasionally attempted to reframe intangible designs as physical objects to overcome these limitations, examination practice gradually tightened. Amendments altering the nature of the design were rejected, and priority claims were refused where the subject matter was deemed to have changed. Over time, it became clear that the existing framework was increasingly misaligned with modern design practices and commercial realities.

Expansion to Partial and Non-Physical Designs

The 2025 amendment to Article 4.13 introduces a broadened and more flexible definition of industrial design. Under the revised provision, an industrial design may relate to the external appearance of the whole or a part of a physical or non-physical product, expressed through shapes, lines, colors, or combinations thereof, provided it is visible during exploitation of the product's utility.

This change formally recognizes that design value does not depend solely on physical embodiment. Partial designs, including inseparable components of products, are now eligible for protection even if they cannot exist independently. More significantly, non-physical designs are brought within the scope of protection, allowing for the registration of visual elements associated with digital and virtual products.

For industries driven by user experience, interface aesthetics, and digital branding, this represents a major shift. Designers and businesses can now seek industrial design protection for creations that previously relied on alternative IP regimes, such as copyright or trademark law, each of which offers a different scope and duration of protection.

Implications for Class 32 and Digital Design Innovation

The recognition of non-physical designs has particular relevance for subject matter traditionally classified under Class 32 of the Locarno Classification, which includes graphic symbols, logos, surface patterns, and other intangible visual designs. These designs were historically excluded from industrial design protection in Vietnam due to their lack of physical form.

With the amended law coming into force in 2026, such designs may now qualify for protection provided they meet the substantive requirements of novelty and individual character. This development opens the door for broader protection of digital interfaces, ornamental screen displays, virtual product appearances, and similar creations that play a critical role in brand identity and consumer engagement.

The reform also enhances Vietnam's compatibility with international design filing systems. International applications designating Vietnam under the Hague Agreement should no longer face automatic refusal solely on the basis that the design lacks physical form, improving predictability and legal certainty for foreign applicants.





Challenges in Examination and Enforcement

While the expanded scope of protection is widely welcomed, it also raises practical questions regarding examination and enforcement. Assessing novelty and individual character for non-physical designs may require new examination guidelines and increased technical expertise. The representation of intangible designs, particularly those involving motion, interaction, or dynamic elements, will need to be addressed through clear procedural standards.

Enforcement presents additional challenges. Unlike physical products, non-physical designs may be reproduced, modified, or distributed across digital platforms with ease. Establishing infringement may involve complex factual and technical analysis, particularly where designs appear in virtual environments or software-based systems. Courts and enforcement authorities will need time to develop consistent approaches to these issues.

Despite these challenges, the expansion is widely viewed as a necessary step to ensure that Vietnam's IP system remains relevant and effective in a rapidly evolving technological landscape

Conclusion

In the Cambodian trademark system, a notice of refusal should not be seen as a final defeat. Rather, it marks the beginning of a strategic process through which applicants can strengthen their legal position, refine their applications, and ultimately secure brand protection. The combination of flexible examination practice, structured appeal mechanisms, and transparent legal remedies ensures that applicants are not deprived of due process.

By adopting a proactive and legally sound approach, supported by timely filings, persuasive reasoning, and well-documented evidence, the trademark owners can transform a refusal into an opportunity for greater clarity and stronger protection. As Cambodia continues to align its IP framework with international standards, the value of understanding and effectively navigating the post-refusal process cannot be overstated. Successful applicants are those who recognize that in trademark prosecution, persistence and legal precision often yield the most enduring protection.

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