< VIETNAM 2026: THE AMENDED LAW ON INTELLECTUAL PROPERTY AND LAW ON TECHNOLOGY TRANSFER – KEY IMPLICATIONS FOR FOREIGN INVESTORS AND ARTIFICIAL INTELLIGENCE >

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I. Overview

On 1 April 2026, the Law Amending and Supplementing a Number of Articles of the Law on Intellectual Property **No. 131/2025/QH15** ("**2025 IP Law**") and the Law Amending and Supplementing a Number of Articles of the Law on Technology Transfer **No. 115/2025/QH15** ("**2025 TT Law**") entered into force.

Although they regulate different areas, both laws reflect Vietnam's broader efforts to modernise its legal framework for intellectual property and technology in response to the rapid growth of the digital economy and artificial intelligence ("**AI**"). Together, they create new opportunities for businesses to protect, commercialise and transfer intellectual assets and technology in Vietnam, while also introducing new regulatory and compliance considerations for cross-border transactions and investment activities. For foreign investors and foreign-invested enterprises ("**FIEs**"), the key questions are no longer limited to what can be protected or transferred, but also how intellectual assets and technology should be structured, commercialised and managed under Vietnam's evolving legal framework.

The key changes and practical implications are highlighted below.

II. Key highlights

Part A – The 2025 IP Law (No. 131/2025/QH15)

1. Artificial Intelligence: Protection of AI Output and the AI-Training Exception

For the first time, Vietnam's IP law expressly recognises the use of AI systems in the creation of IP objects and introduces a legal framework for addressing the resulting IP issues. While the detailed implementing regulations are still forthcoming, businesses should not assume that all AI-generated output will automatically qualify for IP protection in Vietnam. The extent of human creativity, control and contribution will remain important considerations in determining the ownership and protection of AI-assisted works, inventions and other IP assets. Applicants are also required to truthfully disclose the use of AI systems, and applications that do not satisfy the statutory requirements under Vietnamese law may be refused or invalidated.

The Law also introduces a limited exception permitting the use of lawfully published works and publicly accessible data for scientific research, testing and AI training, provided such use does not unreasonably prejudice the legitimate interests of authors and rights holders. This creates a conditional pathway for businesses to use published materials and publicly accessible data in connection with AI-related activities in Vietnam.

These developments are particularly relevant for foreign technology and content businesses developing or commercialising AI-assisted products and services. Businesses should clearly document human contributions to AI-assisted output and address ownership, licensing, confidentiality and liability issues in their arrangements with employees, developers and vendors. Enterprises training or fine-tuning AI models in or for the Vietnamese market should also review the provenance and licensing status of their training data, retain records of lawful access, and address appropriate dataset warranties and indemnities in their vendor and data-supply contracts.

2. Procedural Reforms: Faster Protection, Shorter Timelines

The 2025 IP Law significantly streamlines Vietnam's IP registration procedures by shortening a number of examination and publication timelines and introducing an accelerated examination mechanism for eligible applications. These changes are expected to reduce the time required to obtain IP protection in Vietnam, making the jurisdiction more attractive for businesses seeking to commercialise their innovations and brands at an earlier stage.

For example, the substantive examination period for inventions has been shortened from 18 months to 12 months, while the time limits for substantive examination of trademarks, industrial designs and geographical indications have been reduced to five months. A new fast-track examination mechanism may further shorten the process for eligible invention and trademark applications. At the same time, publication periods have been shortened and the deadlines for filing third-party oppositions have been revised, reducing the time available for rights holders to monitor and respond to competing applications.

These procedural changes present both opportunities and challenges for foreign rights holders. Faster registration may allow businesses to bring products and technologies to market more quickly and strengthen their enforcement position at an earlier stage. However, shorter statutory deadlines also mean that businesses should review their filing, watching and docketing strategies in Vietnam. Foreign businesses may wish to implement more proactive monitoring systems for third-party filings and consider whether accelerated examination procedures are appropriate for commercially significant applications. Businesses filing through local representatives should also take note of the revised procedural requirements relating to powers of attorney, where applicable.

3. Expanded Protection and Stronger Enforcement: New Compliance Considerations for Foreign Businesses

The 2025 IP Law expands the scope of IP protection in several important respects. Industrial-design protection now extends to partial and non-physical (digital) designs, while liability of intermediary service providers and digital platform operators has been expanded to cover all IP rights (previously copyright and related rights only). In addition, encrypted programme-carrying cable signals are now expressly protected under the related-rights regime alongside the existing protection for encrypted programme-carrying satellite signals. From 1 April 2026, signs indicating the national geographical origin of Vietnam are also deemed non-distinctive, except in certain statutory circumstances. These changes may prompt businesses to reassess their existing IP portfolios and protection strategies in Vietnam.

The Law also introduces new regulatory considerations for businesses conducting research and development ("**R&D**") activities in Vietnam. Certain inventions relating to defence or national security that are created in Vietnam and owned by Vietnamese individuals or Vietnam-incorporated organisations may only be filed abroad after obtaining permission from the competent authorities. Foreign business groups operating R&D centres or joint ventures in Vietnam should therefore factor these requirements into their global filing strategies and internal IP-management processes.

At the same time, Vietnam has strengthened its IP-enforcement framework in the digital environment. Authorities and courts are empowered to require the removal or disabling of access to infringing content, accounts, websites and applications, while the Law provides more effective remedies where actual damages cannot be readily determined. These changes provide foreign rights holders with stronger tools to combat online and cross-border infringement, while raising compliance expectations for foreign platform operators and marketplace businesses active in Vietnam.

Foreign businesses should therefore review their IP-protection and compliance strategies at an early stage, particularly where cross-border R&D activities, digital products or online platforms are involved.

4. IP as a Financeable Asset: New Opportunities for Businesses

The 2025 IP Law marks an important policy shift by recognising IP rights not only as legal rights, but also as commercially valuable assets that may be utilised in civil, commercial and investment transactions. The State also encourages the exploitation of IP rights, including their use for capital contribution and financing arrangements in accordance with the relevant laws. This reflects Vietnam's broader efforts to promote the commercialisation of intellectual assets and strengthen the role of IP in business and investment activities.

These changes may create new opportunities for businesses to maximise the value of their IP portfolios in Vietnam. Foreign rights holders may wish to consider whether their existing IP assets could be more effectively utilised as part of their investment, financing or licensing strategies, particularly where valuable brands, technologies and other intangible assets are involved.

Businesses should nevertheless ensure that the ownership, scope and legal status of their IP rights are properly documented before implementing such arrangements. Where an IP right does not yet satisfy the conditions for recognition as an accounting asset, rights holders are required to maintain separate internal records for management purposes. Further implementing guidance is also expected in this area.

Part B – The 2025 TT Law (No. 115/2025/QH15)

1. Technology Transfer and Investment Incentives: Greater Opportunities for Foreign Investors

The 2025 TT Law modernises the concept of technology transfer by expressly recognising a broader range of transferable technology objects, including know-how; technological plans, processes, solutions, parameters, designs and technical diagrams; models, algorithms, formulas, software, information and data; production-rationalisation and innovation solutions; and accompanying machinery and equipment. These amendments better reflect the increasing importance of intangible and digital assets in technology-driven transactions, particularly those involving software, AI and data.

At the same time, the Law introduces a more favourable policy framework for foreign investment projects that incorporate technology transfer, workforce training or R&D, design and manufacturing activities in Vietnam. These changes are intended to encourage greater technology spillover from foreign-invested projects and strengthen collaboration between foreign investors and Vietnamese enterprises.

For foreign investors and FIEs, technology transfer should no longer be viewed solely as a post-investment contractual arrangement. Businesses may wish to consider technology-transfer, training and localisation plans at an early stage of project structuring, particularly where investment incentives may be available. Properly integrating these elements into investment and commercial strategies may not only facilitate compliance with the new framework but also create additional opportunities for businesses seeking to expand their long-term presence in Vietnam.

2. Regulatory Compliance: New Considerations for Technology-Driven Investments

While the 2025 TT Law creates greater opportunities for technology commercialisation and investment, it also strengthens the regulatory framework governing technology transfers in Vietnam. Technology continues to be classified into encouraged, restricted and prohibited categories, with transfers of restricted technology remaining subject to technology-transfer licensing requirements. The licensing authority has been decentralised to provincial-level People's Committees, while cross-border technology transfers are subject to stricter controls, including restrictions relating to technologies classified as state secrets and technologies prohibited from transfer.

In addition, investment projects using restricted-transfer technology or technologies that may adversely affect the environment are required to undergo technology appraisal or obtain technology-related opinions from the investment-policy approval or investment-decision stage. The amended Law aligns the timing and procedures for technology appraisal with the applicable investment framework for each type of project, including investment projects subject to investment-policy approval, investment registration or project approval requirements, while strengthening post-audit measures.

The Law also introduces transitional provisions to preserve the continuity of existing technology-transfer agreements and pending dossiers under the previous legal framework. Foreign businesses implementing or amending existing technology-transfer arrangements should therefore consider whether any transitional requirements may apply.

These changes underscore the importance of conducting technology-related regulatory assessments at an early stage of cross-border transactions and investment projects. Foreign licensors and FIEs should consider classifying the relevant technology before signing transaction documents, factoring licensing and appraisal requirements into project timelines where applicable, and reviewing whether any cross-border transfer restrictions may apply. Early planning will be particularly important for technology-intensive projects that involve licensing, localisation or long-term technology deployment in Vietnam.

III. Conclusion and Recommendations

The 2025 IP Law and the 2025 TT Law mark an important step in Vietnam's efforts to modernise its legal framework governing intellectual property and technology in the digital economy. The amendments not only expand the scope of protectable and transferable assets, but also introduce a more sophisticated regulatory framework governing their creation, commercialisation, transfer and enforcement.

For foreign businesses, the new legal regime presents both opportunities and compliance considerations. Businesses should proactively review their intellectual-property strategies, technology-transfer arrangements and investment structures to ensure alignment with the new requirements on registration, licensing, technology appraisal and cross-border transactions. Particular attention should be paid to AI-related activities, the protection and exploitation of digital assets, technology-transfer incentives, and regulatory requirements applicable to investment projects involving technology in Vietnam.

Given that a number of provisions are subject to further implementing guidance, foreign investors and foreign-invested enterprises should continue to monitor legislative developments and assess the implications of the new framework at an early stage of their business planning and transactions in Vietnam. This will not only help mitigate legal risks, but also enable businesses to make better use of the opportunities presented by Vietnam's evolving innovation and technology ecosystem.

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