

VIETNAM'S 2025 AMENDED IP LAW: MAJOR REFORMS EFFECTIVE FROM APRIL 2026

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On 10 December 2025, Vietnam's National Assembly passed significant amendments to the Law on Intellectual Property ("2025 Amended IP Law"), marking a decisive step toward supporting an innovation-driven and digital economy.

Effective 1 April 2026, the 2025 Amended IP Law modernises IP protection, streamlines industrial property procedures and strengthens enforcement mechanisms. These reforms reshape how IP rights are registered, enforced, and commercialised in Vietnam and reflect the country's growing alignment with global standards.

Executive Summary

The following highlights some of the most notable changes introduced under the 2025 Amended IP Law:

- The 2025 Amended IP Law introduces shorter statutory timelines across trade mark, design, and patent procedures. The opposition period for trade mark, design applications is reduced to three months. Substantive examination must now be completed within five months for trade marks and industrial designs (previously nine and seven months, respectively) and within twelve months for invention patents (down from eighteen months).
- Designs of non-physical products and partial designs are now recognised as eligible industrial designs. The grace period for maintaining novelty is broadened to cover disclosures by the applicant or by others with access to the applicant's information, including certain unlawful publications.
- The law now defines intermediary service providers (ISPs) more broadly and places proactive IP protection obligations on digital platforms. These platforms must align with rules under IP, cybersecurity, and e-commerce laws. Courts may order takedowns or blocking of online content and accounts at both preliminary and final stages of enforcement.
- Courts have clearer authority to order destruction or diversion of counterfeit goods and related production tools. Statutory compensations for material and moral damages are increased. Administrative enforcement now also covers storage of counterfeit goods, and the division of powers among enforcement bodies has been updated following the restructuring of IP-related government functions.
- The law anticipates the need for future regulations on how IP rights may arise in cases involving AI-assisted creation. It permits the use of publicly accessible IP-related data for AI training, subject to conditions.

1. General Provisions on Modernising IP Prosecution

- **Shortened Timelines for Opposition and Examination**

The 2025 Amended IP Law shortens key procedural deadlines to address long-standing delays. In trade mark prosecution, the opposition period is reduced from five months to three months from the date of publication, while substantive examination must now be completed within five months of publication, down from the previous nine months. For invention patents, substantive examination is reduced from 18 months to 12 months, and the deadline for requesting substantive examination of invention patents is also shortened from 42 months to 36 months from the filing or priority date. Similarly, industrial designs examination is accelerated from 7 months down to five, with its opposition period now reduced to a fixed three-month window.

Opposition timelines for patents have also been refined: the period is now six months from the publication date or further reduced to three months if the application is examined under the new fast-track mechanism. This fast-track mechanism, applicable across trade marks and patents, allows examination to conclude within three months in government-designated cases. These changes aim to accelerate registration while placing greater emphasis on early detection of conflicting or bad-faith filings for trade mark.

- **Simplified appeal procedures for foreign applicants**

Article 119a.2 of 2025 Amended IP Law eliminates the need for notarisation or legalisation of Power of Attorney when foreign brand owners file appeals via an authorised representative, including appeals of first and second level. This change lowers the barrier to entry for international rights holders and aligns with Vietnam's goal of streamlining IP administration in line with global norms. In practice, this also means companies can prepare and file appeals faster, which is crucial given the compressed deadlines introduced by the Law.

- **Power of Attorney Clarifications**

Article 107 of 2025 Amended IP Law clarifies that if a POA does not specify a validity period, its duration is determined under the Civil Code, either one year from the effective date or until the specific authorised work is completed. While this provides a baseline, it may cause uncertainty for those using general POAs for long-term portfolio management. Further guidance from Ministry of Science and Technology is expected. A practical solution would be to confirm that POAs remain valid until formally revoked in writing, if such intent is stated. This would uphold the principle of party autonomy under Article 140.1 of the Civil Code and improve predictability for rights holders.

2. Strengthening Protection for Patents and Industrial Designs

- **Expanded protection for digital and partial designs**

Articles 4.13, 67, and 124.2(d) of 2025 Amended IP Law now confirm that partial designs and designs of non-physical products, for example, GUI are protectable as industrial designs. The Law also clarifies that digital copies of a registered design qualify as acts of use. The update brings Vietnam closer to alignment with design protection standards in the EU and other key jurisdictions.

- **Broadened grace period for industrial design novelty**

Articles 65.4 and 65.5 of the 2025 Amended IP Law expand the circumstances under which an industrial design may retain its novelty despite prior disclosure. A design will not lose novelty if it is publicly

disclosed by the person entitled to register it, or by someone who obtained the information directly or indirectly from that person, as long as the application is filed within six months of the disclosure.

This protection also applies where the design is disclosed through an application or protection title published by the IP Office, if the publication was made unlawfully or based on a filing submitted by a person who was not entitled to register the design. These changes strengthen the legal position of legitimate applicants and align the design system more closely with the grace period framework for inventions.

- **Clarification on inventorship and AI-generated inventions**

Articles 109.2, 117, and 96.1 of 2025 Amended IP Law now explicitly require that inventors must be human individuals. While the Law recognises that AI-assisted inventions may be patentable, it prohibits naming AI systems as inventors. R&D teams must therefore maintain documentation demonstrating human input, or risk invalidation of patents due to non-compliance with inventorship requirements.

- **Eased first filing requirements for national security**

Article 89a of 2025 Amended IP Law removes the former requirement to file first in Vietnam for certain inventions. It also narrows the scope of national security review. These amendments reduce procedural burdens for applicants managing international portfolios and improve the flexibility of Vietnam-originating inventions in cross-border filing strategies. The shift is particularly beneficial for multinational R&D hubs based in Vietnam.

- **Revised compensation for compulsory licensing**

Article 146.1(d) of 2025 Amended IP Law introduces a government-determined framework for calculating compensation in compulsory licensing cases. Article 147.1 of 2025 Amended IP Law allows provincial-level authorities to issue such licences **in some circumstances**. These updates aim to bring greater predictability to the valuation of patent rights when licensing is mandated in the public interest. However, they also introduce new risk factors for patent owners in sectors where compulsory licensing may be triggered by policy concerns, including healthcare, energy, and essential goods.

- **Added invalidation grounds**

Articles 96.1 and 96.2 of the 2025 Amended IP Law expand the grounds for invalidation of patents and designs. This includes improper inventorship, where the inventor is not the true inventor or designer or not human individual. The design patent will be invalidated if there is violation of the first-to-file principle, the same previous invalidation ground applied only for patent for invention/utility solution.

3. Expanding Enforcement Tools and Civil Remedies

- **Liability of ISPs**

Article 198b of the 2025 Amended IP Law establishes a clear legal basis for the liability of ISPs in relation to IP rights. The amended Article 198b.1 the 2025 Amended IP Law defines these providers as businesses that offer technical means or digital platforms for uploading digital content to cyberspace, or that provide online connectivity for the public to access and use such content. This revised definition expands the scope beyond internet and telecommunications services and formally recognises the role of digital platforms in distributing online content.

New Article 198b.5a of the 2025 Amended IP Law imposes a specific obligation on platform operators to implement measures that protect IP rights in cyberspace. These measures must comply with the laws on intellectual property, e-commerce, cybersecurity, and other relevant legal instruments.

- **Updated enforcement authorities**

Article 200 of the 2025 Amended IP Law confirms that courts and authorised administrative sanctioning bodies have the power to handle acts of IP infringement, in line with the Law on Handling of Administrative Violations. The amended provisions clarify that administrative enforcement measures fall strictly within the powers of authorised sanctioning officials. Where necessary, these officials may also apply preventive and safeguarding measures to ensure the effective handling of violations, in accordance with applicable procedural laws.

- **Expanded civil remedies**

Article 202 of the 2025 Amended IP Law expands the options available to courts when resolving IP infringement cases. While courts were already permitted to order the destruction or non-commercial use of infringing goods and related materials, the amended law introduces a distinct provision for counterfeit trade mark goods and pirated products. These may now be subject to destruction as a separate remedy, unless otherwise provided by the Government. Materials and equipment used in their production may also be destroyed or diverted, provided this does not impair the right holder's ability to exploit their rights.

The amendment also adds new digital remedies. Courts may now order the removal, hiding, or disabling of access to infringing information, user accounts, websites, applications, or related internet identifiers. These additions give courts greater flexibility to address both physical and online forms of infringement.

- **Higher statutory statutory compensations for material and moral damages**

Article 205 of the 2025 Amended IP Law raises the ceiling for statutory compensations for material and moral damages. When material damages cannot be determined based on actual loss, courts may now award up to VND 1 billion (approximately USD 38,000), depending on the level of harm. For moral damages, courts may award between 10 and 100 times the base salary prescribed by the State, which is currently VND 2,340,000 (around USD 88). If the base salary system is abolished, the Government must issue a new reference figure that cannot be lower than ten times the former amount. These changes enhance the civil remedy framework by allowing more realistic compensation in cases where damage is difficult to quantify.

- **Preliminary injunctions for digital content**

Article 207 of the 2025 Amended IP Law introduces a new interim measure that allows courts to order the removal or temporary disabling of access to information, digital content, user accounts, websites, applications, or other internet identifiers, that are related to an IP infringement. This adds to the existing list of preliminary injunctions and gives right holders a tool to stop online infringement at an early stage, even before a final judgement is issued. It strengthens the ability to prevent ongoing harm in fast-moving or high-risk IP cases.

- **Expanded scope of administrative sanctions**

Article 211 of the 2025 Amended IP Law expands the list of acts subject to administrative penalties. The amended provision now includes the storage of counterfeit goods as an infringing act, alongside existing acts such as production, importation, transportation, sale, and assigning others to carry out these acts. This change allows enforcement agencies to take action at earlier stages in the counterfeit supply chain,

including warehouses and fulfilment centres. The amendment also clarifies that acts of unfair competition related to intellectual property are now subject to administrative sanctions under the laws on handling of administrative violations.

4. Clearer Timelines for Plant Variety Testing

Article 176.3(d) of the 2025 Amended IP Law introduces a defined deadline for the start of technical testing in plant variety protection applications, particularly for cases involving independent testing by the applicant. This amendment addresses a procedural gap by introducing a firm timeline for self-testing, reducing the risk of indefinite delays and enhancing clarity for both applicants and the examining authority.

The 2025 Amended IP Law provides that if the applicant chooses to carry out independent technical testing, the testing must begin within 24 months from the date the application is formally accepted. If this deadline is missed, the application will be considered withdrawn at the end of that 24-month period.

5. IP Rights Arising from AI Use and Permitted Data Access for AI Training

The 2025 Amended IP Law introduces initial provisions to address the intersection between IP and artificial intelligence. Under new Article 6.5 of 2025 Amended IP Law, the Government is tasked with issuing regulations on how IP rights may arise and be established in cases where protected subject matter is created using AI systems. These rules will be developed based on existing provisions governing the creation and recognition of IP rights.

New Article 7.5 of 2025 Amended IP Law permits using lawfully published and publicly accessible IP-related texts and data for scientific research, experimentation, and AI system training, provided such use does not unreasonably affect the legitimate rights and interests of authors or IP right holders. For materials protected by copyright or related rights, further conditions will apply as specified by the Government. These provisions lay the groundwork for future policy development while ensuring that legitimate rights remain protected.

6. Conclusion

The 2025 Amended IP Law marks a major upgrade to Vietnam's legal framework for IP. By reducing prosecution timelines, expanding design protection to digital and partial forms, clarifying inventorship rules, and empowering online enforcement, the Law supports a more modern, responsive, and globally aligned system. Businesses active in Vietnam should review their IP filings, update internal procedures, and prepare enforcement strategies to ensure readiness when the changes take effect on 1 April 2026.