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NEW DEVELOPMENTS OF THE AMENDED LAW ON INTELLECTUAL PROPERTY 2025



In recent years, both globally and in Viet Nam, there has been a sharp increase in non-traditional intellectual property assets, giving rise to the need to protect such assets and to expand the concept of intellectual property (IP) as well as protection mechanisms for high-value digital assets such as algorithms, artificial intelligence (AI) software, business models, and user interface designs. In response to this reality, on December 10, 2025, the National Assembly promulgated the Law amending and supplementing a number of articles of the Law on Intellectual Property (**IP Law 2025**), which takes effect from April 1, 2026, with several notable new points as follows:

First, the IP Law 2025, for the first time, introduces provisions relating to the AI factor in IP, specifically:

i. Supplementing the grounds for the creation and establishment of IP rights: In the cases where an IP-protected subject matter is created with the use of AI systems, the Government shall be responsible for regulating the creation and establishment of IP rights thereof. This is an open-ended provision, indicating that the IP Law 2025 recognizes IP subject matters created with the involvement of AI factors, at the same time allowing the Government to design appropriate mechanisms for the recognition of IP rights in respect of such subject matters.

ii. Supplementing the limitations of IP rights: Organizations and individuals are permitted to use texts and data relating to IP-protected subject matter that have been lawfully disclosed and are accessible to the public for the purposes of conducting scientific research, experimentation, and training of AI systems, provided that such use does not unreasonably prejudice the legitimate rights and interests of authors and IP right holders.

iii. Supplementing cases for invalidation of protection titles: A protection title shall be invalidated if the author of the relevant invention, industrial design, or layout design does not meet the condition of being the direct creator thereof. Accordingly, direct creation by humans is a key factor in the consideration and recognition of IP rights. Thus, AI systems shall not be recognized as authors, even when they are the sole creator or one of the co-creators.

The recognition of AI factors in the creation of IP-protected subject matters allows individuals, organizations, and enterprises to leverage AI to enhance creative productivity and develop new products, thereby promoting innovation activities. However, the requirement of “direct creator” gives rise to the risk of invalidation of protection titles if the creation process relies excessively on AI systems. Accordingly, individuals, organizations, and enterprises should exercise caution in using AI systems as a tool to support the creation of IP-protected subject matters; and should proactively establish appropriate internal standards and governance mechanisms to both effectively utilize technological resources and mitigate potential legal risks relating to IP.

Second, the IP Law 2025 shortens the time limits for processing industrial property registration applications as follows:

i. Regarding the time limit for publication of industrial property registration applications:

- For inventions: Additional provisions are given to allow applicants to request early publication, whereby the application shall be published within **1 month** from the date of such request or from the date the application is deemed valid, whichever is later.
- For industrial designs, trademarks, and geographical indications: The time limit for publication of applications is reduced to **1 month** from the date the application is deemed valid (previously 2 months).

ii. Regarding the time limit for opposition to the grant of protection titles:

- For inventions: **6 months** from the date of publication of the application (previously 9 months).
- For industrial designs and trademarks: **3 months** from the date of publication of the application (previously 4 months and 5 months, respectively).

iii. Regarding the time limit for examination of industrial property registration applications:

- For inventions: **12 months** from the date of publication of the application if the request for substantive examination is filed before the publication date, or from the date of receipt of such request if it is filed after the publication date (previously 18 months).
- For trademarks, industrial designs, and geographical indications: **5 months** from the date of publication of the application (previously 9 months, 7 months, and 6 months, respectively).

In addition, the IP Law 2025 allows applicants to request expedited substantive examination for invention and trademark applications. Accordingly, such substantive examination shall be conducted within a period of **3 months**.

These adjustments are intended to meet the requirement to “*minimize the time required for procedures for obtaining intellectual property rights, ensuring compliance with international practices*” as set out in Resolution No. 68-NQ/TW dated May 4, 2025 of the Politburo on the development of the private sector; thereby enabling enterprises to obtain IP protection more quickly and to commercially exploit industrial property objects in a lawful manner.

Third, the IP Law 2025 amends and supplements a number of provisions relating to copyright:

i. Supplementing subject matters not eligible for copyright protection, including “*ideas, slogans, and titles of works considered independently*”. This provision clarifies that: **(a)** copyright protects only the expression of ideas, not the ideas themselves; **(b)** slogans and titles of works are not regarded as “works” as they do not meet the criteria of creativity and fixation in a material form of sufficient length or complexity to qualify as a work; and **(c)** title of a work may only be protected by copyright if it is inseparable from the content of the work.

ii. Amending the definition of “producer of phonograms and video recordings”. Previously, a “*producer of phonograms and video recordings*” was defined as “*an organization or individual that first fixes the sounds or images of a performance or other sounds or images*”. The IP Law 2025 revises this definition toward more specifically regulating the activities of such producers, defining them as “*an organization or individual who takes*”

the initiative and has the responsibility for the first fixation of the sounds or images of a performance or other sounds or images, or the representations of such sounds or images on any medium". This amendment aims to align with **(a)** Article 2(d) of the WIPO Performances and Phonograms Treaty (WPPT) and **(b)** Article 18.57 of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP).

Clarifying the limitations of copyright will help to prevent the abuse of copyright protection to monopolize the use of simple creative elements. Simultaneously, this provision requires individuals and enterprises to adjust their strategies for protecting works, including considering alternative protection mechanisms for "ideas" or "titles of works", such as trademark registration. In addition, clarifying the definition of "producer of phonograms and video recordings" contributes to accurately identifying the holders of related rights, thereby providing a clearer legal basis for commercial exploitation, transfer, and protection of such rights, while also minimizing the occurrence of IP disputes. Furthermore, the incorporation of international commitments into domestic law enhances the compatibility of Vietnamese laws with international legal frameworks, thereby facilitating organizations and enterprises in cooperating and exploiting IP assets in foreign markets.

Fourth, the IP Law 2025 supplements the principles for resolving conflicts of IP rights. Accordingly, where multiple IP rights arise or are established in respect of the same subject matter, any IP right that arises or is established later must cease to be exercised if such exercise conflicts with the normal exploitation of an IP right that has arisen or been established earlier. This principle affirms that, in cases of IP right conflicts, the earlier-established right shall take priority. At the same time, the courts shall apply this principle based on the specific circumstances of each dispute. Accordingly, individuals and enterprises should promptly and proactively register for IP protection, since any delay may result in the risk to the subsequently arising or established rights in the event of conflicts as afore-mentioned.

In addition to the above-mentioned new contents, the IP Law 2025 also amends a number of provisions relating to industrial designs, the enforcement of IP rights, and the term of authorization for representation in procedures relating to industrial property rights, etc.

It can be seen that the IP Law 2025 has been promulgated with the objectives of **(i)** improving the legal framework to establish a solid and favorable environment for the protection of, enforcement of, and compliance with IP rights; **(ii)** promoting innovation and the development of the IP market to meet the demand for commercial exploitation of IP rights, thereby enhancing the productivity, quality, and reputation of national products, and the competitiveness of the economy; **(iii)** creating a favorable environment for the rapid absorption, mastery, and application of advanced global scientific and technological achievements; and **(iv)** serving the international economic integration of Viet Nam in the new context. In the coming period, the Government and the Ministry of Science and Technology will promulgate legal instruments to provide detailed guidelines for the new provisions of the IP Law 2025. Should our Valued Clients and readers seek consultation or wish to carry out procedures relating to IP subject matters, NHQuang&Associates is ready to provide any legal advice and support that may be requested.

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