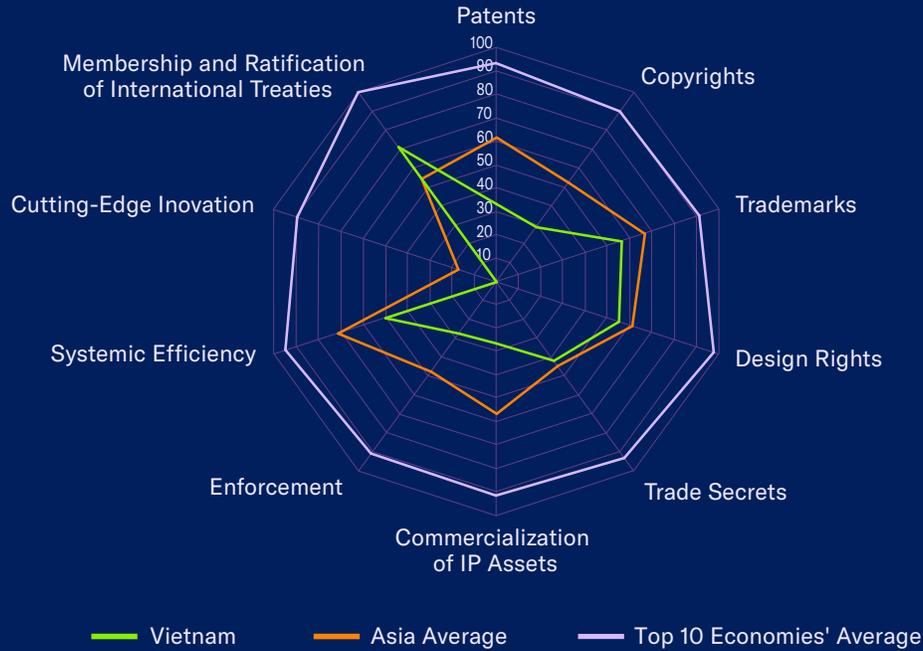




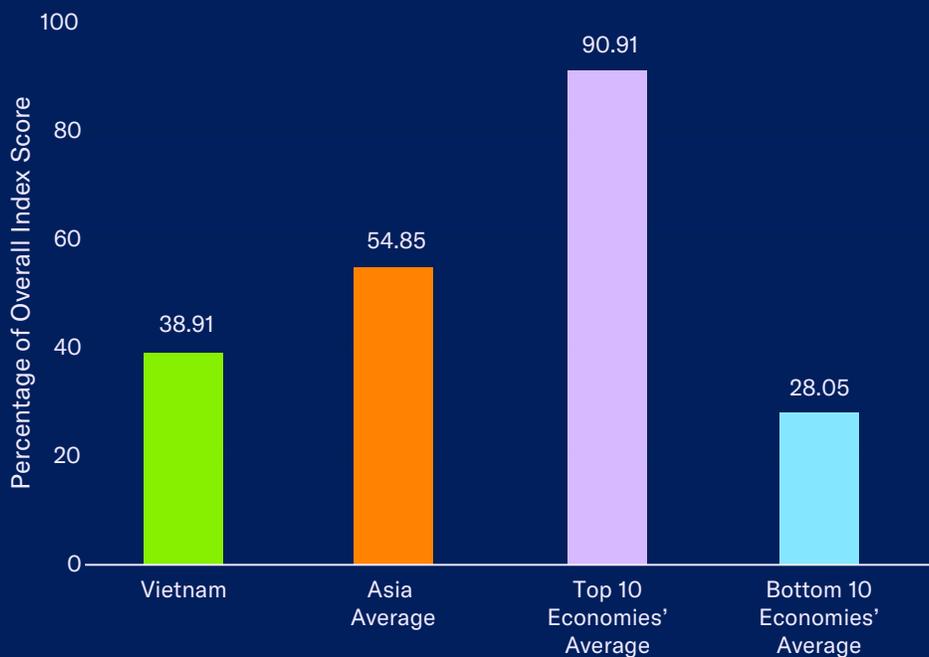
Vietnam

Rank
40/55

Category Scores



Overall Score in Comparison





Key Areas of Strength

- First criminal conviction issued for copyright infringement in 2024
- 2022 amendments to Law on Intellectual Property (IP Law) improve copyright protection
- Acceded to WIPO Performances and Phonograms Treaty in 2022
- Acceded to WIPO Copyright Treaty in 2021
- Ratified EU-Vietnam FTA in 2020
- Basic IP protections and enforcement framework in place
- Growing integration into international IP platforms, such as through EU-Vietnam FTA
- Long-standing effort to coordinate

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Inadequate protection of life sciences patents, with challenging enforcement environment
- 2022 amendments notwithstanding, gaps in copyright protection remain, including a lack of measures to address online infringements
- High physical counterfeiting rates and online infringement with an estimated software piracy rate of 74%
- Restrictions in place on digital trade and cross-border data transfers through Law on Cybersecurity
- Enforcement generally poor; penalties insufficient in practice; administrative inaction

Indicator	Score	Indicator	Score
Category 1: Patents Rights and Limitations		3.00	
1. Term of protection	1.00	29. Direct Government intervention in setting licensing terms	0.00
2. Patentability requirements	0.25	30. IP as an economic asset	0.75
3. Patentability of CII	0.00	31. Tax incentives for the creation of IP assets	0.33
4. Plant variety protection	1.00	Category 7: Enforcement	
5. Pharmaceutical-related enforcement	0.00	1.91	
6. Legislative criteria and active use of compulsory licensing	0.00	32. Physical counterfeiting rates	0.40
7. Pharmaceutical patent term restoration	0.00	33. Software piracy rates	0.26
8. Membership of a Patent Prosecution Highway	0.50	34. Civil and procedural remedies	0.25
9. Patent Opposition	0.25	35. Pre-established damages	0.25
Category 2: Copyrights and Limitations		2.03	
10. Term of protection	0.53	36. Criminal standards	0.50
11. Exclusive rights	0.50	37. Effective border measures	0.25
12. Expeditious legal remedies disabling access to infringing content online	0.25	38. Transparency and public reporting by Customs	0.00
13. Cooperative action against online piracy	0.25	Category 8: Systemic Efficiency	
14. Limitations and exceptions	0.00	2.50	
15. TPM and DRM	0.50	39. Coordination of IP rights enforcement	0.75
16. Government use of licensed software	0.00	40. Consultation with stakeholders during IP policy formation	0.50
Category 3: Trademarks Rights and Limitations		2.25	
17. Term of protection	1.00	41. Educational campaigns and awareness raising	0.75
18. Protection of well-known marks	0.25	42. Targeted incentives for the creation and use of IP assets for SMEs	0.00
19. Exclusive rights, trademarks	0.50	43. IP-intensive industries, national economic impact analysis	0.50
20. Frameworks against online sale of counterfeit goods	0.50	Category 9: Cutting-Edge Innovation	
Category 4: Design Rights and Limitations		0.00	
21. Industrial Design Term of Protection	0.60	44. IP incentives for orphan medicinal product development	0.00
22. Exclusive rights, industrial design rights	0.50	45. IP incentives for orphan medicinal product development, term of protection	0.00
Category 5: Trade Secrets and the Protection of Confidential Information		1.10	
23. Protection of trade secrets (Civil Remedies)	0.50	46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development	0.00
24. Protection of trade secrets (Criminal Sanctions)	0.25	Category 10: Membership and Ratification of International Treaties	
25. Regulatory data protection term	0.50	5.00	
Category 6: Commercialization of IP Assets		1.58	
26. Barriers to market access	0.00	47. WIPO Internet Treaties	1.00
27. Barriers to technology transfer	0.25	48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks	0.50
28. Registration and disclosure requirements of licensing deals	0.25	49. Patent Law Treaty and Patent Cooperation Treaty	0.50
		50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991	1.00
		51. Membership of the Convention on Cybercrime, 2001	0.00
		52. The Hague Agreement Concerning the International Registration of Industrial Designs	1.00
		53. Post-TRIPS FTA	1.00

Total Score: 20.62

Spotlight on the National IP Environment

Past Editions versus Current Score

Vietnam's overall Index score remains unchanged at 20.62.

Area of Note

As discussed below under the relevant indicators, there were some significant changes to Vietnam's national IP environment in 2025, with many more potentially to come in 2026. Most importantly, at the time of research, the National Assembly was considering amendments to the Law on Intellectual Property. A draft Law on Artificial Intelligence, a new E-Commerce Law, and changes to several laws and regulations relating to technology transfer were also under consideration.

As detailed below under the relevant Index indicators, some of these proposed changes could improve Vietnam's national IP environment, for instance, by enhancing the patentability of certain forms of CIIIs. That is good news. However, most of these changes do not fundamentally address Vietnam's key weaknesses. Vietnam's national IP environment lacks many fundamental IP rights and incentives: patentability standards continue to be outside of international norms (especially with restrictions in place for biopharmaceuticals and CIIIs); the protection of copyright remains underdeveloped and ill-suited to the challenges of the internet era; levels of physical and online counterfeit goods remain high, but relevant enforcement mechanisms are weak and non-deterrent. Rights holders also face basic challenges with respect to technology transfer, licensing the use of IP assets, and the commercialization of IP assets. As the Vietnamese Government and National Assembly pursue a program of national IP rights reforms, we encourage them to use the findings of the Index and the accompanying *Statistical Annex* as a guide in 2026 and beyond.

Patent Rights and Limitations

3. Patentability of computer-implemented inventions (CIIIs):

Rights holders have historically faced difficulty in protecting CIIIs in Vietnam. Under the Law on Intellectual Property, Article 59, computer programs are formally excluded from being patentable subject matter. The available statistics on patent applications and grants by technology for Vietnam are incomplete. For example, in WIPO's patent statistics for Vietnam, no data are available for many fields of technology, including categories relevant to CIIIs such as "IT methods for management." The available data suggest that virtually no applications were filed or granted for CIIIs between 1980 and 2014.

In a positive move, proposed changes to the Law on Intellectual Property would allow the patenting of some forms of CII inventions. Specifically, under a revised Article 59, Subsection 2, the law would allow the patenting of inventions in "cases where a computer program or algorithm is embedded in a device to perform a specific technical process or business method associated with a specific technical system or technological platform." While a more expansive definition of patentable subject matter would better align Vietnam with international best practices and the standards defined in the Index, it would still be an improvement and could lead to a potential score increase on this indicator. The Index will monitor these developments in 2026.

7. Patent term restoration for pharmaceutical products:

As noted in previous editions of the Index, Vietnamese law has historically not provided restoration of patent term for biopharmaceutical products due to delays in the marketing approval process. Under the terms of the Vietnam-EU FTA, the Government of Vietnam committed to introducing a clearly defined period of term restoration. This is not reflected in the 2022 amendments to the IP Law. Instead, the main thrust of the amendments and Article 131(a) is to provide compensation to a rights holder in the form of a reduction in annual patent renewal fees for any relevant period of delay. Subsequent regulations implementing the IP Law published in 2023 have not altered this. Under Article 42 of Decree 65/2023, there is no mention of patent term restoration. Instead, compensation is again specified as a reduction in relevant usage and renewal fees during the delay period. This does not constitute patent term restoration. None of the draft amendments discussed in 2025 addresses this deficiency. Consequently, Vietnam's score on this indicator remains unchanged at 0.

Copyrights and Limitations

14. Scope of limitations and exceptions to copyrights and related rights:

Like many other Index economies, Vietnam is increasing its use of machine learning and AI-based technologies and applications. Over the past few years, the Vietnamese Government has launched new initiatives to establish an effective legal and policy environment for the use and application of these technologies. For example, in 2021, the Ministry of Science and Technology published a national AI strategy, and in 2025, the National Assembly began considering a draft AI law.

As noted in the Index, AI and machine learning are important areas of future economic activity, as advances in computational power and new technologies enable scientific research and innovation through the analysis of large volumes of data. However, there are real concerns about how the development, application, and use of these technologies will affect creators and rights holders worldwide. Notably, the draft AI law recognizes this, as draft Article 19(c) states that general-purpose AI models must “establish internal policies to comply with intellectual property laws” and that any copyrighted work used must “have been legally accessed for the sole purpose of training artificial intelligence models.” Given the existing dynamics of the Internet and the volume of infringing content available online, it is essential that safeguards be adhered to, and that rights holders can appropriately enforce their rights. The Index will continue to monitor these developments in 2026.

Enforcement

34. Civil and procedural remedies; 35. Pre-established damages and/or mechanisms for determining the amount of damages generated by infringement:

There were several notable developments in Vietnam's IP enforcement environment in 2025. To begin with, proposed legislative changes could improve the IP enforcement environment in Vietnam. The draft amendments to the Law on Intellectual Property would double existing statutory damages for IP infringement from a maximum of VND500 million up to VND1 billion. Similarly, the proposed E-Commerce Law would strengthen existing registration and compliance requirements for online merchants.

The existing legal framework — the E-Commerce Government Decree No. 52/2013/ ND-CP and Circular 47/2014/TT-BCT — prohibits the trade of counterfeit goods, requires all sellers using online sites to register themselves, and defines the liability and responsibility of online merchants and hosts to remove information on counterfeit or otherwise infringing products and services “immediately” upon becoming aware of it or receiving a formal order. However, counterfeit goods are still widely available online in Vietnam.

Separately, as part of a broader reorganization of the Vietnamese judiciary, new IP courts were set to open in Hanoi and Ho Chi Minh City. Given the challenges that rights holders have historically faced in enforcing their IP rights in Vietnam — including a lack of legal expertise and experience in IP matters — the establishment of these new courts should help improve the enforcement environment. The Index will continue to monitor these developments in 2026.