

LAW

LAW ON AMENDMENTS TO THE LAW ON INTELLECTUAL PROPERTY

Pursuant to the Constitution 2013 of the Socialist Republic of Viet Nam as amended by Resolution No. 203/2025/QH15;

*Pursuant to the Constitution 2013 amended by Resolution No. 203/2025/QH15;
The National Assembly promulgates the Law on amendments to the Law on Intellectual Property No. 50/2005/QH11 amended by Law No. 36/2009/QH12, Law No. 42/2019/QH14, Law No. 07/2022/QH15 and Law No. 93/2025/QH15.*

Article 1. Amendments to the Law on Intellectual Property

1. A number of clauses of Article 4 are amended as follows:

a) Clause 1 is amended as follows:

“1. *Intellectual property rights* are the rights of organizations and individuals to subject matters of copyright and related rights, industrial property rights and plant variety rights.”;

b) Clause 13 is amended as follows:

“13. *Industrial design* means the external appearance of a product or part thereof in physical or non-physical form, expressed by shapes, lines, colors or a combination thereof and visible during the use of the product.”.

2. Clause 5 is added after Clause 4 of Article 6 as follows:

“5. Based on the provisions of this Law, the Government shall provide for the arising and establishment of intellectual property rights as prescribed in Clauses 1, 2, 3 and 4 of this Article in cases where subject matters of intellectual property rights are created using artificial intelligence systems.”

3. Clauses 2 and 3 are amended; Clauses 4 and 5 are added after Clause 3 of Article 7 as follows:

“2. The commercial exploitation of intellectual property rights and protection of intellectual property rights must not infringe upon the interests of the State, public interests, or the lawful rights and interests of other organizations and individuals and must comply with this Law and

other relevant laws. Organizations and individuals exercising intellectual property rights related to the National Flag, National Emblem and National Anthem of the Socialist Republic of Vietnam must not obstruct or hinder the dissemination and use thereof.

3. Where necessary to ensure national defense, national security, social order and safety, social ethics and public health as provided in this Law, the State has the right to prohibit or restrict intellectual property right holders from exercising their rights or to compel them to allow other organizations and individuals to use one or several of their rights under appropriate conditions; limitation of rights to inventions classified as state secrets shall comply with regulations of the Government; limitation of rights to intellectual property subject matters that are results of science, technology and innovation tasks using the state budget shall comply with the Law on Science, Technology and Innovation.

4. Where the same subject matter is subject to multiple intellectual property rights arising or established in accordance with Article 6 of this Law, any intellectual property right arising later or established later in respect of such subject matter shall be required to cease its exercise where the exercise of such later-arising or later-established intellectual property right conflicts with the normal use of the intellectual property right that has arisen earlier or been established earlier. The cessation of the exercise of intellectual property rights under this Clause shall be decided by the Court. The Government shall provide detailed regulations for this Clause.

5. Organizations and individuals may use texts and data relating to intellectual property subject matters that have been lawfully published and are accessible to the public for the purposes of scientific research, experimentation and training of artificial intelligence systems, provided that such use does not unreasonably prejudice the lawful rights and interests of authors and intellectual property right holders under this Law.

For texts and data protected by copyright and related rights, such use must also comply with regulations of the Government.”.

4. A number of clauses of Article 8 are amended as follows:

a) Clause 2 is amended as follows:

“2. Activities of innovation, commercial exploitation, and development of intellectual property subject matters are encouraged and promoted through financial support, tax and credit incentives and other investment incentives in accordance with law to enhance national competitiveness, contribute to socio-economic development, and improve the material and spiritual life of the People.”;

b) Addition of Clause 3a after Clause 3 as follows:

“3a. The creation, protection, commercial exploitation, management and development of intellectual property subject matters, particularly those of ethnic minorities, are supported; Vietnamese organizations and individuals are supported in determining the value of intellectual property rights, applying models for assignment and licensing of intellectual property rights, and

contributing capital with intellectual property rights; mechanisms for cooperation and sharing of intellectual property rights among the State, scientists, science and technology organizations and enterprises are promoted.”;

c) Clauses 4 and 5 are amended as follows:

“4. The development of a synchronous and effective intellectual property ecosystem is prioritized, especially investment of resources in regulatory agencies managing intellectual property and authorities protecting intellectual property rights; the establishment and development of intermediary organizations supporting development, commercial exploitation, and use and protection of intellectual property rights are promoted.

5. National programs supporting the creation, protection, commercial exploitation, management and development of intellectual property subject matters serving socio-economic development, particularly in rural and mountainous areas, are formulated and implemented.”.

5. Article 8a is added after Article 8 as follows:

“Article 8a. Management and commercial exploitation of intellectual property rights

1. Intellectual property right holders shall prepare a separate inventory for internal management in cases where such rights do not yet meet conditions for recognition as assets in accounting books in accordance with accounting laws.

2. Intellectual property right holders may use intellectual property rights to engage in civil, commercial, investment and other activities in accordance with relevant laws on science, technology and innovation, intellectual property, management and use of public assets and other relevant laws.

3. The State encourages commercial exploitation of intellectual property rights and the use of intellectual property rights for capital contribution or mortgage for loans in accordance with laws on investment, enterprises, credit and other relevant laws.

4. The Government shall provide detailed regulations for this Article.”.

6. Articles 11a and 11b are added after Article 11 as follows:

“Article 11a. Conditions for ensuring state management activities in intellectual property

The State shall ensure funding, infrastructure conditions, facilities, equipment, and other necessary resources for state management activities in intellectual property, including activities within committees, sub-committees, and working groups under international treaties on intellectual property or containing provisions on intellectual property to which the Socialist Republic of Vietnam is a member; international cooperation in processing industrial property applications; processing of industrial property applications; and support for organizations and individuals in protection of intellectual property rights.

Article 11b. Digital transformation of intellectual property activities

1. The State shall promote comprehensive digital transformation of intellectual property activities through prioritizing the synchronized development of digital infrastructure, provision of online public services, and digital platforms serving intellectual property operations, including databases on protection of intellectual property rights and databases on transaction prices of intellectual property rights, ensuring security and user-friendliness.

2. The State shall invest in automation of operational processes applying technology, including big data and artificial intelligence, in order to enhance efficiency and transparency of intellectual property activities.

3. The Government shall provide detailed regulations for Clause 1 of this Article.”.

7. Clause 4 is added after Clause 3 Article 15 as follows:

“4. Ideas; slogans; titles of works independently.”.

8. Clause 3 Article 16 is amended as follows:

“3. Organizations and individuals initiating and having responsibility for the first fixation of sounds, images of a performance or other sounds and images or the reproduction of such sounds and images on any medium (hereinafter referred to as phonogram and video recording producers).”.

9. Clause 1 Article 22 is amended as follows:

“1. A computer program is a set of instructions expressed in the form of commands, codes, schemes, or other forms which, when attached to a medium or device operated by a computer programming language, is capable of enabling a computer or device to perform a specific task or achieve a specific result. A computer program shall be protected as a literary work, whether expressed in source code or machine code.

Authors and copyright owners of computer programs shall have the right to agree in writing on repair and upgrading of computer programs. Organizations and individuals lawfully using copies of computer programs may make a backup copy for replacement in case such copy is deleted, damaged, or unusable, but may not transfer such backup copy to other organizations or individuals. Where a computer program is provided as a service or through online platforms, creation of backup copies shall comply with terms of use or licensing agreements between the parties.”.

10. Clause 3a is added after Clause 3 of Article 26 as follows:

“3a. Broadcasting and television service providers shall comply with the provisions at Point a Clause 1 of this Article in accordance with regulations of the Government.”.

11. Clause 2a is added after Clause 2 of Article 33 as follows:

“2a. Broadcasting and television service providers shall comply with the provisions at Point a Clause 1 of this Article in accordance with regulations of the Government.”.

12. Amendments to certain points and clauses of Article 42:

a) Amendments to point a Clause 1 are as follows:

“a) Works, performances, phonograms, video recordings, and broadcast programs created using the state budget under ordering, assignment of tasks, or bidding methods;”;

b) Clauses 3 and 4 are amended as follows:

“3. Determination of the agency acting as the owner’s representative and the agency representing management of copyright and related rights:

a) The agency using the state budget under ordering, assignment of tasks, or bidding methods to create works, performances, phonograms, video recordings, and broadcast programs in the case prescribed at Point a Clause 1 of this Article;

b) The agency receiving transfer of copyright and related rights in the case prescribed at Point b Clause 1 of this Article;

c) The regulatory agencies managing copyright and related rights in the following cases: the case prescribed at Point c Clause 1 of this Article, except where otherwise provided by law; the case prescribed in Clause 2 of this Article.

4. The Government shall provide detailed regulations for Clauses 1 and 2 of this Article and shall prescribe royalties in the cases specified in Clauses 1 and 2 of this Article.”.

13. A number of clauses of Article 49 are amended as follows:

a) Clause 2a is added after Clause 2 as follows:

“2a. Authors, copyright owners, and related rights owners shall be responsible for the information stated in applications for copyright registration and related rights registration.”;

b) Clause 5 is amended as follows:

“5. The Government shall provide detailed regulations on application components, conditions, procedures for, and time limits for grant, re-grant, replacement, and annulment of validity of the certificate of copyright registration and the certificate of related rights registration.”.

14. Amendments to certain points and clauses of Article 50:

a) Clause 1 is amended as follows:

“1. Authors, copyright owners, and related rights owners may directly or authorize lawful representatives to submit applications for copyright registration and related rights registration to regulatory agencies managing copyright and related rights in accordance with regulations of the Government.”;

b) Amendments to Point a Clause 2 as follows:

“a) Declaration forms for copyright registration and related rights registration.

The declaration forms shall be signed or fingerprinted by the authors, copyright owners, or related rights owners, except where they are physically unable to sign or provide fingerprints;”;

c) Clause 4 is added after Clause 3 as follows:

“4. The Minister of Culture, Sports and Tourism shall prescribe forms used in copyright and related rights registration activities.”.

15. The title of Article and Clause 2 of Article 51 are amended as follows:

a) The title of the Article is amended as follows:

“Article 51. Competence to grant, re-grant, replacement, annulment of validity of the certificate of copyright registration, certificate of related rights registration”;

b) Clause 2 is amended as follows:

“2. The regulatory agencies competent to grant the certificate of copyright registration and the certificate of related rights registration shall have the authority to re-grant, replace, and annul the validity of the certificate of copyright registration and the certificate of related rights registration already granted.”.

16. Clause 2 of Article 54 is amended as follows:

“2. Information on the name of the author; the title of the work, performance, phonogram, video recording, broadcast program; the name of the copyright owner and the related rights owner shall be published in the Yearbook of copyright and related rights registration.”.

17. A number of clauses of Article 55 are amended as follows:

a) Clause 1 is amended and Clause 1a is added after Clause 1 as follows:

“1. Where the certificate of copyright registration or the certificate of related rights registration is lost or damaged, the competent regulatory agencies prescribed in Clause 2 Article 51 of this Law

shall proceed with re-granting the certificate of copyright registration or the certificate of related rights registration.

1a. Where there is a request to change the copyright owner, related rights owner; the title of the work, information of the author, copyright owner; the name of the related rights subject matter, information of the related rights owner, the competent regulatory agencies prescribed in Clause 2 Article 51 of this Law shall proceed with replacement of the certificate of copyright registration or the certificate of related rights registration.”;

b) Clause 3 is amended as follows:

“3. The regulatory agencies managing copyright and related rights shall decide on annulment of validity of the certificate of copyright registration or the certificate of related rights registration in cases where inaccurate or untruthful information is declared in the application for copyright registration or related rights registration as prescribed in this Law, based on requests or information provided by organizations or individuals or upon self-detection.”.

18. Clause 3 is added after Clause 2 Article 57 as follows:

“3. The Government shall provide detailed regulations on types and operating conditions of organizations providing services of copyright and related rights representation.”.

19. Clause 4 is amended and Clause 5 is added after Clause 4 Article 65 as follows:

“4. An industrial design shall not be considered as losing novelty if it is publicly disclosed by a person having the right to register prescribed in Article 86 of this Law or by a person obtaining information on such industrial design directly or indirectly from that person, provided that the industrial design application is filed within six months from the date of disclosure.

5. Clause 4 of this Article also applies to industrial designs disclosed in industrial property applications or titles of protection published by regulatory agencies managing industrial property rights in cases where such publication is not in accordance with law or the application is filed by a person without the right to register.”.

20. Article 67 is amended as follows:

“Article 67. Industrial applicability of industrial designs

1. An industrial design shall be considered industrially applicable if it can serve as a model for mass production of products having an external appearance or part thereof as the industrial design through manufacturing physical products by industrial or handicraft methods or for consistent reproduction of non-physical products in cyberspace.

2. The Minister of Science and Technology shall provide detailed regulations for this Article.”.

21. Amendments to certain points and clauses of Article 74:

a) Point dd is amended and Point dd1 is added after Point dd Clause 2 as follows:

“dd) Signs indicating the geographical origin of goods or services, except where such signs have been widely used and recognized as a trademark prior to the filing date or registered as a collective mark or certification mark as prescribed in this Law; for signs indicating the geographical origin of goods or services of Vietnam, implementation shall comply with Point dd1 of this Clause;

dd1) Signs indicating the geographical origin of goods or services of Vietnam, except where such signs have been widely used and recognized as a trademark prior to the filing date or where such signs constitute elements of a distinctive sign registered as a collective mark or certification mark as prescribed in this Law;”;

b) Clause 3 is added after Clause 2 as follows:

“3. The Minister of Science and Technology shall provide detailed regulations for this Article.”.

22. Point c is added after Point b Clause 1 Article 86 as follows:

“c) Organizations assigned the right to manage, use, or ownership of results of science, technology and innovation tasks using the state budget in accordance with law on science, technology and innovation shall have the right to register inventions, industrial designs, and layout designs resulting from such tasks.”.

23. Article 89 is amended as follows:

“Article 89. Filing methods for applications requesting procedures related to industrial property rights

1. Vietnamese organizations and individuals, foreign individuals permanently residing in Vietnam, foreign organizations and individuals that have production or business establishments in Vietnam may file applications requesting procedures related to industrial property rights either directly or through lawful representatives in Vietnam.

2. Foreign individuals not permanently residing in Vietnam and foreign organizations and individuals without production or business establishments in Vietnam shall file applications requesting procedures related to industrial property rights through lawful representatives in Vietnam.

3. Applications in procedures related to industrial property rights must be filed in written form in paper format or electronic format via the electronic filing system.

4. The Minister of Science and Technology shall provide detailed regulations for this Article.”.

24. Clause 1 Article 89a is amended as follows:

“1. Inventions classified as state secrets in technical fields affecting national defense and security, created in Vietnam and subject to registration rights of Vietnamese citizens residing in Vietnam or organizations established under Vietnamese law, may only be filed abroad after obtaining permission from the Ministry of National Defense or the Ministry of Public Security.”.

25. Clause 1 Article 92 is amended as follows:

“1. A title of protection shall record:

- a) The owner of the invention, industrial design, layout design, trademark or the representative of the owner of the invention, industrial design, layout design in cases where the applicant is an organization assigned the right to manage and use results of science, technology and innovation tasks using the state budget (hereinafter referred to as the title holder);
- b) The author of the invention, industrial design, layout design;
- c) The subject matter, scope and term of protection.”.

26. Clause 3 is amended and Clause 4 is added after Clause 3 Article 94 as follows:

“3. Fees and charges for maintenance and renewal of validity of titles of protection shall comply with the law on fees and charges.

4. The Minister of Science and Technology shall provide procedures for maintenance and renewal of validity of titles of protection.”.

27. Clause 8 is added after Clause 7 Article 95 as follows:

“8. The Minister of Science and Technology shall provide procedures for requesting termination of validity of titles of protection and the termination thereof.”.

28. Amendments to certain points and clauses of Article 96:

a) Point d is added after Point c Clause 1 as follows:

“d) The author of the invention, industrial design or layout design does not meet the requirements prescribed in Clause 1 Article 122 of this Law.”;

b) Point e Clause 2 is amended as follows:

“e) The invention, industrial design or trademark does not comply with the first-to-file principle prescribed in Article 90 of this Law.”;

c) Clause 7 is amended as follows:

“7. The Minister of Science and Technology shall provide detailed regulations for this Article.”.

29. A number of clauses of Article 97 are amended as follows:

a) Amendments to Clauses 1 and 2 are as follows:

“1. The title holder, organizations and individuals exercising the right to register geographical indications as prescribed in Article 88 of this Law, and geographical indication management organizations shall have the right to request amendments to the following information in titles of protection upon payment of fees and charges:

a) Changes or corrections of errors relating to information on authors, title holders, geographical indication management organizations;

b) Amendments to the description of characteristics, specific quality, geographical area bearing the geographical indication; amendments to regulations on use of collective marks or certification marks.

2. At the request of the title holder, organizations and individuals exercising the right to register geographical indications, or geographical indication management organizations, the regulatory agencies managing industrial property rights shall correct errors in titles of protection caused by such agencies. In this case, no fees or charges are required.”;

b) Addition of Clause 4 after Clause 3 as follows:

“4. The Minister of Science and Technology shall provide detailed regulations for this Article.”.

30. Article 99 is amended as follows:

“Article 99. Publication of decisions relating to titles of protection

Decisions on grant, termination, annulment or amendment of titles of protection for industrial property rights shall be published in the Industrial Property Gazette within thirty days from the date of issuance.”.

31. Article 100 is amended as follows:

“Article 100. General requirements for industrial property applications

1. Industrial property applications shall include documents relating to the subject matter requested for protection and other relevant documents.

2. Industrial property applications and documents for transactions relating thereto between applicants and competent authorities shall be made in Vietnamese, except for certain documents which may be made in other languages but must be translated into Vietnamese upon request.

3. Each industrial property application shall request the grant of only one title of protection for one single industrial property subject matter, except for cases prescribed in Clauses 4, 5 and 6 of this Article.

4. Each application may request the grant of one invention patent or one utility solution patent for a group of inventions having a close technical relationship aimed at implementing a single inventive concept.

5. Each application may request the grant of one industrial design patent for multiple industrial designs in the following cases:

a) Industrial designs of a set of products consisting of multiple products expressing a single common creative idea, used together or for a common purpose;

b) One industrial design accompanied by one or more variants constituting modifications thereof under a single common creative idea without significant difference.

6. Each application may request the grant of a certificate of trademark registration for one trademark used for one or more different goods or services.

7. The applicant shall be responsible for the declared information in the application. Where there are grounds to determine that the information is inaccurate or untruthful, the regulatory agencies that granted the title of protection shall have the authority to revoke the decision on grant thereof.

8. The Minister of Science and Technology shall provide detailed regulations for this Article.”.

32. Article 107 is amended as follows:

“Article 107. Authorization of representation in procedures related to industrial property rights

1. Organizations and individuals may authorize other organizations or individuals to represent them in carrying out procedures related to industrial property rights. The authorization for carrying out procedures related to industrial property rights must be made in writing.

2. A written authorization shall include the following principal contents:

a) Full name and address of the authorizing party and the authorized party;

b) Scope of authorization;

c) Term of authorization;

d) Date of authorization;

dd) Signature and seal (if any) of the authorizing party.

3. Where a written authorization does not specify the term of authorization, such term shall be determined in accordance with the Civil Code. Where the authorizing party or the authorized party unilaterally terminates the authorization, there must be a written declaration of termination of the authorization.

4. The Minister of Science and Technology shall provide guidance on authorization in carrying out procedures related to industrial property rights.”.

33. Article 108 is amended as follows:

“Article 108. Filing date and conditions for acceptance of industrial property applications

1. The filing date of an industrial property application is the date on which the application is received by the competent regulatory agencies or the international filing date for an application filed under an international treaty. An application shall be accepted only if it meets the conditions prescribed by the Minister of Science and Technology, except for the case prescribed in Clause 2 of this Article.

2. Applications for secret inventions shall be handled in accordance with regulations of the Government.”.

34. A number of points and clauses of Article 109 are amended, supplemented and annulled as follows:

a) Point c1 is added after Point c Clause 2 as follows:

“c1) There are grounds to affirm that the author of the invention, industrial design or layout design does not meet the requirements prescribed in Clause 1 Article 122 of this Law;”;

b) Clause 3 is annulled; Clauses 4 and 5 are amended; Clause 6 is added after Clause 5 as follows:

“4. An industrial property application that does not fall under the cases prescribed in Clause 2 of this Article shall be considered formally valid and shall be published in accordance with Article 110 of this Law and substantively examined in accordance with Article 114 of this Law, or procedures for grant of a title of protection shall be carried out and the application shall be recorded in the National Register of Industrial Property in accordance with Article 118 of this Law in the case of a layout design application. The date on which the application is transferred for publication is the date on which the application is considered formally valid.

5. An invention application, industrial design application or trademark application refused a title of protection because it is not formally valid shall be deemed not to have been filed, but may be used as a basis for claiming priority rights.

6. The Minister of Science and Technology shall provide detailed regulations on formal examination of industrial property applications.”.

35. Clauses 1a, 1, 2 and 3 of Article 110 are amended as follows:

“1a. A trademark application shall be disclosed immediately after it is accepted.

1. A valid industrial property application shall be published in the Industrial Property Gazette in accordance with this Article.

2. An invention application that is formally valid shall be published in the nineteenth month from the filing date or from the priority date for an application enjoying priority rights. Where the applicant requests early publication, the application shall be published within 1 month from the date on which the applicant requests early publication or from the date on which the application is considered valid, whichever is later.

3. An industrial design application, trademark application or geographical indication application shall be published within 1 month from the date on which the application is considered valid. An industrial design application may be published at a later time at the request of the applicant made at the time of filing, but no later than 7 months from the filing date.”.

36. Article 111 is amended as follows:

“Article 111. Confidentiality of invention applications and industrial design applications before publication

1. Before an invention application or industrial design application is published in the Industrial Property Gazette, information contained in the application must be kept confidential.

2. Cadres, civil servants, public employees and workers involved in the application processing procedure who disclose confidential information in an invention application or industrial design application shall be subject to disciplinary action; where such disclosure causes damage to the applicant, compensation must be paid in accordance with law.”.

37. A number of clauses of Article 112a are amended as follows:

a) Clause 1 is amended as follows:

“1. Within the following time limits, any third party shall have the right to oppose the grant of a title of protection:

a) 6 months from the date of publication of an invention application, or 3 months from the date of publication of an invention application in the case where the invention application is subject to accelerated substantive examination in accordance with Clause 2a Article 119 of this Law;

b) 3 months from the date of publication of an industrial design application, trademark application or geographical indication application.”;

b) Clause 3 is amended as follows:

“3. The Minister of Science and Technology shall provide detailed regulations on procedures for handling opposition opinions prescribed in Clause 2 of this Article.”.

38. A number of clauses of Article 113 are amended as follows:

a) Clause 1 is amended as follows:

“1. Within 36 months from the filing date or from the priority date in the case of an application enjoying priority rights, the applicant for an invention application or any third party shall have the right to request substantive examination of the application, provided that the substantive examination fee is paid.”;

b) Addition of Clause 4 after Clause 3 as follows:

“4. The Minister of Science and Technology shall provide detailed regulations on procedures for requesting and handling requests for substantive examination of invention applications.”.

39. Clause 3a is added after Clause 3; Clause 4 of Article 114 is amended as follows:

“3a. Substantive examination of an industrial property application shall be temporarily suspended in the following cases:

a) The applicant submits a request for temporary suspension of substantive examination of the application in order to request termination of validity or annulment of validity of a certificate of trademark registration under the exclusion cases prescribed at Points e and h Clause 2 Article 74 of this Law. Substantive examination of the application shall continue after there is a result of settlement of the request for termination of validity or annulment of validity of the certificate of trademark registration;

b) There is a notice of acceptance by a competent Court of a lawsuit filed by a third party concerning the right to register an industrial property subject matter or a trademark registered in bad faith. Substantive examination of the application shall continue immediately after the Court’s judgment or decision legally takes effect.

4. The Minister of Science and Technology shall provide detailed regulations on substantive examination of industrial property applications and on the use of substantive examination results of invention applications prescribed in Clause 3 of this Article.”.

40. Clause 5 is added after Clause 4 Article 115 as follows:

“5. The Minister of Science and Technology shall provide detailed regulations for this Article.”.

41. Clause 4 is added after Clause 3 Article 116 as follows:

“4. The Minister of Science and Technology shall provide detailed regulations for this Article.”.

42. A number of points and clauses of Article 117 are supplemented and annulled as follows:

a) Point e is added after Point dd Clause 1 as follows:

“e) The application is deemed invalid in accordance with Clause 2 Article 109 of this Law.”;

b) Clause 1b is added after Clause 1a as follows:

“1b. In addition to the cases prescribed in Clauses 1 and 1a of this Article, an invention application or industrial design application shall be refused a title of protection where there are grounds to affirm that the author of such invention or industrial design does not meet the requirements prescribed in Clause 1 Article 122 of this Law.”;

c) Clause 3 is annulled.

43. Article 118 is amended as follows:

“Article 118. Grant of titles of protection and registration

Where an industrial property application does not fall under the cases of refusal of grant of a title of protection prescribed at Points a, b, c, d and dd Clause 1, Clauses 1a, 1b and 2 Article 117 of this Law and the applicant fully pays the fees and charges as prescribed by law, the regulatory agencies managing industrial property rights shall issue a decision to grant a title of protection and record it in the National Register of Industrial Property.”.

44. Clause 2 is amended; Clause 2a is added after Clause 2 Article 119 as follows:

“2. An industrial property application shall be substantively examined within the following time limits:

a) For inventions: within 12 months from the date of publication of the application if the request for substantive examination is filed before the publication date of the application, or from the date of receipt of the request for substantive examination if such request is filed after the publication date of the application;

b) For trademarks, industrial designs and geographical indications: within 5 months from the date of publication of the application.

2a. In cases prescribed by the Government, the applicant shall have the right to request accelerated substantive examination for an invention application or trademark application. Accelerated substantive examination shall be carried out within 3 months from the time specified at Point a or Point b Clause 2 of this Article.”.

45. A number of clauses of Article 119a are amended as follows:

a) Clauses 1 and 2 are amended as follows:

“1. Applicants and organizations and individuals whose rights and interests are directly related to a decision or notice concerning the processing of applications for establishment of rights, maintenance, renewal, amendment, termination or annulment of validity of titles of protection for industrial property rights, or registration of contracts for transfer of industrial property rights, shall have the right to lodge complaints or institute lawsuits at Court in accordance with this Law and other relevant laws.

2. Vietnamese organizations and individuals, foreign individuals permanently residing in Vietnam, and foreign organizations and individuals that have production or business establishments in Vietnam may lodge complaints either directly or through lawful representatives in Vietnam. Foreign individuals not permanently residing in Vietnam, and foreign organizations and individuals without production or business establishments in Vietnam shall lodge complaints through lawful representatives in Vietnam. Authorization of a lawful representative in Vietnam to lodge a complaint must be made in writing. Such written authorization is not required to be notarized or certified.”;

b) Clause 5 is amended as follows:

“5. The time limit for complaint settlement shall comply with the law on complaints. The time for re-examination in the cases prescribed in Clause 4 of this Article, the time for complainants, complained-against persons, regulatory agencies, organizations and individuals concerned to provide opinions, information, documents and evidence regarding the subject matter of the complaint, the time for conducting expert examination solicitation (if any), and the time for complainants to amend and supplement complaint applications shall not be included in the time limit for complaint settlement.”;

c) Clause 7 is added after Clause 6 as follows:

“7. The Minister of Science and Technology shall provide detailed regulations on complaints and settlement of complaints relating to industrial property procedures.”.

46. Clause 3 Article 120 is amended as follows:

“3. The Minister of Science and Technology shall provide detailed regulations on international applications and procedures for processing international applications under relevant international treaties in conformity with the principles of this Chapter.”.

47. Clause 2 of Article 120a is amended as follows:

“2. Publication of the international application, processing of third-party opinions, and assessment of protection conditions for geographical indications in the international application shall comply with the corresponding provisions of this Law applicable to geographical indications in geographical indication applications filed under the procedures prescribed by this Law.”.

48. Clause 3 is added after Clause 2 Article 123 as follows:

“3. An organization recorded as the owner’s representative in the title of protection may represent the owner in exercising the owner’s rights to an invention, industrial design, or layout design in accordance with this Law and other relevant laws.”.

49. A number of points of Clause 2 Article 124 are amended as follows:

a) Point a is amended as follows:

“a) Manufacturing a product or part of a product the external appearance of which is the protected industrial design;”;

b) Point d is added after Point c as follows:

“d) Circulating digital copies of a non-physical product the external appearance or part of the external appearance of which is the protected industrial design.”.

50. Point d Clause 1 Article 146 is amended as follows:

“d) The transferee of the right to use shall pay the holder of the exclusive right to use a reasonable compensation amount depending on the economic value of such right to use in each specific case in accordance with regulations of the Government, except where the right to use an invention is transferred under a compulsory decision for importation of pharmaceuticals under an international treaty to which the Socialist Republic of Vietnam is a member and the compensation amount for such transferred use of the invention has already been paid in the exporting country;”.

51. Clause 1 of Article 147 is amended as follows:

“1. The People’s Committee of a province or centrally-affiliated city shall issue a decision on transfer of the right to use an invention on the basis of considering the request for transfer of the right to use in the cases prescribed at Points b, c and d Clause 1 Article 145 of this Law.

A ministry or ministerial agency shall issue a decision on transfer of the right to use an invention within its state management sector in the cases prescribed at Points a and dd Clause 1 Article 145 of this Law.”.

52. Clause 3 of Article 148 is amended as follows:

“3. A contract on use of an industrial property subject matter prescribed in Clause 2 of this Article, except for a trademark use contract, must be registered with competent regulatory agencies in order to be legally valid against third parties.”.

53. Article 150 is amended as follows:

“Article 150. Processing of applications for registration of contracts for transfer of industrial property rights

1. The Government shall provide regulations on applications for registration of contracts on use of industrial property subject matters, and procedures for receipt and processing of applications for registration of contracts on use of industrial property subject matters.

2. The Minister of Science and Technology shall provide regulations on applications for registration of contracts for assignment of industrial property rights, and procedures for receipt and processing of applications for registration of contracts for assignment of industrial property rights.”.

54. Clause 3 of Article 155 is amended as follows:

“3. The Government shall provide detailed regulations on examination of professional qualifications in industrial property representation, and grant and re-grant of the certificate of qualification for industrial property representation services. The Minister of Science and Technology shall provide the training program in law on industrial property rights.”.

55. The title and certain clauses of Article 156 are amended as follows:

a) The title of Article is amended as follows:

“Article 156. Recordation and removal of names of industrial property representatives, revocation of the certificate of qualification for industrial property representation services”;

b) Clauses 1 and 2 are amended as follows:

“1. Organizations and individuals meeting the business and professional practice conditions for industrial property representation services prescribed in Articles 154 and 155 of this Law shall be recorded by regulatory agencies managing industrial property rights in the National Register of Industrial Property Representatives.

2. Where an industrial property representative no longer meets the business and professional practice conditions for industrial property representation services prescribed in Articles 154 and 155 of this Law, competent regulatory agencies shall revoke the certificate of qualification for industrial property representation services and remove the name of that industrial property representative from the National Register of Industrial Property Representatives.”;

c) Clause 5 is added after Clause 4 as follows:

“5. The Government shall provide detailed regulations on procedures for recordation and removal of names of industrial property representatives, and revocation of the certificate of qualification for industrial property representation services.”.

56. A number of points and clauses of Article 164 are added as follows:

a) Point b1 is added after Point b Clause 2 as follows:

“b1) An organization assigned the right to manage, use, and own results of science, technology and innovation tasks using the state budget in accordance with law on science, technology and innovation shall have the right to register protection for plant varieties resulting from such tasks;”;

b) Clause 2a is added after Clause 2 as follows:

“2a. Where multiple organizations or individuals jointly breed or discover and develop a plant variety, or invest in an author for breeding or discovering and developing a plant variety, all such organizations and individuals shall have the right to register, and such right may only be exercised with the consent of all such organizations and individuals.”.

57. A number of clauses of Article 165 are amended as follows:

a) Clause 1 is amended as follows:

“1. Vietnamese organizations and individuals; foreign organizations and individuals permanently residing in Vietnam or having plant variety production or business establishments in Vietnam may file applications for registration of rights to plant varieties either directly, through such organization’s plant variety production or business establishment, or through an organization providing plant variety rights representation services; other organizations and individuals prescribed in Article 157 of this Law shall file applications through an organization providing plant variety rights representation services.”;

b) Clause 7 is amended as follows:

“7. The Government shall provide detailed regulations on examination of professional qualifications in plant variety rights representation; grant, re-grant, and revocation of the certificate of qualification for plant variety rights representation services; and recordation, re-recordation, and removal of names of organizations providing plant variety rights representation services. The Minister of Agriculture and Environment shall provide the training program in law on plant variety rights.”.

58. Clause 3 Article 170 is amended as follows:

“3. In the case prescribed at Point b Clause 1 of this Article, the plant variety protection certificate shall be automatically suspended from the commencement date of the first validity year for which the fee for maintenance of validity is not paid. Within 60 days from the date on which the plant variety protection certificate is suspended, regulatory agencies managing plant variety rights shall notify such suspension in accordance with Clause 5 of this Article.”.

59. Amendments to Point d Clause 3 Article 176 as follows:

“d) Issuing a notice of acceptance of the application and requesting the registrant to send a variety sample to a testing establishment for technical testing within 30 days before the first planting season from the date of issuance of the notice of acceptance of the application for

protection of that plant variety, except where the plant variety is self-tested by the registrant in accordance with Clause 2 Article 178 of this Law if such application is valid, or the registrant has remedied the deficiencies to satisfaction, or has well-grounded opinions opposing the notice prescribed at Point b of this Clause. Where the registrant conducts technical testing by itself, such testing must commence within 24 months from the date on which the application is accepted as valid. Upon expiry of the above time limit, if the registrant has not commenced self-testing, the application for protection of the plant variety shall be deemed withdrawn at the time of expiry of such time limit.”.

60. Clause 3 of Article 178 is amended as follows:

“3. The time limit for appraisal of technical testing results is 60 days from the date of receipt of the technical testing results.”.

61. Article 183 is amended as follows:

“Article 183. Grant of the plant variety protection certificate

1. Where an application for protection is not refused in accordance with Article 182 of this Law and the registrant pays the fee, regulatory agencies managing plant variety rights shall decide to grant the plant variety protection certificate and record it in the National Register of Protected Plant Varieties.

2. Organizations and individuals registering rights to plant varieties in accordance with Clause 2 Article 164 of this Law and granted the plant variety protection certificate by competent regulatory agencies shall be the plant variety right holders, except for the case prescribed in Clause 3 of this Article.

3. An organization assigned the right to manage and use results of a science, technology and innovation task using the state budget that registers rights to plant varieties in accordance with Point b1 Clause 2 Article 164 of this Law and is granted the plant variety protection certificate by competent regulatory agencies shall represent the owner in exercising the owner’s rights to the plant variety.”.

62. Clause 5 of Article 191 is amended as follows:

“5. Paying the fee for maintenance of validity of the plant variety protection certificate to regulatory agencies managing protection of plant varieties within 3 months before the first day of the next validity year.”.

63. Clause 1 Article 196 is amended as follows:

“1. The People’s Committee of a province or centrally-affiliated city shall issue a decision on transfer of the right to use a plant variety on the basis of considering the request for transfer of the right to use in the case prescribed in Clause 1 Article 195 of this Law.”.

64. The title of the Article and a number of clauses of Article 198b are amended as follows:

a) The title of Article is amended as follows:

“Article 198b. Legal responsibilities for intellectual property rights of intermediary service providers and operators of digital platforms”;

b) Clause 1 is amended as follows:

“1. An intermediary service provider is an enterprise providing technical means and digital platforms for organizations and individuals using the service to upload digital information content to cyberspace; and providing online connection for the public to access and use digital information content in cyberspace.”;

c) Clause 5a is added after Clause 5 as follows:

“5a. Operators of digital platforms are responsible for implementing measures to protect intellectual property rights in cyberspace in accordance with laws on intellectual property, e-commerce, cyber security and other relevant laws.”.

65. A number of clauses of Article 200 are amended as follows:

a) Clause 1 is amended as follows:

“1. Within the scope of their tasks and powers, Courts and persons competent to impose administrative sanctions in accordance with the law on handling of administrative violations shall have the competence to handle acts of infringement of intellectual property rights.”;

b) Clause 3 is amended as follows:

“3. Application of administrative measures falls within the competence of persons competent to impose administrative sanctions in accordance with the law on handling of administrative violations. Where necessary, persons competent to impose administrative sanctions may apply measures for prevention and assurance of handling of administrative violations in accordance with the law on handling of administrative violations.”.

66. A number of points and clauses of Article 201 are amended as follows:

a) Clause 2 is amended as follows:

“2. Enterprises, cooperatives, public sector entities, and law-practicing organizations established and operating in accordance with law and having at least one individual holding an intellectual property expert examiner card may conduct activities of judicial expertise in intellectual property, except for the case prescribed in Clause 2a of this Article.”;

b) Point d is amended, and Point dd is added after Point d Clause 3 as follows:

“d) Holding a university degree or higher in a major appropriate to the field in which the expert examiner card is requested;

dd) Falling under one of the following cases: having at least 5 years of actual professional practice in the field for which the intellectual property expert examiner card is requested and being certified as having satisfactorily completed a training course in intellectual property examination; having directly participated in settlement of intellectual property disputes at Courts and arbitral institutions for at least 15 years, with any interruption period, if any, not exceeding 2 years up to the time of request for the intellectual property expert examiner card; having directly participated in providing professional support in intellectual property examination work at an examination organization for at least 15 years, with any interruption period, if any, not exceeding 2 years up to the time of request for the intellectual property expert examiner card.”;

c) Clause 3a is added after Clause 3 as follows:

“3a. Where a person granted an intellectual property expert examiner card no longer meets the conditions prescribed in Clause 3 of this Article, competent regulatory agencies shall revoke such intellectual property expert examiner card.”;

d) Clause 5 is amended as follows:

“5. Intellectual property rights holders and other relevant organizations and individuals shall have the right to request judicial expertise in intellectual property in order to protect their lawful rights and interests. Competent regulatory agencies handling acts of infringement of intellectual property rights shall have the right to request judicial expertise in intellectual property when settling cases under their handling. An expert conclusion is one of the sources of evidence for competent authorities to handle and settle the case. An expert conclusion shall not conclude on an act of infringement of intellectual property rights or conclude on a dispute.”.

67. Clause 5 is amended; Clauses 6 and 7 are added after Clause 5 Article 202 as follows:

“5. Compulsory destruction, or compulsory distribution or putting into use for non-commercial purposes, of goods, raw materials, materials, and means used primarily for production and trading of goods infringing intellectual property rights, provided that this does not affect the possibility of commercial exploitation of rights of the intellectual property rights holder, except for the case prescribed in Clause 6 of this Article.

6. Compulsory destruction of trademark-counterfeit goods and pirated goods, except for certain special cases prescribed by the Government; compulsory destruction, or compulsory distribution or putting into use for non-commercial purposes, of raw materials, materials, and means used for producing trademark-counterfeit goods and pirated goods, provided that this does not affect the possibility of commercial exploitation of rights of the intellectual property rights holder.

7. Compulsory removal, concealment, or disabling of access to information, content, accounts, websites, applications, or Internet address identifiers related to acts of infringement of intellectual property rights.”.

68. A number of points and clauses of Article 205 are amended as follows:

a) Point d Clause 1 is amended as follows:

“d) Where the level of compensation for material damage cannot be determined on the grounds prescribed at Points a, b and c of this Clause, the level of compensation for material damage shall be decided by the Court depending on the extent of damage, but shall not exceed VND 1 billion.”;

b) Clause 2 is amended as follows:

“2. Where the plaintiff proves that the act of infringement of intellectual property rights has caused moral damage to him/her, he/she shall have the right to request the Court to decide the level of compensation within the range from 10 times to 100 times the statutory pay rate prescribed by the State, depending on the extent of damage. At the time when the statutory pay rate is abolished, the reference level for determining compensation shall be prescribed by the Government on the principle that it must not be lower than the level prescribed in this Clause.”.

69. Point dd is added after Point d Clause 1 Article 207 as follows:

“dd) Concealing or temporarily disabling access to information, content, accounts, websites, applications, or Internet address identifiers related to acts of infringement of intellectual property rights.”.

70. A number of points and clauses of Article 211 are amended as follows:

a) Point b Clause 1 is amended as follows:

“b) Producing, importing, storing, transporting, trading in intellectual property counterfeit goods prescribed in Article 213 of this Law, or assigning another person to commit such act;”;

b) Clause 3 is amended as follows:

“3. Organizations and individuals committing acts of unfair competition in intellectual property shall be subject to administrative sanctions in accordance with the law on handling of administrative violations.”.

71. Phrases in the Chapter title and a number of Articles are added and replaced as follows:

a) The phrase “encrypted cable program-carrying signals,” is added before the phrase “encrypted satellite program-carrying signals” in Clause 1 Article 3, Clauses 3, 10c and 10d Article 4, Clause 2 Article 6, Clauses 3 and 4 Article 17, and Clauses 9 and 10 Article 35;

b) The phrase “, rebroadcasting, communication to the public” is added after the phrase “for broadcasting” at Point a Clause 1 Article 26 and Point a Clause 1 Article 33;

c) The phrase “Ministry of Agriculture and Rural Development” is replaced by the phrase “Ministry of Agriculture and Environment” in Clauses 2, 3 and 5 Article 11, and Clause 2 Article 178;

d) The phrase “COLLECTIVE REPRESENTATIVE, CONSULTANCY, SERVICE ORGANIZATIONS” is replaced by the phrase “COLLECTIVE MANAGEMENT ORGANIZATIONS, REPRESENTATIVE SERVICE ORGANIZATIONS” in the title of Chapter VI;

dd) The phrase “collective representative organization of copyright and related rights” is replaced by the phrase “collective management organization of copyright and related rights” in Article 56;

e) The phrase “copyright and related rights consultancy and service organization” is replaced by the phrase “copyright and related rights representative service organization” in Article 57;

g) The phrase “Point b Clause 3 Article 117” is replaced by the phrase “Point a Clause 3a Article 114” at Points e and h Clause 2 Article 74;

h) The phrase “power of attorney” is replaced by the phrase “written authorization” at Point c Clause 2 Article 50, Clause 1 Article 116, Point c Clause 1 and Point a Clause 2 Article 174;

i) The phrase “telecommunications network environment and Internet network” is replaced by the phrase “cyberspace” at Point b Clause 1 Article 198, and Clauses 2 and 3 Article 198b.

72. Articles 52, 101, 102, 103, 104, 105, 106 and 149 are annulled.

Article 2. Entry into force

This Law comes into force on April 1, 2026.

Article 3. Transitional provisions

1. Industrial property applications and applications for grant of intellectual property expert examiner cards filed before the effective date of this Law shall be processed in accordance with the laws effective at the time of filing, except for the following contents, which shall comply with this Law:

a) Formal examination of industrial property applications that have not yet been accepted as valid by regulatory agencies managing industrial property rights;

b) The opposition time limit for industrial property applications published from the effective date of this Law;

c) The substantive examination time limit for industrial property applications published from the effective date of this Law.

2. For applications for protection of plant varieties filed before the effective date of this Law but for which technical testing has not yet been conducted, the 24-month time limit prescribed at Point d Clause 3 Article 176 of the Law on Intellectual Property No. 50/2005/QH11 amended by Law No. 36/2009/QH12, Law No. 42/2019/QH14, Law No. 07/2022/QH15 and Law No. 93/2025/QH15, as amended by Clause 59 Article 1 of this Law, shall be calculated from the effective date of this Law.

3. For plant variety protection certificates whose due date for payment of the fee for maintenance of validity for the next validity year falls within 30 days before or after the effective date of this Law, payment of the fee for maintenance of validity shall comply with the Law on Intellectual Property No. 50/2005/QH11 amended by Law No. 36/2009/QH12, Law No. 42/2019/QH14, Law No. 07/2022/QH15 and Law No. 93/2025/QH15.

4. Grounds for annulment of validity of a title of protection shall be applied in accordance with the laws effective for examination of the grant of that title of protection.

5. Cases of infringement of intellectual property rights accepted for handling by competent authorities before the effective date of this Law but not yet fully resolved shall continue to be resolved in accordance with the Law on Intellectual Property No. 50/2005/QH11 amended by Law No. 36/2009/QH12, Law No. 42/2019/QH14, Law No. 07/2022/QH15 and Law No. 93/2025/QH15.

This Law was passed by the 15th National Assembly of the Socialist Republic of Vietnam at its 10th Session on December 10, 2025.

**PRESIDENT OF THE NATIONAL
ASSEMBLY**

Tran Thanh Man

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