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IP KNOWLEDGE EXTRACT



MODERNIZING INTELLECTUAL PROPERTY ENFORCEMENT IN VIETNAM'S DIGITAL ECONOMY

By Uyen Ngo, Nguyen Hoa Binh, et al.

What's New

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Overview

Vietnam has promulgated new implementing regulations under its amended Intellectual Property (IP) Law, most notably Decree No. 100/2026/ND-CP (“Decree 100”), which revises and supplements Decree No. 65/2023/ND-CP. Issued on March 31, 2026 and effective from April 1, 2026, Decree 100 represents a significant step in strengthening and modernizing Vietnam’s IP enforcement regime, aligning it more closely with the demands of a digital and innovation-driven economy.

A Regulatory Shift Toward Practical IP Utilization

Vietnam’s evolving intellectual property framework reflects a broader transition from formal compliance to practical utilization. The introduction of Decree 100/2026 signals a deliberate effort to align legal protections with real-world commercial needs. Rather than treating intellectual property as a static legal entitlement, the current direction encourages businesses to view it as an operational asset—something to be actively managed, evaluated, and deployed.

This shift is particularly significant in a market where many enterprises have historically underutilized their intangible assets. By clarifying legal standards and introducing more structured requirements, the regulatory environment now supports a deeper integration of IP into business strategy. Companies are no longer expected merely to register rights; they are expected to understand, track, and leverage them in ways that contribute to long-term value creation.

Enhancing Accountability in IP Asset Management

A central feature of the new framework is the emphasis on internal accountability. Businesses are now required to maintain comprehensive records of intellectual property that may not yet be formally recognized in financial statements. This requirement serves as more than a compliance exercise—it introduces discipline into how organizations perceive and manage their intangible resources.

Accurate and accessible records create a foundation for better decision-making. Whether a company is preparing for investment, entering licensing negotiations, or navigating a dispute, the ability to demonstrate ownership, usage, and value becomes critical. In this sense, the regulatory update reinforces the idea that effective IP management begins within the organization itself. Strong internal systems are no longer optional; they are essential to participating in a more sophisticated legal and commercial environment.



Digital Transformation of Enforcement Mechanisms

Another defining element of the new approach is the integration of digital tools into enforcement processes. Authorities are increasingly equipped to monitor online activity, identify infringing conduct, and coordinate responses across platforms. This reflects the reality that infringement has shifted significantly into digital spaces, where traditional enforcement methods often struggle to keep pace.

The adoption of automated monitoring and data-driven analysis does not replace human judgment, but it enhances the speed and consistency of enforcement actions. For businesses, this means that preparedness becomes a competitive advantage. Companies that can provide clear documentation, structured evidence, and platform-ready claims are better positioned to benefit from these advancements. The result is a more responsive enforcement landscape, particularly for industries that operate heavily online.

Data Transparency and Market Intelligence

The development of centralized databases marks another important step toward a more transparent IP ecosystem. By consolidating information on enforcement outcomes and transaction practices, these systems create a shared pool of knowledge that benefits both regulators and businesses. Access to such data enables more informed assessments of risk, value, and strategy.

For instance, insights into past disputes can reveal patterns of infringement or highlight effective enforcement approaches. Similarly, data on transaction pricing can support more accurate valuations and strengthen negotiation positions. This increased visibility reduces uncertainty and promotes consistency across the market. Over time, it is likely to contribute to a more mature and predictable environment for intellectual property transactions.

Managing Complexity in Overlapping Rights

Intellectual property law often involves complex interactions between different types of rights. A single creation may qualify for protection under multiple regimes, leading to potential conflicts. The updated framework introduces a more refined approach to handling these situations, focusing on evidence and proportionality rather than rigid rules.

Instead of invalidating later rights outright, the system seeks to balance competing interests. Restrictions are applied only where necessary to prevent harm to earlier rights, allowing non-conflicting elements to remain valid. This approach acknowledges the reality that innovation and creativity often produce overlapping protections, and that these can coexist if managed carefully.

For businesses, this underscores the importance of thorough due diligence. Before pursuing new registrations or enforcement actions, companies must consider the broader landscape of existing rights. Strategic planning becomes essential, as missteps can lead to costly disputes or limitations on the use of newly acquired rights.





Refining Standards for Design Protection

The updated rules also bring greater clarity to the assessment of industrial design infringement. By defining what constitutes a meaningful similarity between products, the framework reduces ambiguity in enforcement. The focus on core design features, rather than purely functional or non-visible elements, ensures that protection is aligned with the visual identity that design rights are intended to safeguard.

This refinement is particularly relevant for industries where design plays a central role, such as consumer goods, packaging, and digital interfaces. Clearer standards make it easier to evaluate potential infringement and to build stronger cases when disputes arise. At the same time, they help prevent overreach by limiting protection to elements that genuinely define the design.

Strengthening the Impact of Enforcement Outcomes

Effective enforcement does not end with a finding of infringement; it extends to how infringing goods are handled. The revised rules introduce stricter conditions for the disposal or redistribution of such goods, prioritizing the removal of infringing elements and minimizing the risk of re-entry into the market.

This approach enhances the credibility of enforcement actions by ensuring that they produce tangible results. While there is room for socially beneficial uses under controlled conditions, the overall emphasis is on preventing further harm to rights holders. This balance reflects a practical understanding of enforcement as both a legal and economic tool.

Conclusion

Vietnam's updated intellectual property framework represents a significant step toward a more strategic and commercially oriented system. By combining stronger internal management requirements, advanced enforcement tools, and greater transparency, the new approach encourages businesses to engage with IP in a more sophisticated manner.

The implications extend beyond compliance. Companies that adapt to this environment will be better equipped to extract value from their intellectual property, whether through licensing, investment, or market expansion. At the same time, the emphasis on clarity and proportionality in enforcement contributes to a more stable and predictable legal landscape.

In this context, intellectual property is no longer just a matter of protection—it is a central component of business strategy. Organizations that recognize this shift and invest in the necessary systems and expertise will be well positioned to thrive in Vietnam's increasingly dynamic and competitive economy.

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DAITIN & ASSOCIATES

Lawyers and Consultants

Contact

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

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