



Special Alert

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Vietnam Approves Establishment of Specialized IP Court

Vietnam's National Assembly adopted on 24 June 2024 the amended Law on Organization of People's Courts (the "**Amended LOPC**"), which will take effect on 1 January 2025 and replace the 2014 Law on Organization of People's Courts. One of the significant changes introduced by the Amended LOPC is the establishment of the specialized court of first instance for intellectual property (the "**Specialized IP Court**").

The National Assembly Standing Committee will decide on the establishment, dissolution, and territorial jurisdiction of the Specialized IP Court. The court's organizational structure comprises Chief Justice, Deputy Chief Justice, Judges, Court Inspectors, Court Clerks, and other civil servants and employees. Judges of the Specialized IP Court must have professional knowledge and experience in the IP field, so that the purpose of enhancing the quality and effectiveness of IP rights enforcement under civil proceedings can be reached.

The Specialized IP Court has the following tasks and competencies:

- Trying IP cases at first instance, following provisions from the Civil Procedure Code and the Law on Administrative Procedures, including civil disputes, business and commercial disputes related to IP rights and civil petitions against decisions made by the IP Office of Vietnam;
- Applying administrative sanctions as provided by law;
- Summarizing trial practices and proposing case laws;
- Detecting and proposing the constitutionality and legality of legal documents in adjudication; and
- Construing the application of laws during the handling of IP cases.

The Specialized IP Court, once established, shall be allowed to operate after the relevant amendments to the Civil Procedure Code and Law on Administrative Procedures are completed. The Specialized IP Court's establishment aims to address the growing complexity of IP cases, including those with foreign elements. It will enhance IP rights protection and contribute to a more robust legal framework in Vietnam.

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