

KEY UPDATES TO VIETNAMESE INTELLECTUAL PROPERTY LAW 2025

The amended **Intellectual Property Law** codifies intellectual property issues related to **artificial intelligence (AI) for the first time**. It also expands and clarifies the limitations of intellectual property rights in the public interest, and introduces new policies on the management, exploitation, and commercialization of intellectual property rights.

These are among the most notable policies of the 2025 amended Intellectual Property Law, passed by the National Assembly on 10 December 2025 and **effective from 1 April 2026 (“IP Law 2025”)**.

In today's newsletter, we highlight *five key updates* introduced under the IP Law 2025.

1. CODIFICATION OF INTELLECTUAL PROPERTY ISSUES RELATED TO AI

Under IP Law 2025, artificial intelligence (AI) is not considered an IP right holder.

Accordingly, works or inventions created entirely and automatically by AI without human involvement **will not be eligible for copyright or patent protection**.

A groundbreaking feature of the amended law is the introduction of new provisions regulating the creation and establishment of intellectual property rights for objects created using AI systems. Specifically, the **addition of Article 6.5** reflects a more subtle and flexible legislative approach: *the law neither denies the role of AI nor automatically recognizes AI as an IP right holder*.

Therefore, where AI is used merely as a tool, and a human makes a substantial creative contribution, such as providing original ideas, giving instructions, selecting, or editing AI-generated outputs, the human may be recognized as the author or inventor. Conversely, where human involvement is minimal, limited to providing prompts or contextual input, the individual may not qualify as an author, but may still retain rights of use and commercialization. This approach is broadly consistent with emerging international practices.

2. NEW POLICIES ON THE MANAGEMENT, EXPLOITATION, AND COMMERCIALIZATION OF INTELLECTUAL PROPERTY RIGHTS

Another key focus of the 2025 amendments is the **repositioning of intellectual property rights as economic assets that can be valued, traded, pledged as collateral, and commercially exploited**.



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Under the amended law, IP right holders are expressly entitled to use their IP rights in civil, commercial, investment, and other lawful transactions. The State further encourages the use of IP rights for capital contribution and loan collateralization, in accordance with investment, enterprise, credit, and related laws.

Notably, IP Law 2025 introduces **Article 8a**, a newly added provision that, for the first time, directly regulates the management and exploitation of IP rights as assets. Pursuant to this article: (i) IP right holders are responsible for the internal governance and management of their IP assets; (ii) IP rights may be used for capital contribution, collateralization, investment, and commercial transactions; and (iii) the State encourages the commercial exploitation of IP rights as a means of mobilizing capital and promoting production and business activities.

3. EXPANDING AND CLARIFYING LIMITATIONS ON INTELLECTUAL PROPERTY RIGHTS IN THE PUBLIC INTEREST

IP Law 2025 adopts a more comprehensive approach to balancing IP protection with the public interest.

First, the amended law emphasizes that the exploitation and enforcement of IP rights must *not prejudice* the interests of the State, the public interest, social ethics, or public health, nor infringe upon the lawful rights and interests of other organizations or individuals. In particular, the State is empowered to prohibit, restrict, or require the compulsory licensing of IP rights in special circumstances, such as those relating to national defense, security, public health, or science and technology.

Second, the law introduces a mechanism for resolving conflicts between multiple IP rights over the same subject matter. Under this mechanism, an IP right arising at a later stage may be required to cease its exercise *pursuant to a court decision*, providing greater legal clarity in cases of overlapping rights. These public interest limitations also underpin the new rules on digital copyright and AI data use discussed below.

4. NEW RULES ON DIGITAL COPYRIGHT, SOFTWARE BACKUPS, AND AI DATA USE

The amended law introduces new rules on digital copying and data hosting in relation to copyright and related rights. Lawful users are permitted to create a backup copy of a computer program solely for replacement purposes in the event of deletion or technical failure; however, such backup copies may not be transferred to third parties. For computer programs provided as Software-as-a-Service (SaaS) or through online platforms, backup rights are subject to the applicable license terms.

Furthermore, organizations and individuals may use legally and publicly available text and data relating to intellectual property rights for scientific research,



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experimentation, and artificial intelligence training, provided that such use does not unreasonably infringe upon the legitimate rights and interests of the author or owner of the intellectual property rights and complies with relevant government regulations where copyright or related rights apply. **The law also clarifies the excluded subjects, explicitly stating that copyright protection does not extend to ideas, slogans, or proper names of works.**

5. COMPARISON OF IP PROCEDURE TIMELINES

IP Law 2025 significantly **shortens registration timelines** across all major IP rights.

PATENT

- Publication: from 2 months to 1 month
- Opposition: remains at 6 months (*or 3 months under fast-track examination*)
- Substantive examination: from 18 months to 12 months
- Deadline to request substantive examination: from 42 months to 36 months

INDUSTRIAL DESIGN

- Publication: from 2 months to 1 month
- Opposition: from 4 months to 3 months
- Substantive examination: from 7 months to 5 months

TRADEMARK

- Publication: from 2 months to 1 month
- Opposition: from 5 months to 3 months
- Substantive examination: from 9 months to 5 months

GEOGRAPHICAL INDICATION

- Publication: from 2 months to 1 month
- Opposition: remains at 3 months
- Substantive examination: from 6 months to 5 months



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