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New finds this week

As the digital economy continues to grow, design protection will remain an important component of intellectual property policy. Vietnam's evolving approach reflects an understanding that creativity today extends far beyond traditional product manufacturing. By recognizing this reality, the country positions itself to support the next generation of designers, developers, and creative entrepreneurs.

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New finds this week

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EXPANDING INDUSTRIAL DESIGN PROTECTION IN VIETNAM

Overview

Vietnam's intellectual property framework has been evolving rapidly over the past decade to respond to the needs of a modern and increasingly digital economy. While the amendment to the Intellectual Property Law in 2022 already represented a major reform, policymakers continued to refine the legal framework to better support innovation, international cooperation, and technological advancement. The subsequent revision adopted in 2025 demonstrates the government's determination to modernize the industrial design regime and ensure that it reflects contemporary design practices.

One of the most significant developments concerns the scope of industrial design protection. Traditionally, Vietnam's legal approach focused primarily on the physical appearance of tangible products. However, in an era where digital interfaces, virtual objects, and graphical environments play an essential role in consumer products, this narrow definition increasingly appeared outdated. The 2025 amendment addresses this gap by recognizing a broader range of design expressions and aligning Vietnam's system with global standards for design protection.

The reform does not merely expand the legal definition of industrial designs. It also signals a broader shift in how creativity, digital innovation, and visual identity are valued within the intellectual property system. By incorporating modern forms of design into the protection framework, Vietnam aims to encourage designers, technology companies, and creative industries to invest in innovative products and digital experiences.



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Evolution of Industrial Design Protection

Industrial design protection has historically focused on the external appearance of manufactured goods. The concept was originally developed to safeguard the aesthetic features of physical products such as furniture, appliances, packaging, or consumer electronics. These designs were typically expressed through shapes, lines, patterns, and colors that contributed to a product's visual appeal.

Vietnam adopted this traditional approach when establishing its industrial design regime. The law emphasized that the protected subject matter must relate to the visible appearance of a product or a component that could be manufactured through industrial or handicraft processes. As a result, the protection system functioned effectively for conventional products but proved less suitable for designs associated with digital technologies.

In recent years, the nature of product design has undergone a substantial transformation. Designers increasingly create visual elements that exist in digital environments rather than on physical objects. Graphical user interfaces, animated icons, virtual design elements, and digital surface patterns are now integral to the user experience of smartphones, computers, vehicles, and other smart devices.

Under the previous legal framework, these types of designs were difficult to protect because they did not always meet the requirement of being associated with a physical product in a traditional sense. As a result, applicants often faced uncertainty when attempting to register such designs in Vietnam.



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Challenges in Protecting Digital Design Elements

The growth of digital products has significantly changed how consumers interact with technology. A large portion of product differentiation now occurs through screen-based interfaces and visual digital environments rather than through purely physical form factors. Companies invest substantial resources in developing unique visual identities for their applications, operating systems, and interactive displays.

Despite this reality, legal protection for digital design elements historically lagged behind technological development. In many jurisdictions, the classification and examination of such designs raised complex questions. Authorities had to determine whether intangible design elements could be considered part of a “product” and how they should be represented in registration applications.

Vietnam faced similar challenges. The traditional legal interpretation required that an industrial design be associated with a product possessing a clearly defined structure and function. Digital elements that existed only as part of software or electronic interfaces did not always fit comfortably within this definition. Consequently, applicants attempting to protect these designs often encountered procedural obstacles.

The absence of explicit recognition for digital designs created uncertainty for both applicants and examiners. Designers could not be certain whether their creations would be accepted for protection, while authorities lacked clear guidelines for evaluating such applications. This situation highlighted the need for legislative clarification.



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Alignment With Global Design Trends

Around the world, intellectual property systems have gradually adapted to recognize modern forms of design. Many jurisdictions now allow protection for graphical user interfaces, screen displays, and other digital design elements. These changes reflect the growing importance of digital aesthetics in product development and branding strategies.

Vietnam's 2025 reform follows this international trend. By expanding the concept of industrial design to include a wider range of visual expressions, the country is aligning its legal framework with the practices of major design protection systems globally. This alignment is particularly important as Vietnam continues to strengthen its integration into the global economy and participates in international agreements related to intellectual property.

The modernization of the design regime also supports Vietnam's broader policy goals. Encouraging creativity in both physical and digital products contributes to the development of technology industries, software development, and digital services. As businesses compete in increasingly global markets, effective design protection becomes an important tool for maintaining competitive advantage.

Implications for Designers and Businesses

The broader recognition of design elements opens new opportunities for creators and companies operating in Vietnam. Designers who previously relied primarily on copyright or trademark protection for visual elements may now consider industrial design registration as an additional strategy to secure their rights.

For technology companies, the ability to protect user interface designs is particularly significant. Interfaces often represent a key component of product differentiation and brand identity. A distinctive layout, icon arrangement, or digital animation can strongly influence user experience and brand recognition. With expanded design protection, companies can better safeguard these innovations from imitation.

The reform also benefits businesses engaged in digital branding and visual design. Graphic patterns, digital ornamentation, and virtual visual elements can contribute substantially to a product's overall identity. By recognizing these forms of creativity within the industrial design framework, Vietnam provides stronger incentives for investment in creative development.

At the same time, applicants will need to adapt to new filing strategies and documentation requirements. Properly representing digital designs in applications may require clear visual depictions, explanations of functionality, and descriptions of how the design appears during use. These procedural aspects will likely become clearer as implementing regulations and examination guidelines are developed.



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Conclusion

Although the legislative amendment marks an important milestone, the effectiveness of the reform will depend largely on its practical implementation. Authorities will need to establish detailed examination guidelines to ensure consistent evaluation of design applications involving digital elements. Examiners must also develop expertise in assessing new forms of visual design.

Enforcement mechanisms may also evolve as courts and administrative authorities interpret the expanded scope of protection. Determining infringement for digital or virtual designs may involve new analytical approaches compared to traditional product designs. These developments will gradually shape the practical contours of the new regime.

Nevertheless, the reform represents a decisive step toward modernizing Vietnam's intellectual property system. By embracing contemporary forms of design, the country is acknowledging the increasing role of digital creativity in economic development. The updated framework not only enhances legal certainty for designers and businesses but also signals Vietnam's commitment to fostering innovation in both physical and digital industries.

As the digital economy continues to grow, design protection will remain an important component of intellectual property policy. Vietnam's evolving approach reflects an understanding that creativity today extends far beyond traditional product manufacturing. By recognizing this reality, the country positions itself to support the next generation of designers, developers, and creative entrepreneurs.

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