

Special Alert

THE 2025 AMENDED LAW ON INTELLECTUAL PROPERTY: NOTABLE CHANGES FOR BUSINESSES AND INVESTORS

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In the context of increasingly intensive innovation, technological development and international economic integration, the Law amending and supplementing a number of articles of the Law on Intellectual Property (the “**2025 Amended IP Law**”) was adopted by the National Assembly to address issues arising in the course of implementing the Law on Intellectual Property No. 50/2005/QH11 dated 29 November 2005, as amended in 2009, 2019 and 2022 (the “**Current IP Law**”). This legislation is viewed as a strategic response to the Fourth Industrial Revolution, aiming to modernize Vietnam’s legal framework for a digital-first economy. As these changes directly impact how intellectual assets are protected and commercialized in the digital age, understanding the new legal “playing field” is no longer optional but a strategic necessity for businesses and investors.

Key Takeaways

- **Expansion of the scope of industrial design protection:** The Law extends protection to "partial designs" and "non-physical products" (such as GUIs and icons, etc.), aligning Vietnam’s framework with digital era requirements.
- **Codification of Intellectual Property (“IP”) issues related to Artificial Intelligence (“AI”):** For the first time, the accrual and establishment of IP rights for subject matter created with AI assistance are recognized at the statutory level.
- **Use of published texts and data for research and technological activities:** The Law permits the use of lawfully published data for scientific research and AI training, provided it does not cause "unreasonable prejudice" to right holders.
- **Potential conflicts with personal data protection laws:** Businesses may face the risk of violating personal data

protection laws when training AI if the requirements for data subject consent are not met.

- **Shortening examination timelines and introducing accelerated examination mechanisms:** Reducing the substantive examination period for industrial property subject matter while introducing an accelerated examination mechanism upon the applicant's request to expedite the rights establishment process.

Expansion of the scope of industrial design protection

Article 1.1.(b) of the 2025 Amended IP Law amends and supplements Clause 13 of Article 4 of the Current IP Law to expand the definition of industrial designs in two (2) notable directions:

Firstly, protected subject matter includes not only the design of an entire product but also the design of a part of a product ("**partial design**"), instead of being limited to entire products or parts used for assembling complex products under the current regulations. The protection of "partial design" is crucial for the automotive and electronics industries, where specific components serve as core brand identifiers.

Secondly, the 2025 Amended IP Law expands the scope of protection for designs of non-physical products, rather than limiting such protection to physical products as provided under the current regulations. Non-physical products may be understood to include graphical user interfaces, icons, animations and motion effects, and the shapes of certain digital assets in accordance with relevant sector-specific legislation, inter alia. These forms of subject matter are becoming increasingly prevalent in the context of rapid digital technology development.

This amendment brings Vietnamese law into closer alignment with industrial design protection trends in numerous countries and regions, such as the United States, Japan, South Korea, China, the European Union, and Singapore. Simultaneously, it addresses the limitations of the existing legislation in protecting creative achievements and enhances the attractiveness of Vietnam's technological investment environment.

Codification of IP issues related to AI

One notable new feature of the 2025 Amended IP Law is the first-time recognition, at the statutory level, of issues relating to the accrual and establishment of IP rights in respect of subject matter created with the use of AI systems.

Specifically, Article 1.2 of the 2025 Amended IP Law supplements Clause 5 of Article 6 of the Current IP Law, which delegates authority to the Government to provide detailed regulations on the accrual and establishment of IP rights where IP subject matter is created using AI systems.

The 2025 Amended IP Law does not recognize AI as a right holder and does not specifically provide for the protection of subject matter created entirely by AI systems. Under the Current IP Law, IP rights can only accrue to and be established for organizations and individuals. Where subject matter is created with the assistance of AI, the 2025 Amended IP Law takes a cautious approach by not providing specific criteria for determining the level of human creative contribution, leaving such matters to be addressed in future government guidance. As a result, this approach may give rise to disputes

in practice, particularly in determining the decisive creative role of humans in works created within a human-AI hybrid environment. Businesses are advised to maintain an "audit trail" of prompts and refinements to avoid the risk of works falling into the public domain.

Use of published texts and data for research and technological activities

Article 1.3 of the 2025 Amended IP Law supplements Clause 5 of Article 7 of the Current IP Law, allowing the use of lawfully published and publicly accessible texts and data for scientific research, testing, and AI training, provided that such use does not cause unreasonable prejudice to the legitimate rights and interests of authors and right holders.

This provision marks the first time that IP law has codified, at the statutory level, the use of published texts and data for research, testing and technological development activities, including the training of AI systems. However, the concept of "unreasonable prejudice" has not yet been clearly defined, and detailed guidance has yet to be issued.

As commercial generative AI applications can produce outputs that compete directly with original works, determining what constitutes "unreasonable prejudice" will be a key issue and is likely to depend on sub-law guidelines as well as dispute resolution practices. In this context, businesses and research organizations should closely monitor implementing regulations while exercising caution in designing and deploying data mining activities to mitigate the risk of conflicts with third-party IP rights.

Potential conflicts with personal data protection laws

While the 2025 Amended IP Law permits the use of lawfully published texts and data for research, testing and the training of AI systems, such use may also involve considerations under personal data protection laws. Under the Law on Personal Data Protection No. 91/2025/QH15 dated 26 June 2025 (effective as of 1 January 2026) (the "**PDP Law**"), the processing of personal data must, in principle, be based on the consent of the data subject, except for specific statutory exceptions (Article 19).

Notably, the cases of data processing without consent under the PDP Law do not currently include exceptions for "scientific research", "technological development" or "AI training". In practice, datasets used for AI training often contain both protected IP subject matter and personal data. This may lead to situations in which businesses comply with the requirements of the 2025 Amended IP Law but still face the risk of violating personal data protection regulations, if the processing of personal data fails to fully satisfy the requirements regarding consent and processing conditions under relevant laws.

Shortening examination timelines and introducing accelerated examination mechanisms

The 2025 Amended IP Law significantly amends Article 119 of the Current IP Law to streamline the registration process for industrial property rights. These changes are designed to address practical delays, enabling businesses to commercialize products and protect their competitive advantages more effectively. Specifically, for the first time, the

Vietnamese IP Law recognizes an accelerated substantive examination mechanism upon the applicant's request for patents and trademarks.

Comparison Table of Substantive Examination Timelines

Subject Matter	Timeline under the Current IP Law	Timeline under the 2025 Amended IP Law	Timeline under the Accelerated Mechanism
Patents	18 months	12 months	3 months
Trademarks	9 months	5 months	3 months
Industrial Designs	7 months	5 months	Not applicable
Geographical Indications	6 months	5 months	Not applicable

Notes on the Accelerated Examination Mechanism

- **Conditions:** Only applicable in specific cases as regulated by the Government and upon the request of the applicant.
- **Commencement of the Timeline:**
 - **For Patents:** Calculated from the publication date (if the examination request is filed before publication) or the date the IP Viet Nam receives the request (if filed after publication)
 - **For Trademarks:** Calculated from the publication date of the application.

Therefore, businesses should closely monitor the Government's guiding regulations to identify the specific cases eligible for the accelerated examination mechanism. This is considered an invaluable "priority lane" for technology products with short life cycles.

Conclusion

The 2025 Amended IP Law, effective from 1 April 2026, reflects a forward-looking effort to harmonize with global trends. In the coming period, sub-law regulations are expected to play a pivotal role in clarifying the scope and application of certain new provisions, particularly those relating to AI and data mining.

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