



HAVIP INTELLECTUAL PROPERTY & LAW GROUP

Patents - Designs - Trademarks - Copyrights - IP Translation

11 Key Amendments to the Law Amending and Supplementing Several Articles of the Intellectual Property Law 2025 (Law No. 131/2025/QH15)

On 10 December 2025, during the 10th Session of the 15th National Assembly, the Law Amending and Supplementing Several Articles of the Intellectual Property Law was adopted. The Law is expected to take effect on 1 April 2026.

Set out below is a summary prepared by HAVIP highlighting several amendments that may significantly affect industrial property right holders, together with our preliminary analysis.

No.	Amended Content	Article	Preliminary Analysis of the Amendments in Comparison with the Previous Law	Practical Impact
1.	Definition of Industrial Design (ID): “An industrial design refers to the external appearance of the whole or a part of a product, whether in physical or non-physical form,	Article 4, Clause 13	The amendment expands the definition of industrial design. A design may pertain to the external appearance of the whole or <i>a part</i> of a product and may exist in either physical or <i>non-physical</i> form.	The recognition of protection for partial industrial designs and designs in non-physical form represents a significant development in Vietnam’s industrial design protection system,

Patent-related inquiries: pat.ip@havip.com.vn

General inquiries: info@havip.com.vn

Trademark-related inquiries: mark.ip@havip.com.vn

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	<p>represented through shapes, lines, colours, or a combination thereof, and visible during the use of the product.”</p>			<p>which previously provided protection only for designs embodied in the whole of a product in a physical form.</p> <p>In practice, enterprises may consider seeking protection for partial industrial designs and non-physical designs, such as graphical user interfaces (GUIs), icons, display interfaces, or other digital visual elements that were previously difficult to accommodate within the traditional industrial design protection system. This carries positive implications, particularly for sectors such as consumer electronics, smart devices, software, automobiles, helmet components, display screens, and digital product ecosystems.</p>

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				Furthermore, the amendment contributes to greater consistency and facilitates the examination and processing of applications filed in Vietnam that claim priority from earlier applications filed abroad, as well as applications filed under the Hague System that include partial designs or designs represented in non-physical form.
2.	<p>The mechanism for generating intellectual property rights using AI:</p> <p>Pursuant to this Law, the Government shall prescribe the establishment of intellectual property rights, as provided in Clauses 1, 2, 3, and 4 of this Article, in cases where the intellectual property object is created with the</p>	<p>Article 6 Clause 5; also related to Article 96 Clause 1 Point d, Article 109 Clause 2 Point c, and Article 117 Clause 1b</p>	<p>The provision introduces a regulatory mechanism for intellectual property objects created with the use of artificial intelligence, while reaffirming the legislative policy that protection is granted only to creations attributable to human creators or inventors.</p>	<p>For patent or industrial design applications involving the use of artificial intelligence, issues relating to the determination of inventorship or authorship may give rise to significant legal risks. Where the application documents or supporting evidence indicate that the identified “inventor” or “creator” is not a natural person, the</p>

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	<p>use of an artificial intelligence system.</p> <p>d) The inventor, creator of the industrial design, or creator of the layout-design does not satisfy the requirements set out in Article 122 Clause 1 of this Law.....</p>		<p>Additional grounds relating to inventorship and authorship have been introduced: (i) a patent or industrial design title may be challenged where the inventor or creator does not satisfy the requirements set out in Article 122(1); and (ii) an application may be considered invalid or refused where there are grounds to conclude that the identified inventor or creator does not meet the statutory requirements.</p>	<p>application may be refused during formal or substantive examination, and any granted protection title may subsequently be subject to invalidation. From a strategic perspective, the application should clearly indicate that artificial intelligence serves merely as a supporting tool, while the core inventive or creative activity remains attributable to a human.</p>
3.	<p>Grace Period for Disclosure in the Novelty Assessment of Industrial Design:</p> <p>4. An industrial design shall not be deemed to have lost its novelty where it has been disclosed by the person having the right to register</p>	<p>Article 65 Clause 4 & Clause 5</p>	<p>The amended Law introduces a new mechanism for six-month grace period for the novelty of industrial designs in cases where the design has been publicly disclosed. Under the previous Law, a six-month grace period was</p>	<p>This provision provides a significant advantage for applicants seeking protection for industrial design. In particular, in certain circumstances where a product has been disclosed prior to the filing date-whether inadvertently or as</p>

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	<p>the design, as provided for in Article 86 of this Law, or by a person who obtained information about the design directly or indirectly from such person, provided that the application for industrial design registration is filed within six months from the date of disclosure.</p> <p>5. The provision set out in Clause 4 of this Article shall also apply to an industrial design disclosed in an application for industrial property registration or in an industrial property title published by the state authority responsible for industrial property rights, where such publication is not in accordance with the provisions of the law or where the application was filed by a</p>		<p>granted only in limited circumstances, namely where the industrial design had been disclosed by another person without the authorization of the person entitled to register it, or where the design had been disclosed by the person entitled to register it in the form of a scientific report or through display at a national exhibition of Vietnam or at an official or officially recognized international exhibition.</p> <p>The amended Law establishes a broader mechanism whereby the grace period may apply to all cases in which an industrial design has been disclosed within the grace period. In addition, this mechanism also applies where the disclosure</p>	<p>part of a marketing strategy-the industrial design may still be regarded as meeting the requirement of novelty, provided that the application is filed within the statutory grace period.</p>

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	person not entitled to file the application.		results from a publication that is not in accordance with the law or from an application filed by a person not entitled to file the application.	
4.	<p>Industrial Applicability of Industrial Design: An industrial design shall be considered industrially applicable if it can serve as a model for the mass production of products whose external appearance, or a part thereof, embodies the industrial design, either through the manufacture of physical products by industrial or handicraft methods, or through the consistent reproduction of non-physical products in the digital environment.</p>	Article 67	The criteria of “industrial applicability” for industrial designs has been revised. In addition to serving as a model for the mass production of physical products, the Law now also recognizes the ability to consistently reproduce non-physical products in the digital environment.	This amendment contributes to establishing a clearer legal basis for the protection and enforcement of rights in respect of digital design objects, rather than limiting such protection solely to tangible products.

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5.	<p>Method of Filing Requests for Procedures Relating to Industrial Property Rights: Applications and requests in procedures relating to industrial property rights shall be filed in written form, either in paper format or in electronic form through the electronic filing system.</p>	Article 89 Clause 3	The Law introduces a provision on the standardization of filing methods, whereby documents in procedures relating to industrial property may be filed either in paper form or in electronic form through the electronic filing system.	This provides a clearer legal basis for electronic filing (e-filing), contributing to the acceleration of the filing process and the standardization of internal operational procedures. In practice, IP agents should establish a comprehensive electronic file management workflow, including the management of digital files, scanned documents, digitally signed data, e-filing schedules, and stricter control over the final submission, given the faster processing timelines.
6.	<p>Power of Attorney in Industrial Property Procedures: 3. If a power of attorney does not specify its term, the term of authorization shall be determined in</p>	Article 107 Clause 3	Whereas previously a power of attorney without a specified term was deemed to have indefinite validity and would only cease upon a declaration of revocation by the	According to a discussion with the Legal and Policy Department of the Intellectual Property Office, the implementing circular for the Law is currently under preparation and is

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	<p>accordance with the provisions of the Civil Code. In the event that either the principal or the attorney unilaterally terminates the authorization, a written declaration of termination of the power of attorney must be issued.</p>		<p>principal, the Amended Law now requires that the term of authorization be clearly defined. This provision is intended to ensure consistency and alignment with the relevant provisions of the Civil Code.</p>	<p>expected to be issued soon. The circular will provide more detailed guidance on matters related to the term of authorization, with a view to ensuring maximum protection of the interests of IP agents and applicants. Preliminary guidance indicates that a power of attorney may have the longest possible validity if it contains the statement, “This power of attorney shall remain in effect until revoked.” What IP agents are most concerned about is that, under the new provisions, powers of attorney previously issued without a specified term (which were considered to have indefinite validity under the former IP Law) may no longer be accepted for appointment in future cases. This could inadvertently create</p>

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				additional obstacles for applicants. The matter is still pending detailed guidance in the circular and approval from the Office's leadership.
7.	<p>Publication of Trademark applications; Publication of Industrial Property Applications</p> <p>2. A patent application that is valid as to formality requirements shall be published in the nineteenth month from the filing date or from the priority date, where priority is claimed. Where the applicant requests early publication, the application shall be published within one month from the date of such request for early publication or from the date on which the</p>	Article 110, Clause 2 & Clause 3	<p>Amendments have been made to the time limits for the publication of patent applications, industrial design applications, and trademark applications in cases of early publication requests:</p> <ul style="list-style-type: none"> - Previously, a patent application for which early publication was requested was published within two months from the date of the request for early publication or from the date on which the application was considered valid, whichever was later. Under the Law, such applications shall now 	This provision has a direct impact on confidentiality strategies prior to the launch of a product on the market. For products that are about to be launched, enterprises should consider, already at the time of filing, whether deferment of publication is necessary; otherwise, in the absence of such proactive action, the application will be published within a relatively short period.

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	<p>application is deemed valid, whichever is later.</p> <p>3. An industrial design application, a trademark application, or a geographical indication application shall be published within one month from the date on which the application is deemed valid. An industrial design application may be published at a later date at the request of the applicant made at the time of filing, provided that such later publication shall not be later than seven months from the filing date.</p>		<p>be published within one month from the later of these dates.</p> <p>- Industrial design applications and trademark applications shall now be published within one month from the date on which the application is considered valid, instead of the two-month period previously provided.</p>	
8.	<p>Opposition to Industrial Property Applications:</p> <p>1. Within the following time limits, any third party shall have the right</p>	Article 112a, Clause 1	This provision establishes shortened and differentiated opposition periods: for patent applications, the opposition period is six months from the publication	This amendment significantly increases the pressure to monitor the Industrial Property Gazette and to assess potential conflicts at an early stage. Accordingly,

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	<p>to oppose the grant of a title of protection:</p> <p>a) six months from the publication date of a patent application, or three months from the publication date of a patent application in cases where such patent application is subject to expedited substantive examination in accordance with Article 119.2a of this Law;</p> <p>b) three months from the publication date of an industrial design application, a trademark application, or a geographical indication application.</p>		<p>date, instead of nine months as previously provided; for patent applications subject to expedited substantive examination, the opposition period is reduced to three months. For industrial design applications and trademark applications, the opposition period is three months from the publication date, instead of four months for industrial design applications and five months for trademark applications as previously provided.</p>	<p>enterprises with substantial competitive portfolios, as well as industrial property agents, should establish a watching service mechanism or a periodic review process so as not to miss the opposition “window”, which is now shorter than previously provided.</p>
9.	<p>Request for Substantive Examination of Patent Applications</p> <p>Within thirty-six months from the filing date or from the priority date,</p>	Article 113, Clause 1	<p>The applicant or any third party shall have the right to request substantive examination of a patent application within a period of 36 months, instead of 42 months,</p>	<p>The time limit for requesting substantive examination of a patent application has been shortened; accordingly, industrial property agents should take due note of this</p>

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	where priority is claimed, the applicant for a patent registration or any third party shall have the right to request substantive examination of the application, provided that the substantive examination fee has been paid.		from the filing date or the priority date, as the case may be.	change so as to notify applicants of the relevant time limit accurately. In practice, this provision may affect the prosecution timeline of applications as well as the parties' prosecution and opposition strategies.
10.	<p>Time Limits for Processing Industrial Property Applications:</p> <p>a) For patent applications: within twelve months from the publication date of the application, where the request for substantive examination is filed before the publication date, or from the date of receipt of the request for substantive examination, where such request is filed after the publication date;</p> <p>b) For trademark applications, industrial design applications, and</p>	Article 119, Clause 2a & Clause 2b	<p>The period for substantive examination has been reduced as follows: 12 months for patent applications (previously 18 months); 5 months for industrial design applications (previously 7 months); and 5 months for trademark applications (previously 9 months).</p> <p>Simultaneously, an expedited substantive examination is introduced for patent applications, with a time limit of three months in</p>	<p>This constitutes an important administrative reform aimed at shortening the time required for the grant of titles of protection to enterprises, thereby contributing to the commercialization of intellectual property rights.</p> <p>This change will have the clearest operational impact. All stages, from preparation of documents, response to office actions, planning of oppositions, licensing arrangements, fundraising, product</p>

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	geographical indication applications: within five months from the publication date of the application.		cases prescribed by the Government, as well as a three-month expedited examination for trademark applications that meet the prescribed requirements.	<p>launch, to forecasting of the grant date, will need to be adjusted to the new timeline. For patent applications in respect of which an early grant is desired, the expedited examination mechanism may become a particularly noteworthy strategic tool.</p> <p>In addition, the formal introduction of an expedited examination mechanism for trademark applications into the Law will enable trademark owners to accelerate the establishment of their rights to address trademark infringement.</p>
11.	Use of Industrial Property Objects a) Manufacture of a product or a part of a product whose external	Article 124 Article 2 Point a & Point d	This expands the scope of acts constituting the use of a protected industrial design: it includes not only the manufacture of a product	This change is intended to ensure consistency with the amendments related to the new definition of the term “design”. In enforcement

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	<p>appearance constitutes a protected industrial design;</p> <p>d) Circulation of a digital copy of a non-physical product whose external appearance, or part thereof, constitutes a protected industrial design.</p>		<p>but also the manufacture of a part of a product whose external appearance is a protected industrial design, as well as the circulation of a digital copy of a non-physical product embodying a protected industrial design.</p>	<p>activities, it represents a pivotal development for industrial designs in the digital environment. Right holders now have a clearer legal basis to address acts involving graphical user interfaces (GUIs) and icons, not only on physical products but also across digital platforms, applications, websites, marketplaces, or channels distributing digital copies.</p>

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Validity Period and Transitional Provisions	<div style="text-align: center;"> <div data-bbox="1010 431 1551 553" style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">Effective from 1 April 2026</div> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div data-bbox="798 686 1157 906" style="border: 1px solid black; border-radius: 15px; padding: 10px; width: 45%;"> Formal examination of applications that have not been accepted as valid before the effective date of the Law </div> <div data-bbox="1371 678 1730 898" style="border: 1px solid black; border-radius: 15px; padding: 10px; width: 45%;"> Opposition period and substantive examination period applicable to applications published on or after the effective date of this Law </div> </div> </div>			