



BE VIETNAM WISE · DOING BUSINESS IN VIETNAM

The guide for foreign and Vietnamese investors

Chapter 7 of 11

Intellectual Property, Data & Technology

Vietnam rewrote the law on intangible assets in 2025 and 2026. The amended Intellectual Property Law and the amended Law on Technology Transfer took effect on 1 April 2026, the first Personal Data Protection Law on 1 January 2026, a consolidated Cybersecurity Law on 1 July 2026, and the first E-commerce Law on the same day, each with new decrees. This chapter sets out the rules as they stand at 10 October 2026 for a foreign investor that brings brands, technology, software and customer data into Vietnam.

Reviewed 10 October 2026. Prepared by a foreign investment lawyer (now retired) with 20 years' experience advising on Vietnamese investment law.

Legal and tax information, not legal advice. Rates, thresholds and procedures change: confirm anything important with the relevant authority or a lawyer licensed to provide legal services in Vietnam before you act. Only the Vietnamese text of a law is authoritative.

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Intellectual Property, Data & Technology

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AT A GLANCE

Governing law

- [Law No. 50/2005/QH11 on Intellectual Property](#), as amended in 2009, 2019, 2022 and by [Laws No. 93/2025/QH15](#) and [No. 131/2025/QH15](#) (from 1 April 2026), with [Decree No. 65/2023/ND-CP](#) as amended and [Circular No. 10/2026/TT-BKHCHN](#)
- [Law No. 07/2017/QH14 on Technology Transfer](#), as amended by [Law No. 115/2025/QH15](#) (from 1 April 2026), with [Decree No. 76/2018/ND-CP](#)
- [Law No. 91/2025/QH15 on Personal Data Protection](#) (from 1 January 2026), with [Decree No. 356/2025/ND-CP](#) and [Decree No. 330/2026/ND-CP](#) on penalties
- [Law No. 116/2025/QH15 on Cybersecurity](#) (from 1 July 2026), with [Decrees No. 327/2026/ND-CP](#) to [No. 333/2026/ND-CP](#); [Law No. 60/2024/QH15 on Data](#), with [Decree No. 165/2025/ND-CP](#)
- [Law No. 122/2025/QH15 on E-commerce](#) (from 1 July 2026), with [Decree No. 248/2026/ND-CP](#); [Law No. 19/2023/QH15 on Protection of Consumer Rights](#), with [Decree No. 55/2024/ND-CP](#)
- [Law No. 20/2023/QH15 on Electronic Transactions](#); [Law No. 134/2025/QH15 on Artificial Intelligence](#) (from 1 March 2026); [Penal Code](#), Articles 225 and 226

Key figures

Trademark term **10 years from filing, renewable**

Invention patent / utility solution **20 years / 10 years**

Who you will deal with

- Intellectual Property Office of Viet Nam (IP Viet Nam) under the Ministry of Science and Technology: registration of trademarks, patents, utility solutions and industrial designs, recordal of licences and assignments, and, since 15 July 2026, administrative sanctions for industrial property infringement
- Copyright Office of Vietnam under the Ministry of Culture, Sports and Tourism: voluntary copyright and related rights registration
- Ministry of Science and Technology and provincial science and technology authorities: technology transfer registration; provincial People's Committees: licences for restricted technology; VNNIC: .vn domain names
- Ministry of Public Security, Department of Cybersecurity and High-Tech Crime Prevention (A05): personal data protection, impact assessment dossiers, cybersecurity and data localisation decisions
- Ministry of Industry and Trade: e-commerce registration and foreign platforms, provincial market surveillance forces, and the National Competition Commission for consumer protection; Customs Department: border measures

What changed in 2025–26

- Law No. 131/2025/QH15 amended the IP Law from 1 April 2026: shorter examination and opposition periods, narrow fast-track examination, a limited exception for AI training, platform duties against online

Trademark substantive examination	5 months from publication
PCT national phase deadline	31 months from priority
Inbound technology transfer registration	Within 90 days of signing
Personal data breach notice to A05	Within 72 hours
Cross-border data transfer fine	Up to 5% of prior-year revenue
Foreign platform registration threshold	100,000 transactions a year in Vietnam

infringement, and higher statutory damages of up to VND 1 billion.

- Law No. 115/2025/QH15 amended the Law on Technology Transfer from 1 April 2026, expressly covering software, algorithms and data, moving restricted-technology licensing to provincial People's Committees and narrowing technology appraisal of investment projects.
- Law No. 91/2025/QH15 on Personal Data Protection and Decree No. 356/2025/ND-CP replaced Decree No. 13/2023/ND-CP on 1 January 2026, and Decree No. 330/2026/ND-CP set fines of up to 5% of revenue for unlawful cross-border transfers from 19 August 2026.
- Law No. 116/2025/QH15 consolidated the 2018 Cybersecurity Law and the 2015 Law on Network Information Security from 1 July 2026, and Decree No. 333/2026/ND-CP restated the data localisation rules.
- Law No. 122/2025/QH15 on E-commerce and Decree No. 248/2026/ND-CP took effect on 1 July 2026, requiring foreign platforms with 100,000 or more transactions a year in Vietnam to register and to establish a legal entity, appoint a representative or post a deposit.

Who this applies to. The IP, technology transfer, data and e-commerce laws apply equally to Vietnamese and foreign-invested companies. A foreign investor feels them differently because its brands and technology are usually owned abroad and licensed in, its customer and employee data usually flow to group systems offshore, and its online platform may be operated from outside Vietnam. Those cross-border elements trigger the first-to-file risk, technology transfer registration, transfer impact assessments, localisation decisions and foreign platform registration that this chapter explains.

What this chapter covers

A foreign investor's most valuable assets in Vietnam are often intangible: the brand under which its products are sold, the patented process its factory uses, the software its customers rely on, and the data it holds about customers and staff. Vietnamese law protects each of them, but only on Vietnamese terms. Rights in trademarks, patents and designs arise by registration in Vietnam, not by use or registration abroad; technology licensed from a foreign parent must in many cases be registered before

the contract takes effect; personal data collected in Vietnam may leave the country only after an impact assessment has been filed with the Ministry of Public Security; and an online platform that serves Vietnamese buyers from abroad may have to register and establish a local presence.

Almost all of the framework changed in 2025 and 2026. The amended Intellectual Property Law (Law No. 131/2025/QH15) and the amended Law on Technology Transfer (Law No. 115/2025/QH15) both took effect on 1 April 2026; the Personal Data Protection Law (Law No. 91/2025/QH15) on 1 January 2026; and the consolidated Cybersecurity Law (Law No. 116/2025/QH15) and the first E-commerce Law (Law No. 122/2025/QH15) on 1 July 2026. Practice under the new instruments is still forming, and the sections flag where it is.

Brands, inventions and designs

Vietnam is strictly first-to-file. A foreign brand that has been sold in Vietnam for years, but never registered there, can be registered by a distributor, a former partner or a squatter, and the true owner may then have to buy it back or fight an invalidation action. The first step for any investor, before a distributor is appointed or goods are shipped, is to file trademark applications with the Intellectual Property Office of Viet Nam (IP Viet Nam), either nationally through a licensed industrial property representative or by designating Vietnam under the Madrid Protocol. Since 1 April 2026 the statutory periods are shorter: publication within one month of formal acceptance, three months for third-party oppositions and five months for substantive examination. Registration lasts ten years and can be renewed indefinitely, but a mark not used for five consecutive years can be cancelled. The procedure, timelines, fees, well-known marks, trade names and .vn domain names are in [Trademarks and brand protection](#).

Inventions are protected by patents for 20 years and lesser innovations by utility solution patents for ten years, both from the filing date; industrial designs are protected for five years, renewable twice. Applicants from abroad commonly enter through the Patent Cooperation Treaty, with a national phase deadline of 31 months from priority. The 2025 amendments cut the deadline for requesting substantive examination of an invention to 36 months and the examination period to 12 months, and extended design protection to partial and digital designs. Employee inventions belong to the employer that assigned the task, subject to statutory remuneration, and an invention made in Vietnam in a field affecting national defence and security is subject to security control before it is filed abroad. These rules, and the protection of trade secrets, are in [Patents, utility solutions and industrial designs](#).

Copyright, software and enforcement

Copyright arises automatically on creation, without registration, and protects computer programs as literary works. Registration with the Copyright Office of Vietnam is voluntary but gives valuable evidence of ownership. The rules that matter most to an investor are those on ownership of works created by employees and contractors, the moral rights that cannot be assigned, and, since 1 April 2026, the limited exception permitting lawfully published and publicly accessible works and data to be used to train artificial intelligence systems where that does not unreasonably prejudice rights holders. The interaction with the Law on Artificial Intelligence (Law No. 134/2025/QH15) is also covered in [Copyright, software and AI](#).

Rights are only as good as their enforcement. Vietnam offers four routes: administrative action through the market surveillance forces, the police, customs and, from 15 July 2026, IP Viet Nam itself; civil proceedings in the People's Courts with provisional measures and damages; criminal prosecution under Articles 225 and 226 of the Penal Code once thresholds are met; and customs recordal to stop infringing goods at the border. The 2025 amendments added platform duties and takedown orders against online infringement. How to choose among them, the evidence needed and what each costs are in [IP enforcement and anti-counterfeiting](#).

Bringing technology into Vietnam

When a foreign group licenses know-how, processes, software or patented technology to its Vietnamese subsidiary or a Vietnamese partner, the Law on Technology Transfer applies alongside the IP Law. A contract transferring technology from abroad into Vietnam must be registered with the science and technology authority within 90 days of signing, and it takes effect only when the registration certificate is issued; technology on the restricted list needs a licence from the provincial People's Committee instead, and prohibited technology cannot be transferred at all. The parties are free to agree the price, and no royalty cap applies, but prices between related parties must comply with the tax and pricing rules. Technology may also be contributed as capital. The registration procedure, the mandatory contents of the contract, the technology appraisal of investment projects and the recordal of IP licences are in [Technology transfer and licensing](#). The foreign contractor tax on royalties and what the bank needs before paying them are in [Paying foreign suppliers and group companies](#) and [Foreign contractor tax and tax treaties](#).

Personal data, cybersecurity and data flows

The Personal Data Protection Law applies to every organisation that processes personal data in Vietnam and to foreign organisations that process the personal data of Vietnamese citizens from abroad. It requires a lawful basis for processing, usually consent, sets response times for data subject requests, requires processing and transfer impact assessments to be filed with the Ministry of Public Security's Department of Cybersecurity and High-Tech Crime Prevention (A05), and requires breaches to be notified within 72 hours. Small enterprises and start-ups have a five-year grace period for some duties. Fines under Decree No. 330/2026/ND-CP reach 5% of the previous year's revenue for unlawful cross-border transfers. See [Personal data protection](#).

Data localisation is a separate cybersecurity rule. Domestic providers of online services must store prescribed user data in Vietnam; foreign providers of listed services must do so, and open a branch or representative office, only once the Ministry of Public Security issues a decision after an unremedied violation. The Data Law adds controls on the transfer abroad of core and important data. The three regimes, and a decision guide for moving group IT and HR data offshore, are in [Cybersecurity, data localisation and cross-border transfers](#).

Selling online, and how to use this chapter

Online sales are governed by the E-commerce Law and Decree No. 248/2026/ND-CP, both in force since 1 July 2026, which classify platforms, regulate livestream selling and affiliate marketing, require seller identification and set the conditions on which foreign platforms may serve Vietnamese buyers. The Law

on Protection of Consumer Rights adds rules on remote sales, standard-form contracts and large digital platforms, and the amended Advertising Law governs online advertising and influencers. See [E-commerce, digital platforms and consumer protection](#), and for electronic contracts and signatures [Commercial contracts in Vietnam](#).

An investor should file its trademarks before anything else, then read the technology transfer section before signing any licence with its parent, and the data sections before switching on group HR, CRM or cloud systems for the Vietnamese company. Incentives for high-technology, digital technology and research projects are in [Investment incentives](#) and are not repeated here; sector licences for telecoms and digital services are covered in the regulated-sector FAQs. The position is stated at 10 October 2026, and several implementing instruments under the 2025 laws are still expected.

OFFICIAL SOURCES

- National Legal Database (vbpl.vn): Law No. 50/2005/QH11 on Intellectual Property as amended; Law No. 131/2025/QH15; Decree No. 65/2023/ND-CP as amended — <https://vbpl.vn>
- Intellectual Property Office of Viet Nam: online filing and IP database — <https://ipvietnam.gov.vn>
- Government portal: Circular No. 10/2026/TT-BKHCN detailing the IP Law on industrial property — <https://chinhphu.vn>
- Ministry of Science and Technology — <https://mst.gov.vn>
- Copyright Office of Vietnam: registration procedures — <https://cov.gov.vn>
- Ministry of Culture, Sports and Tourism — <https://bvhttdl.gov.vn>
- Customs Department: Circular No. 13/2015/TT-BTC as amended by Circular No. 06/2026/TT-BTC — <https://www.customs.gov.vn>
- Ministry of Industry and Trade (market surveillance) — <https://moit.gov.vn>
- National personal data protection portal (A05, Ministry of Public Security) — <https://baovedlcn.gov.vn>
- Ministry of Public Security — <https://bocongan.gov.vn>
- E-commerce management portal (online.gov.vn) — <https://online.gov.vn>

Trademarks and brand protection: first-to-file, IP Viet Nam, national and Madrid filings, the 2026 examination timetable, oppositions, renewal and non-use, well-known marks, trade names and .vn domain names, with a filing checklist and a distributor-squatting example

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WHAT YOU NEED TO KNOW

- Trademark rights in Vietnam arise from registration with the Intellectual Property Office of Viet Nam (IP Viet Nam) under Law No. 50/2005/QH11 on Intellectual Property as amended, most recently by Law No. 131/2025/QH15 from 1 April 2026; the first applicant generally wins, and use or registration abroad gives no protection.
- Applicants without a residence or business establishment in Vietnam must file through a licensed industrial property representative (Article 89), or designate Vietnam in an international application under the Madrid Protocol.
- For applications published from 1 April 2026, applications are published within one month of formal acceptance, third parties have three months to oppose, and substantive examination is due within five months of publication (Articles 110 to 119, as amended); fast-track examination is available only in narrow cases.
- A registration lasts ten years from the filing date and is renewable indefinitely, but can be cancelled if the mark is not used for five consecutive years without a legitimate reason (Articles 93 and 95).
- Well-known marks and trade names are protected without registration on proof of the facts (Articles 75 and 76), and .vn domain names are allocated first come, first served under Decree No. 147/2024/ND-CP.

First to file, and why it decides everything

Vietnam protects trademarks by registration. Under Law No. 50/2005/QH11 on Intellectual Property, amended in 2009, 2019 and 2022, by Law No. 93/2025/QH15 on Science, Technology and Innovation and most recently by Law No. 131/2025/QH15 with effect from 1 April 2026, the exclusive right to a mark arises when the Intellectual Property Office of Viet Nam (IP Viet Nam, the Cục Sở hữu trí tuệ under the Ministry of Science and Technology) grants a certificate of registration. Where two applicants file for identical or confusingly similar marks for the same or similar goods, the earlier filing or priority date

prevails (FAQ 84). Use of the mark in Vietnam before filing, however long, and registrations in other countries, however famous, do not create a right that defeats a valid earlier Vietnamese filing, subject only to the exceptions for well-known marks and bad-faith applications described below.

The practical consequence is the risk of trademark squatting. The usual squatter is not an anonymous speculator but someone who knows the brand: a distributor, an importer, a licensee, a joint venture partner or a former employee, who files in its own name before or during the commercial relationship and then uses the registration as leverage when the relationship ends. A foreign owner in that position must either negotiate an assignment or bring an opposition or invalidation action, which takes time and money and requires evidence. The remedy is cheap by comparison: file in Vietnam before the brand is launched, before samples are shipped and before any distributor or manufacturer is appointed. The same applies to the Vietnamese transliteration or translation of a brand where local consumers will use one, and to the logo and any important sub-brands.

What can be registered

A trademark may be any visible sign, including words, letters, numerals, drawings, images, three-dimensional shapes and combinations of them in colour, and since the 2022 amendments sound marks represented graphically. It must be distinctive for the goods or services claimed. Article 74 refuses signs that are descriptive, generic, or common shapes, and signs that conflict with earlier marks, trade names, geographical indications and industrial designs. Law No. 131/2025/QH15 adds that from 1 April 2026 signs indicating Vietnam's national geographical origin are, with exceptions, treated as lacking distinctiveness. A mark may also be refused if it misleads as to origin or quality, or reproduces State emblems and the names of international organisations without consent.

Goods and services are classified under the Nice Classification, and one application may cover several classes. Official fees are charged per class and, beyond six items in a class, per additional item, so a specification that lists the products actually sold, rather than whole class headings, is both cheaper and easier to defend against non-use. Since the 2022 amendments an application filed in bad faith is a ground for refusal and for invalidation, which has become the main weapon against squatters who had no intention of using the mark themselves.

Filing nationally or through Madrid

A foreign company may file a **national application** at IP Viet Nam. An applicant that has no residence or business establishment in Vietnam must act through a licensed industrial property representative (Article 89), that is, a Vietnamese firm or individual registered with IP Viet Nam to practise. A Vietnamese subsidiary may file in its own name, but the parent will usually want to own the mark and license it to the subsidiary, so the parent files through a representative. Applications are filed electronically or on paper in Vietnamese, with a power of attorney, which since the 2025 amendments need not be notarised in certain cases involving foreign principals, and a priority claim within six months of the first filing in a Paris Convention or WTO country.

Vietnam is also party to the **Madrid Agreement and Protocol**, so an owner with a home registration or application can designate Vietnam in an international application filed through its home office (FAQ 85). Madrid is cost-effective where several countries are designated at once, but IP Viet Nam examines the

designation under Vietnamese law exactly as it would a national application, and any provisional refusal must be answered through a local representative within the deadline set in the notice. National filing gives more control over the Vietnamese specification and the Vietnamese-language version of the mark, and a certificate of registration that banks, customs and enforcement authorities recognise immediately; Madrid owners may request a certificate of protection for the same purpose.

Examination stages and realistic timelines

An application passes through four statutory stages under Articles 108 to 119 of the IP Law. **Formality examination** checks the application within one month of filing. If it is accepted, the application is **published** in the Industrial Property Official Gazette within one month of acceptance, shortened from two months by Law No. 131/2025/QH15. From publication third parties have **three months to oppose**, previously five, and may file observations until a decision is taken. **Substantive examination**, which assesses distinctiveness and conflicts with earlier rights, must be completed within five months of publication, previously nine. Where the examiner raises an objection, the applicant has a period to argue or amend, and the time taken to respond is added. On approval, the grant fee is paid and the certificate issues. Under the transitional rules, applications filed before 1 April 2026 generally continue under the former law, but the new opposition and substantive examination periods apply to those published after that date.

Fast-track examination, introduced by new Article 119(2a), shortens substantive examination to three months, but only in the cases the Government prescribes. Circular No. 10/2026/TT-BKHCHN limits it for trademarks to marks used for goods made under an invention on the list of strategic technologies or an invention exploited in emergencies, and to cases in which the registration certificate is a document the applicant must hold to complete another legal procedure. Most commercial brands do not qualify.

The statutory periods are maximums that IP Viet Nam has historically struggled to meet. Until 2025 an unopposed national application commonly took 12 to 24 months from filing to registration. The 2026 periods should shorten that considerably if IP Viet Nam's capacity matches them, but an investor planning a launch should allow for slippage and should treat the filing date, not the registration date, as the moment its priority is secured. **Official fees** are set by Circular No. 263/2016/TT-BTC as amended by Circular No. 63/2023/TT-BTC and amount to roughly VND 1 to 1.3 million for one class of up to six items, covering filing, classification, search, examination, publication and grant; Circular No. 64/2025/TT-BTC halves many industrial property fees until 31 December 2026. Professional fees are additional.

How a foreign owner registers a trademark in Vietnam

1

Search before filing

Commission a search of the IP Viet Nam database and the WIPO Global Brand Database for identical and similar marks in the relevant classes, and a market check for local use of the brand by third parties. A representative can give an opinion on registrability before filing.

2 Decide the owner, the marks and the route

File in the name of the group company that will own and license the brand. Cover the word mark, the logo and any Vietnamese-language version. Choose a national filing through a licensed industrial property representative, or a Madrid designation if several countries are being covered.

3 Draft the specification

List the goods and services actually sold or planned within the next five years, using Nice terms acceptable to IP Viet Nam, with any Paris Convention priority claim within six months of the home filing.

4 File and secure the date

File electronically with the power of attorney and pay the official fees. The filing date fixes priority; keep the filing receipt for use with distributors, customs and platforms.

5 Monitor formality examination and publication

Respond to any formality objection within the period set. Check the published details for errors once the application appears in the Official Gazette, normally within one month of acceptance.

6 Watch the opposition window

Third parties may oppose within three months of publication. Prepare evidence of use and reputation in case an opposition or observation is filed.

7 Answer substantive examination

Respond to any provisional refusal within the period stated, by argument, amendment of the specification, a letter of consent from the earlier owner or a challenge to the cited mark for non-use.

8 Pay the grant fee and diarise

Pay the grant fee on approval. Diarise the ten-year renewal from the filing date, and record any licence to the Vietnamese subsidiary or distributor with IP Viet Nam.

Keeping the registration alive, and challenging others

A certificate of registration is valid for **ten years from the filing date** and may be renewed for successive ten-year periods (Article 93(6)), on request filed within six months before expiry or, with a surcharge, within six months after. A mark can be cancelled on request of any person if neither the owner nor its licensee has used it in Vietnam for **five consecutive years** before the request, without a legitimate reason, unless use began or resumed at least three months before the request (Article 95(1)(d)). Use by a licensee counts, which is a reason to record licences and keep evidence of sales under the mark: invoices, packaging, advertising and import declarations.

An owner may oppose another party's application during the three-month window, and once a mark is registered may request its **invalidation** on the ground that it should not have been granted, for example because it conflicts with an earlier right, was filed by an agent without the owner's consent, or was filed in bad faith. Invalidation requests on most grounds must be made within five years of grant, but there is no time limit where bad faith is alleged (Article 96). An assignment of a registered mark takes effect

only when it is registered with IP Viet Nam, and a licence, although effective between the parties as agreed, is enforceable against third parties only once recorded (Article 148). The Law on Technology Transfer may also apply where a licence carries technology with it ([Technology transfer and licensing](#)).

Well-known marks, trade names and domain names

A **well-known mark** is protected without registration, and against dissimilar goods where use would mislead or take unfair advantage, but only once its status is proved on the criteria in Article 75: the number of relevant consumers who know it, the territory and duration of use, sales and advertising, the value of the mark and its recognition in other countries. Vietnam keeps no register of well-known marks; status is decided case by case in opposition, invalidation or enforcement proceedings, so evidence of reputation in Vietnam should be collected and kept current.

A **trade name**, the name under which a business is conducted, is protected through lawful use without registration (Articles 76 and 78), within the area and sector where the business operates. Business registration offices check company names against other registered enterprise names, not against trademarks, so a third party can register a company whose name contains the investor's brand; the remedy is an unfair competition or infringement action, or a request to the business registration office to require a change of name where the name infringes industrial property rights. A foreign investor should register its Vietnamese company under a name matching its registered mark.

Domain names under .vn are allocated on a first come, first served basis through registrars accredited by the Vietnam Internet Network Information Center (VNNIC) under the Ministry of Science and Technology, governed by the Law on Telecommunications and Decree No. 147/2024/ND-CP. A .vn domain is not a trademark right, and a registration in bad faith can be challenged by negotiation, mediation, arbitration or court proceedings, with VNNIC acting on the outcome. Registering the brand under .vn and .com.vn at the same time as filing the trademark avoids the dispute. Since 15 July 2026 Decree No. 186/2026/ND-CP has allowed authorities to order the blocking of access to domain names that infringe industrial property rights ([IP enforcement and anti-counterfeiting](#)).

Trademark filing checklist for a foreign brand owner

What to settle and assemble before instructing a licensed industrial property representative. The list assumes a national filing; a Madrid designation follows the home office's procedure but needs the same commercial decisions.



Owner

The group company that will hold the brand worldwide, with its exact name and address as they will appear in licences and customs records.



Marks

The word mark in standard characters, the logo in the colours used, and any Vietnamese-language or transliterated version, each as a separate application if they will be used separately.



Specification

Goods and services by Nice class, limited to what is sold or planned, using terms IP Viet Nam accepts.

- ☐ **Priority**
Copy, number and date of the home application if priority is claimed within six months of that filing.
- ☐ **Power of attorney**
Signed by the owner in favour of the representative; check with the representative whether notarisation is needed in the particular case.
- ☐ **Search report**
Results of the pre-filing search and the representative's opinion on registrability and risks.
- ☐ **Evidence file**
First use in Vietnam, sales, advertising and media coverage, kept for oppositions, invalidation actions and any well-known mark claim.
- ☐ **Domain names and company name**
The matching .vn and .com.vn domains registered, and the Vietnamese subsidiary's enterprise name aligned with the mark.
- ☐ **Licence plan**
Who will use the mark in Vietnam (subsidiary, distributor, franchisee), with a written licence to be recorded at IP Viet Nam once the mark is registered.

Trademark rules and periods at a glance (October 2026)

Item	Rule	Source
Basis of protection	Registration with IP Viet Nam; first to file prevails	IP Law, Articles 6 and 90
Foreign applicant without establishment in Vietnam	Must file through a licensed industrial property representative	IP Law, Article 89
Paris Convention priority	Six months from the first filing	IP Law, Article 91
Formality examination	One month from filing	IP Law, Article 119
Publication	Within one month of formal acceptance (previously two)	IP Law, Article 110, as amended by Law No. 131/2025/QH15
Opposition period	Three months from publication (previously five)	IP Law, Article 112a, as amended
Substantive examination	Five months from publication (previously nine); three months on fast-track in prescribed cases	IP Law, Article 119, as amended; Circular No. 10/2026/TT-BKHCHN
Term	Ten years from filing, renewable indefinitely	IP Law, Article 93(6)
Non-use cancellation	Five consecutive years without use	IP Law, Article 95(1)(d)
Invalidation	Within five years of grant on most grounds; no limit for bad faith	IP Law, Article 96

Item	Rule	Source
Official fees	About VND 1 to 1.3 million for one class of up to six items; many halved to 31 December 2026	Circular No. 263/2016/TT-BTC as amended; Circular No. 64/2025/TT-BTC

WORKED EXAMPLE

A distributor registers the brand: prevention and cure

A German manufacturer of premium kitchen appliances appoints a Ho Chi Minh City company as exclusive distributor in March 2026 without filing in Vietnam. The relationship ends in 2027. The example is illustrative; the professional-fee ranges are typical market ranges in October 2026, not quotations.

What happened	In April 2026 the distributor filed a national application for the brand in class 11 in its own name. It was published in May 2026 and, with no opposition, registered in early 2027. When the manufacturer terminated the distribution agreement, the former distributor relied on the registration to block the new distributor's imports and asked for USD 250,000 to assign it.
Cure 1: invalidation for bad faith	The manufacturer files an invalidation request with IP Viet Nam alleging bad faith and filing by an agent without the owner's consent, with the distribution agreement, correspondence and evidence of the German and EU registrations and of reputation. There is no time limit for bad faith. A decision typically takes many months, and either party may appeal or go to court.
Cure 2: its own application	The manufacturer files its own application at once, which will be refused on the basis of the distributor's earlier mark unless and until the invalidation succeeds, but which secures the next place in the queue.
Cure 3: commercial settlement	In parallel, it negotiates an assignment, which takes effect only on registration of the assignment with IP Viet Nam, and a release of claims.
Cost of cure (typical ranges)	Invalidation and parallel filings through a Vietnamese firm: USD 5,000 to 20,000, more if appealed or litigated, plus management time and lost sales during the dispute.
Prevention	Had the manufacturer filed a national application in January 2026, before appointing the distributor, for official fees of a few million dong and professional fees of a few hundred US dollars, its application would have had priority and the distributor's application would have been refused; with publication in the month after acceptance, it could also have opposed the distributor's application within three months.
Contract protection	The distribution agreement should have stated that all marks belong to the manufacturer, prohibited any filing by the distributor, required the assignment of any filing made in breach, and provided for the licence to be recorded and to end with the agreement.

Had the manufacturer missed the opposition window but filed promptly, it could still have relied on bad faith in an invalidation action, but the burden and delay would have been far greater than a timely opposition.

Where the squatter is not a former agent, the owner must prove bad faith from the circumstances, such as a pattern of filings for foreign brands or a demand for payment.

Questions investors ask about trademarks

Does my registration in my home country protect my brand in Vietnam?

No. Vietnam is first-to-file and protects a trademark only once IP Viet Nam registers it, or where it is proved to be well known under Article 75 of the IP Law. File a national application through a licensed representative or designate Vietnam under the Madrid Protocol before the brand is launched or a distributor appointed.

How long does trademark registration take in Vietnam in 2026?

Under the IP Law as amended by Law No. 131/2025/QH15, formality examination takes one month, publication follows within one month of acceptance, the opposition window is three months and substantive examination is due within five months of publication. Allowing for objections and practice, an investor should still plan for longer than the statutory minimum.

Do I need a Vietnamese agent to file?

A foreign applicant with no residence or business establishment in Vietnam must file a national application through a licensed industrial property representative under Article 89 of the IP Law. Under Madrid the international application goes through the home office, but a local representative is needed to answer any provisional refusal from IP Viet Nam.

Can my registration be cancelled if I do not use the mark?

Yes. Any person may request cancellation if neither the owner nor a licensee has used the mark in Vietnam for five consecutive years without a legitimate reason, unless use began or resumed at least three months before the request (Article 95). Keep invoices, packaging and advertising showing use, and record licences.

What can I do if a distributor has registered my brand?

Oppose within three months of publication if the application is still pending. Once registered, request invalidation on the ground of filing by an agent without consent or bad faith, for which there is no time limit, file your own application, and consider negotiating an assignment, which takes effect only when registered with IP Viet Nam.

THE 2027 HORIZON

- IP Viet Nam's ability to meet the shortened 2026 examination periods will become clear as applications published after 1 April 2026 reach decision during 2026 and 2027; owners should monitor actual processing times before relying on them for launch plans.
- Further Government regulations under Law No. 131/2025/QH15, including on the use of IP as an asset for capital contribution and finance, are expected; check them before using a trademark as security or contributing it as capital.
- The temporary halving of many industrial property fees under Circular No. 64/2025/TT-BTC is stated to end on 31 December 2026; filings planned for early 2027 may cost more unless the reduction is extended.

Terms you will meet in the documents

English	Vietnamese	Meaning
Trademark	<i>Nhãn hiệu</i>	A sign distinguishing the goods or services of one business from those of others.
Certificate of trademark registration	<i>Giấy chứng nhận đăng ký nhãn hiệu</i>	The title issued by IP Viet Nam, valid for ten years from filing.
Intellectual Property Office of Viet Nam	<i>Cục Sở hữu trí tuệ</i>	IP Viet Nam, the registration authority under the Ministry of Science and Technology.
Industrial property representative	<i>Đại diện sở hữu công nghiệp</i>	A licensed firm or individual that files and prosecutes applications for others.
Opposition	<i>Ý kiến phản đối đơn</i>	A third party's objection filed within three months of publication.
Invalidation	<i>Hủy bỏ hiệu lực văn bằng bảo hộ</i>	Annulment of a registration that should not have been granted (Article 96).
Cancellation for non-use	<i>Chấm dứt hiệu lực do không sử dụng</i>	Termination of a mark unused for five consecutive years (Article 95).
Well-known mark	<i>Nhãn hiệu nổi tiếng</i>	A mark widely known in Vietnam, protected without registration (Article 75).
Trade name	<i>Tên thương mại</i>	The name under which a business operates, protected through use.

FOREIGN V VIETNAMESE INVESTOR

The substantive rules are the same for everyone, and a Vietnamese applicant also loses to an earlier filer. The differences are procedural and practical: a foreign owner with no establishment in Vietnam must use a licensed representative, usually owns its brand through an offshore company that licenses it to a Vietnamese subsidiary or distributor, and is the more frequent target of squatting because its brand is often known in Vietnam before it is filed there. A Vietnamese company may file directly and in its own name.

WATCH OUT FOR

- Appointing a distributor, licensee or contract manufacturer before filing in Vietnam; file first and put an ownership and no-filing clause in every contract.
- Filing only the English word mark when consumers use a Vietnamese name or transliteration.
- Broad class-heading specifications that cost more and invite partial non-use cancellation.
- Unrecorded licences and assignments: an assignment is ineffective until registered, and an unrecorded licence cannot be relied on against third parties.
- Letting the opposition window pass without a watching service; after three months only invalidation remains.
- A Vietnamese company name or .vn domain containing the brand registered by someone else before the investor arrives.

OFFICIAL SOURCES

- National Legal Database (vbpl.vn): Law No. 50/2005/QH11 on Intellectual Property as amended; Law No. 131/2025/QH15; Decree No. 65/2023/ND-CP as amended — <https://vbpl.vn>
- Intellectual Property Office of Viet Nam: online filing and IP database — <https://ipvietnam.gov.vn>
- Government portal: Circular No. 10/2026/TT-BKHCN detailing the IP Law on industrial property — <https://chinhphu.vn>
- Ministry of Science and Technology — <https://mst.gov.vn>

Patents, utility solutions and industrial designs: what can be protected, PCT and Hague entry, the 2026 examination timetable and fast-track, grace periods, employee inventions and remuneration, security control on filing abroad, and trade secrets

Reviewed 10 October 2026 · Prepared by a foreign investment lawyer (now retired) with 20 years' experience advising on Vietnamese investment law · Legal and tax information, not legal advice · [How we check](#) · [Open in the app](#)

WHAT YOU NEED TO KNOW

- An invention patent lasts 20 years and a utility solution patent ten years from the filing date, and an industrial design registration five years, renewable twice for five years each (Article 93 of Law No. 50/2005/QH11 on Intellectual Property as amended).
- A PCT application enters the Vietnamese national phase within 31 months of the priority date (Circular No. 10/2026/TT-BKHCHN), and Vietnam may be designated for industrial designs under the Hague Agreement.
- From 1 April 2026 the request for substantive examination of an invention must be filed within 36 months of the filing or priority date, previously 42, and examination is due within 12 months; design examination is due within five months of publication (Article 119, as amended by Law No. 131/2025/QH15).
- An invention created by an employee in the course of assigned duties belongs to the employer, which must pay the inventor remuneration of at least 10% of the profit from its use and 15% of licence income unless otherwise agreed (Articles 86 and 135).
- An invention created in Vietnam and owned by a Vietnamese organisation or individual, in a field affecting national defence and security, is subject to security control before it is filed abroad (Article 89a); trade secrets are protected without registration if kept confidential (Article 84).

Three forms of protection

Vietnamese law offers three registered rights for technical and design innovation, all granted by the Intellectual Property Office of Viet Nam (IP Viet Nam) under Law No. 50/2005/QH11 on Intellectual Property, as amended most recently by Law No. 131/2025/QH15 from 1 April 2026 (FAQ 84). An **invention patent** (bằng độc quyền sáng chế) protects a technical solution, product or process, that is new worldwide, involves an inventive step and is industrially applicable (Article 58). It lasts 20 years from the filing date, subject to annual maintenance fees. A **utility solution patent** (bằng độc quyền giải pháp hữu ích) protects a technical solution that is new and industrially applicable but need not show an inventive step, provided it is not common knowledge; it lasts ten years from filing and suits incremental

improvements to products with short commercial lives. An **industrial design** registration protects the external appearance of a product. It lasts five years from filing and may be renewed twice, for a maximum of 15 years.

Excluded from patent protection are, among other things, discoveries, scientific theories and mathematical methods, schemes and rules for mental acts, business methods, computer programs as such, presentations of information, aesthetic creations, plant and animal varieties, essentially biological processes, and methods of diagnosis and treatment of humans and animals (Article 59). Software-related inventions can be patented where they produce a technical effect, but the program itself is protected by copyright ([Copyright, software and AI](#)). Law No. 131/2025/QH15 widened the design definition to cover the appearance of the whole or part of a product, in physical or non-physical form, so partial designs and digital designs such as graphical user interfaces can now be registered, and making a protected part, or circulating digital copies of a protected non-physical design, may infringe.

Novelty, grace periods and priority

Novelty is absolute: an invention is not new if it has been disclosed anywhere in the world, by use, publication or any other means, before the filing or priority date. The law gives a limited safety net. An invention is not treated as having lost novelty if it was disclosed by the person entitled to register it, or by someone who obtained the information from that person, within 12 months before filing (Article 60(3)), a period extended from six months by the 2022 amendments. Industrial designs have a six-month grace period (Article 65(3)), and Law No. 131/2025/QH15 adds that a design keeps its novelty despite unlawful or unauthorised publication. The grace period is a defence, not a strategy: other countries apply different rules, and disclosure before filing can destroy protection elsewhere.

A foreign applicant can claim Paris Convention priority from its first filing for 12 months for inventions and utility solutions and six months for industrial designs. Under the **Patent Cooperation Treaty** it can file one international application and enter the Vietnamese national phase within **31 months of the priority date** by filing the request form, a Vietnamese translation of the description and abstract and, where applicable, a power of attorney (Circular No. 10/2026/TT-BKHCN) ([FAQ 85](#)). Vietnam is also party to the Geneva Act of the **Hague Agreement**, so an international design registration can designate Vietnam; IP Viet Nam examines the designation and may refuse protection within the Hague period. As with trademarks, an applicant without a residence or business establishment in Vietnam must act through a licensed industrial property representative for national filings and for responses to IP Viet Nam (Article 89).

Examination after the 2025 amendments

Every application undergoes formality examination, publication and substantive examination. A patent application is published in the 19th month from the filing or priority date, or earlier on request, and a PCT national phase application one month after formal acceptance. Unlike a trademark, an invention is examined on substance only if someone requests it. Law No. 131/2025/QH15 shortened the deadline for the request to **36 months** from the filing or priority date, from 42; if no request is filed in time the application is deemed withdrawn. Substantive examination must then be completed within **12 months** of publication or of the request, whichever is later, instead of 18. Third parties may oppose a patent

application within six months of publication. Industrial design applications are published within one month of formal acceptance, may be opposed within three months, previously four, and must be examined within **five months** of publication, previously seven.

New Article 119(2a) allows **fast-track substantive examination** of invention applications, completed within three months, in cases prescribed by the Government; the opposition period for a fast-tracked patent application falls to three months. Circular No. 10/2026/TT-BKHCN confines fast-track to inventions on the list of strategic technologies and strategic technology products under the high-technology law and inventions researched and exploited for emergencies relating to security, defence, natural disasters and epidemics, and prescribes a separate request form and fee. The amended law also requires each application to claim only one title for one subject matter, replaces the fixed list of application documents with a principle-based requirement detailed by decree, and allows a title obtained by fraud or false information to be revoked. Where artificial intelligence was used in creating the subject matter, applicants should disclose it accurately; the Government is to regulate how rights arise in AI-assisted creations, and human creative contribution remains the basis of protection.

Patents are maintained by annual fees from the year of grant, payable in advance; a missed annuity can be paid with a surcharge within six months, after which the patent lapses. A granted patent may be subject to a compulsory licence in the public interest, for non-working without a legitimate reason, or for anti-competitive conduct (Article 145), a risk that matters chiefly in pharmaceuticals.

How a foreign applicant protects an invention in Vietnam through the PCT

1 File the priority application and the PCT application

File at home, then file the PCT application within 12 months, before any public disclosure where possible. Note the 31-month deadline for Vietnam from the earliest priority date.

2 Decide on Vietnam well before month 31

Review the international search report and the commercial case for Vietnam: manufacturing there, competitors there, or a significant market. Consider whether a utility solution would give enough protection for an incremental improvement.

3 Instruct a licensed industrial property representative

Provide the PCT publication, any Article 19 or Article 34 amendments, the applicant's details and a power of attorney. Arrange a Vietnamese translation of the description, claims and abstract; translation quality decides the scope of the granted claims.

4 Enter the national phase by month 31

File the request form and translation with IP Viet Nam and pay the fees. Consider filing the request for substantive examination at the same time; the outer limit is now 36 months from priority.

5 Consider fast-track

If the invention falls within the strategic technology list or an emergency category, request fast-track examination on the prescribed form with evidence.

6 Respond to examination reports

Answer substantive examination reports within the periods set, amending claims where needed. Results from the EPO, USPTO, JPO or other offices often support the arguments.

7 Grant, annuities and recordals

Pay the grant fee and the first annuity, diarise annual fees, and record any licence to the Vietnamese subsidiary or licensee with IP Viet Nam; register an inbound technology transfer where the licence carries technology.

Employee inventions and remuneration

The right to register an invention, utility solution or design belongs to the organisation or individual that invested the funds and material facilities for its creation by assigning a task to the author or hiring the author, unless the parties agree otherwise (Article 86). A Vietnamese subsidiary therefore owns, by default, the inventions of its research staff made in the course of their duties, and a foreign parent that wants to own them must take an assignment from the subsidiary, which may itself be a transfer of industrial property rights and, if the technology goes abroad, an outbound technology transfer requiring registration ([Technology transfer and licensing](#)).

The inventor keeps a statutory right to remuneration. Unless the parties agree otherwise, the owner must pay the author at least **10% of the profit** it earns from using the invention, utility solution or design and **15% of each payment** it receives from licensing it (Article 135). The minimum applies where there is no agreement, so an employment contract or research policy should set the remuneration expressly and record that it has been agreed. The author also has moral rights to be named as inventor in the patent and in publications. Remuneration and the allocation of rights for inventions arising from State-funded research are governed by Law No. 93/2025/QH15 on Science, Technology and Innovation and do not normally concern private investors.

Security control before filing abroad

Article 89a of the IP Law, introduced in 2022 and revised by Law No. 131/2025/QH15, applies a security-control rule to inventions that are created in Vietnam, owned by Vietnamese organisations or individuals, and fall within technical fields that affect national defence and security. Such an invention may be filed abroad only after it has cleared security control in Vietnam, and a PCT application of Vietnamese origin filed through IP Viet Nam is checked against the rule before it is transmitted to WIPO; Decree No. 65/2023/ND-CP, as amended, sets out the fields and the procedure.

The rule matters to foreign investors more than its wording suggests. A Vietnamese subsidiary of a foreign group is a Vietnamese organisation, and a research and development centre in Vietnam that invents in a covered field, such as certain areas of telecommunications, encryption, aerospace, energy or advanced materials, may find that its parent cannot simply file the first application at home. A group with research activity in Vietnam should check each invention against the decree's list before deciding where to file first, and should provide in its intra-group agreements for the security-control step and for the subsequent assignment of rights.

Trade secrets

Much valuable technology is never patented. A **trade secret**, information obtained from financial or intellectual investment that is not common knowledge, gives its holder an advantage, and is kept secret by necessary measures, is protected without registration for as long as those conditions continue (Article 84), unless it falls within the exclusions in Article 85, such as personal identity secrets and State secrets. Infringement includes accessing or collecting the secret by defeating security measures, disclosing or using it without permission, breaching a confidentiality agreement, and inducing another to breach one (Article 127).

Protection depends on the holder proving that it took reasonable steps to keep the information secret, so the evidence must exist before any dispute: written confidentiality agreements with employees, contractors and partners; access controls and marking of documents; exit procedures; and records of who received what. The Labour Code allows an employer and employee to agree in writing on the protection of business and technology secrets and on compensation for breach (Article 21, Law No. 45/2019/QH14), and an agreement made at the start of employment is easier to enforce than one imposed later (Employment contracts and probation). Non-compete clauses have an uncertain status in Vietnamese labour law and should not be relied on as the main protection.

Patents, utility solutions and designs: the key numbers (October 2026)

Item	Invention patent	Utility solution patent	Industrial design
Requirements	Novelty, inventive step, industrial applicability	Novelty and industrial applicability; not common knowledge	Novelty, creativity, industrial applicability
Term	20 years from filing	10 years from filing	5 years from filing, renewable twice (15 years)
Paris priority	12 months	12 months	6 months
Grace period after own disclosure	12 months	12 months	6 months
International route	PCT; national phase by 31 months from priority	PCT; national phase by 31 months from priority	Hague Agreement (Geneva Act)
Publication	19th month from filing or priority; earlier on request	As for inventions	Within 1 month of formal acceptance
Opposition	6 months from publication (3 if fast-tracked)	As for inventions	3 months from publication
Substantive examination	On request within 36 months of filing or priority; completed within 12 months	On request; completed within 12 months	Automatic; within 5 months of publication
Fast-track	3 months, prescribed cases only	Not provided	Not provided

Item	Invention patent	Utility solution patent	Industrial design
Source	IP Law, Articles 58, 93, 110, 112a and 119, as amended by Law No. 131/2025/QH15; Circular No. 10/2026/TT-BKHCN	Same	IP Law, Articles 63, 93 and 119, as amended

WORKED EXAMPLE

A Korean medical-device maker protects a new infusion pump in Vietnam

A Korean company files a Korean patent application for a new infusion pump mechanism on 1 March 2025 and a Korean design application for the pump housing on 1 April 2025. It plans to assemble the pump at its Vietnamese subsidiary in Dong Nai from 2027. The figures are illustrative; professional-fee ranges are typical market ranges in October 2026, not quotations.

Design	The Paris priority period for the design ends on 1 October 2025. The company designates Vietnam in a Hague international registration filed on 25 September 2025, claiming Korean priority. IP Viet Nam examines the designation; no refusal issues and protection runs from the international registration date for five years, renewable twice.
PCT filing	PCT application filed on 27 February 2026, claiming the Korean priority. The international search report is favourable on two of three independent claims.
National phase deadline	Thirty-one months from 1 March 2025 is 1 October 2027. The company enters the Vietnamese national phase in July 2027 through a licensed representative, with a Vietnamese translation, and requests substantive examination at once; the outer limit would have been 1 March 2028 (36 months).
Fast-track	Not available: the pump is not on the strategic technology list and is not an emergency invention.
Examination	Publication follows formal acceptance; the 12-month examination period runs from the later of publication and the request. The company cites the Korean grant to support its arguments. Grant can reasonably be expected in 2028 or 2029, subject to IP Viet Nam's actual processing times.
Licence to the subsidiary	The parent licenses the patent and the manufacturing know-how to the Vietnamese subsidiary for a royalty of 3% of net sales. The licence is recorded at IP Viet Nam once the patent is granted, and the technology transfer element is registered within 90 days of signing; the royalty bears foreign contractor tax.
Employee improvements	The subsidiary's engineers develop an improved valve in 2028. It belongs to the subsidiary under Article 86; the employment contracts set remuneration below the statutory 10% and 15% defaults, as the parties may agree. The subsidiary files a utility solution application, then assigns it to the parent after checking that the field is not subject to security control.

Cost (typical ranges)

National phase entry, translation and examination through grant: USD 2,000 to 5,000 in professional fees, plus official fees and annuities; design designation through Hague at WIPO fees plus a local response budget if refused.

Had the company disclosed the pump at a trade fair in Vietnam before 1 March 2025 without a filing, the 12-month grace period would have protected novelty in Vietnam, but not necessarily in other countries.

Had the subsidiary's engineers made the valve in a field covered by the security-control list, the first filing would have had to clear Vietnamese security control before any application abroad.

Questions investors ask about patents and designs

What is the deadline to enter Vietnam from a PCT application?

Thirty-one months from the priority date, or from the international filing date if no priority is claimed, under Circular No. 10/2026/TT-BKHCN. The applicant files the request form, a Vietnamese translation of the description and abstract and, if acting through a representative, a power of attorney. Substantive examination must then be requested within 36 months of priority.

How long does a Vietnamese patent take after the 2025 amendments?

Law No. 131/2025/QH15 requires substantive examination to be completed within 12 months of the later of publication and the examination request, instead of 18, and the request must be filed within 36 months of priority. Fast-track examination in three months applies only to strategic technology and emergency inventions.

Is a utility solution worth filing?

Often, for incremental improvements. A utility solution patent needs novelty and industrial applicability but not an inventive step, provided the solution is not common knowledge, and lasts ten years from filing. It is enforceable in the same way as a patent and suits products with short commercial lives.

Who owns inventions made by staff of my Vietnamese subsidiary?

The subsidiary, if it assigned the task or hired the inventor, unless otherwise agreed (Article 86 of the IP Law). It must pay the inventor at least 10% of the profit from use and 15% of licence income unless the parties agree a different amount. A parent that wants ownership needs a written assignment.

Can my Vietnamese R&D team's invention be filed first in our home country?

Not always. Under Article 89a an invention created in Vietnam and owned by a Vietnamese organisation, including a foreign-owned subsidiary, in a field affecting national defence and security must clear security control in Vietnam before it is filed abroad. Check the list in Decree No. 65/2023/ND-CP, as amended, before deciding where to file.

THE 2027 HORIZON

- Government regulations on the creation and establishment of rights in subject matter generated with artificial intelligence are expected under Law No. 131/2025/QH15; until they issue, applicants should describe human contribution and AI use accurately.
- Updated patent examination guidelines, including for pharmaceutical and biotechnology inventions, were in preparation at IP Viet Nam in 2025 and 2026; check them before drafting claims in those fields.
- Whether IP Viet Nam meets the shortened 12-month patent and five-month design examination periods will be visible from 2027 as applications published after 1 April 2026 reach decision.

Terms you will meet in the documents

English	Vietnamese	Meaning
Invention	<i>Sáng chế</i>	A technical solution that is new, inventive and industrially applicable.
Invention patent	<i>Bằng độc quyền sáng chế</i>	The title protecting an invention for 20 years from filing.
Utility solution patent	<i>Bằng độc quyền giải pháp hữu ích</i>	A ten-year title for a new, industrially applicable solution without the inventive-step test.
Industrial design	<i>Kiểu dáng công nghiệp</i>	The external appearance of a product or part of a product, physical or non-physical.
Request for substantive examination	<i>Yêu cầu thẩm định nội dung</i>	The request without which an invention application is not examined; due within 36 months.
Fast-track examination	<i>Thẩm định nội dung nhanh</i>	Three-month examination available only in the cases the Government prescribes.
Security control of inventions	<i>Kiểm soát an ninh đối với sáng chế</i>	The check before an invention made in Vietnam in sensitive fields is filed abroad (Article 89a).
Trade secret	<i>Bí mật kinh doanh</i>	Confidential commercial information protected without registration (Article 84).
Remuneration to the author	<i>Thù lao cho tác giả</i>	The statutory payment to the inventor or designer (Article 135).

FOREIGN V VIETNAMESE INVESTOR

The criteria, terms and examination rules are identical for all applicants. A foreign applicant without an establishment in Vietnam must act through a licensed representative and usually enters through the PCT or Hague systems, while a Vietnamese applicant may file directly. The security-control rule in Article 89a binds Vietnamese owners, which includes a foreign-owned Vietnamese subsidiary but not its foreign parent, so the place where an invention is made and the company that owns it at creation determine whether it applies.

WATCH OUT FOR

- Missing the 31-month PCT deadline for Vietnam; diarise it separately from the 30-month deadlines that apply in many other countries.
- Relying on the old 42-month period for requesting examination; for applications under the amended law it is 36 months from priority.
- Poor Vietnamese translations that narrow or invalidate the claims.
- Research staff contracts silent on remuneration, which leaves the statutory 10% and 15% defaults in place.
- Filing an invention made by the Vietnamese team abroad first without checking the security-control list.
- Treating trade secrets as protected without signed confidentiality agreements, access controls and evidence of those measures.

OFFICIAL SOURCES

- National Legal Database (vbpl.vn): Law No. 50/2005/QH11 on Intellectual Property as amended; Law No. 131/2025/QH15 — <https://vbpl.vn>
- Government portal: Decree No. 65/2023/ND-CP as amended by Decrees No. 15/2026/ND-CP, 33/2026/ND-CP and 100/2026/ND-CP; Circular No. 10/2026/TT-BKHCN — <https://chinhphu.vn>
- Intellectual Property Office of Viet Nam: patent and design filings — <https://ipvietnam.gov.vn>
- Ministry of Science and Technology — <https://mst.gov.vn>

Copyright, software and AI: automatic protection, voluntary registration, ownership of works by employees and contractors, moral rights, software licensing, related rights, collective management, the 2026 AI training exception and the Law on Artificial Intelligence

Reviewed 10 October 2026 · Prepared by a foreign investment lawyer (now retired) with 20 years' experience advising on Vietnamese investment law · Legal and tax information, not legal advice · [How we check](#) · [Open in the app](#)

WHAT YOU NEED TO KNOW

- Copyright arises automatically when a work is created and fixed in material form, without registration (Article 6 of Law No. 50/2005/QH11 on Intellectual Property as amended); computer programs are protected as literary works.
- Registration with the Copyright Office of Vietnam is voluntary but shifts the burden of proof to anyone who disputes ownership (Article 49), and the 2025 amendments allow the authority to invalidate a certificate obtained with false information.
- Works created by an employee under an assigned task, or under a commissioning contract, belong by default to the organisation that assigned or commissioned them, but moral rights other than the right of publication stay with the author and cannot be transferred (Articles 19, 39 and 45).
- From 1 April 2026 lawfully published and publicly accessible works and data may be used for scientific research, testing and training AI systems if this does not unreasonably prejudice authors and rights holders, subject to Government regulation (Article 7(5), as amended by Law No. 131/2025/QH15).
- Law No. 134/2025/QH15 on Artificial Intelligence, in force from 1 March 2026, requires machine-readable marking of AI-generated audio, images and video and prohibits collecting data for AI in breach of IP and data protection laws, with grace periods to 2027 for systems already in operation.

Automatic protection and what it covers

Copyright in Vietnam arises when a work is created and fixed in some material form, regardless of content, quality, form, language or whether it has been published or registered (Article 6 of Law No. 50/2005/QH11 on Intellectual Property, as amended most recently by Law No. 131/2025/QH15) ([FAQ 84](#)). Protected works include literary and scientific works, lectures, journalism, music, drama, cinematographic works, fine and applied art, photographs, architectural works, maps and drawings, and computer programs and compilations of data (Article 14). Protection extends to the expression of a

work, not to ideas, procedures, methods or concepts, and Law No. 131/2025/QH15 now states expressly that ideas, slogans and the names of works standing alone are not protected. News reports of pure fact, legal and administrative texts and their official translations are excluded (Article 15).

The economic rights last for the life of the author and 50 years after death; cinematographic, photographic and applied art works and anonymous works are protected for 75 years from first publication (Article 27). A foreign work is protected in Vietnam through the Berne Convention, the WTO TRIPS Agreement and Vietnam's free trade agreements, including the CPTPP and EVFTA, so a foreign company's software, content and designs are protected without any Vietnamese formality.

Registration with the Copyright Office

Registration is voluntary. An author or owner may register a work, and a performance, phonogram or broadcast, with the **Copyright Office of Vietnam** (Cục Bản quyền tác giả) under the Ministry of Culture, Sports and Tourism, which issues a certificate within 15 working days of a valid application (Articles 49 to 52), under the procedure in Decree No. 17/2023/ND-CP. A certificate does not create the right, but whoever holds it does not have to prove ownership unless there is contrary evidence; the burden shifts to the challenger. For a foreign investor that expects to enforce rights in software, content or packaging artwork in Vietnam, a certificate is the quickest way to satisfy a market surveillance officer, a customs officer or a court of ownership.

A foreign owner registers through a representative with a power of attorney, a copy of the work or, for software, identifying material such as extracts of source code, and documents showing how it acquired the rights if it is not the author: an assignment, an employment relationship or a commissioning contract. Law No. 131/2025/QH15 allows the copyright authority to invalidate a certificate on its own finding that it was issued on false or misleading information, so the chain of title must be documented accurately.

Who owns works made by employees and contractors

Vietnamese law separates the **author**, the individual who creates the work, from the **copyright owner**, who holds the economic rights. Where an organisation assigns the creation of a work to an author who is its member or employee, or commissions it under a contract, the organisation that assigned or commissioned the work is the owner of the economic rights and of the right of publication, unless the parties agree otherwise (Article 39). A Vietnamese company therefore owns, by default, software written by its developers in the course of their duties and content commissioned under contract from an agency or freelancer.

The default should not be relied on alone. The employment contract or job description should state that works created in the course of employment belong to the company; a commissioning contract should state expressly that all economic rights in the deliverables, including source code, documentation and preparatory materials, vest in the client on creation or are assigned to it on payment; and where a foreign parent is to own the rights, the Vietnamese company should assign them in writing. Assignment and licence contracts for copyright must be in writing and identify the rights, scope, term, price and

payment (Articles 46 to 48). Where a software development or licence agreement also transfers know-how or technology from or to Vietnam, check whether it is a technology transfer that must be registered ([Technology transfer and licensing](#)).

Moral rights

The author keeps **moral rights** (Article 19): to give the work its title, to be named on it, to be credited when it is published or used, and to protect the integrity of the work against distortion, mutilation or modification that harms the author's honour or reputation. These rights cannot be transferred and, except for the right of publication, stay with the author even where the employer or client owns the economic rights (Article 45). In practice this matters most for software, advertising and design work, which is constantly modified. A contract should record the author's consent to modification, adaptation and use without attribution so far as the law allows, and the company should keep records identifying the authors of significant works.

Software: protection, licensing and backups

A computer program, whether in source code or object code, is protected as a literary work (Article 22), together with its documentation. The owner has the exclusive right to reproduce, adapt, distribute and communicate it to the public, including by making it available online. A lawful user may make one backup copy solely to replace a copy that is lost or fails, and may not transfer it to anyone else; Law No. 131/2025/QH15 adds that where the program is provided as software as a service or through an online platform, backup rights depend on the licence terms. The functional ideas, algorithms and interfaces underlying a program are not protected by copyright as such, which is why source code should also be treated as a trade secret ([Patents, utility solutions and industrial designs](#)).

Software licences are copyright licences. They must be in writing and specify the rights granted, which may be exclusive or non-exclusive, the territory, term, price and the parties' obligations. Since Law No. 115/2025/QH15 took effect on 1 April 2026, the Law on Technology Transfer has listed software, algorithms and data among the objects of technology transfer. A standard licence of off-the-shelf software is not usually treated as a technology transfer, but a bespoke licence that delivers source code, know-how and training from a foreign licensor to a Vietnamese licensee may be, and should be checked against the registration rule. Royalties paid abroad for software bear foreign contractor tax at the royalty rate ([Paying foreign suppliers and group companies](#)).

Related rights and collective management

Performers, producers of phonograms and video recordings, and broadcasting organisations hold **related rights** in their performances, recordings and broadcasts, generally for 50 years (Articles 29 to 34), and Law No. 131/2025/QH15 extends related rights protection to encrypted programme-carrying cable signals. A business that plays background music in shops, hotels, restaurants or on hold lines, or streams music and video to customers, needs licences from the rights holders, usually through **collective management organisations** authorised under Article 56, such as the Vietnam Center for Protection of Music Copyright (VCPMC) for musical works. The tariffs are set by the organisations under Government rules, and unlicensed public performance is a common ground for administrative complaints and fines.

Artificial intelligence: training, outputs and labelling

Law No. 131/2025/QH15 inserted a new clause 5 in Article 7 of the IP Law. From 1 April 2026 organisations and individuals may use lawfully published documents and data that are publicly accessible, including those related to intellectual property rights, for **scientific research, testing and training artificial intelligence systems**, provided that the use does not unreasonably prejudice the rights and legitimate interests of authors and rights holders; where the material is protected by copyright or related rights, the use must also comply with regulations to be issued by the Government (FAQ 85). The exception is narrower than it may first appear. It covers only material that was lawfully published and is publicly accessible, so content behind paywalls or obtained in breach of terms of access is outside it; it is subject to the three-step style limit of unreasonable prejudice; and its detailed conditions, such as any opt-out by rights holders, await the Government's regulations. Developers training models in Vietnam should keep records of the sources used and the basis for using them.

The law also provides that the Government will regulate how rights arise and are established in subject matter created with the use of AI systems. Pending those regulations, the established position remains that copyright protects works created by human authors, and that output generated without meaningful human creative contribution is unlikely to be protected; applicants for registration should describe accurately the role of AI and of the human author. Separately, **Law No. 134/2025/QH15 on Artificial Intelligence**, passed on 10 December 2025 and in force from 1 March 2026, classifies AI systems by risk into high, medium and low tiers, requires providers to mark AI-generated audio, image and video content in a machine-readable form, requires deployers to disclose content that could be mistaken for authentic events or persons, and prohibits collecting or processing data for AI development in breach of the laws on data, personal data protection, intellectual property and cybersecurity. Systems already in operation have until 1 March 2027, or 1 September 2027 in health care, education and finance, to comply, and providers of certain high-risk systems need a commercial presence or authorised representative in Vietnam.

Securing copyright in software and content created for a Vietnamese business

The documents that make ownership provable and transferable. Most disputes over software in Vietnam turn on missing paperwork rather than on the law.

- ☐ **Employment terms**
Contract or job description assigning creative work as a duty, stating company ownership of works, and recording consent to modification and use without attribution so far as permitted.
- ☐ **Contractor and agency contracts**
Express vesting or assignment of all economic rights in deliverables, source code and preparatory materials, with payment as the trigger if needed, and warranties of originality.
- ☐ **Intra-group assignment**
Written assignment from the Vietnamese company to the parent where the parent is to own the rights, considering technology transfer registration and tax.
- ☐ **Open-source register**
A list of open-source components and their licences, reviewed before distribution.

- ☐ **Registration**
Copyright Office certificates for key software, content and packaging artwork that may need to be enforced.
- ☐ **Source code controls**
Repository access logs, confidentiality agreements and escrow arrangements where customers require them.
- ☐ **Music and media licences**
Licences from collective management organisations for public performance in premises and online.
- ☐ **AI records**
Sources of training data and the basis for their use, and records of human contribution to AI-assisted works; marking of AI-generated media.

Copyright and related rights at a glance (October 2026)

Item	Rule	Source
How rights arise	Automatically on creation and fixation; no formality	IP Law, Article 6
Computer programs	Protected as literary works, source and object code	IP Law, Articles 14 and 22
Not protected	Ideas, procedures, methods; slogans and names of works standing alone	IP Law, Article 15, as amended by Law No. 131/2025/QH15
Term (general)	Life of the author plus 50 years	IP Law, Article 27
Term (films, photographs, applied art, anonymous works)	75 years from first publication	IP Law, Article 27
Related rights	Generally 50 years	IP Law, Article 34
Registration	Voluntary; certificate within 15 working days; shifts burden of proof	IP Law, Articles 49 to 52; Decree No. 17/2023/ND-CP
Works for hire and commissioned works	Organisation that assigned or commissioned the work owns economic rights unless agreed otherwise	IP Law, Article 39
Moral rights	Stay with the author; not transferable except the right of publication	IP Law, Articles 19 and 45
AI training	Lawfully published, publicly accessible works and data, without unreasonable prejudice, subject to Government regulation	IP Law, Article 7(5), as amended
AI-generated media	Machine-readable marking by providers; disclosure by deployers	Law No. 134/2025/QH15

WORKED EXAMPLE

A Singapore software group builds a product with a Vietnamese team

A Singapore company owns a logistics software platform. It sets up a wholly owned Vietnamese LLC in Da Nang with 40 developers, and also uses a Hanoi agency for user-interface design and a freelance illustrator for marketing artwork. The example is illustrative; professional-fee ranges are typical market ranges in October 2026, not quotations.

Default ownership	Code written by the LLC's developers belongs to the LLC under Article 39; the agency's interface designs and the illustrator's artwork belong to whoever the contracts say, and, absent clear terms, to the commissioning party under Article 39 as well.
Contracts put in place	Employment contracts stating that software and documentation created in the course of employment belong to the LLC, with consent to modification; agency and freelancer contracts vesting all economic rights in the LLC on payment, with originality warranties.
Transfer to the parent	The LLC assigns the code it creates to the Singapore parent quarterly under a written intra-group development agreement, for an arm's-length cost-plus fee. Because the assignment moves technology out of Vietnam, the parties check whether it is an outbound technology transfer requiring registration within 90 days of signing, and conclude that registration is required for the development agreement.
Moral rights	The developers remain authors; the agreement records their consent to modification and to use without individual attribution, and the LLC keeps author records for each release.
Registration	The parent registers the core platform with the Copyright Office through a representative, filing the chain of title. The certificate issues in about three weeks and is used to support takedown requests against a reseller offering cracked copies.
Use of AI	The team fine-tunes a model on publicly available shipping documentation and the company's own data. It records the sources and confirms that none were obtained in breach of access terms, relying on Article 7(5) for the public material and on its own rights and customer consents for the rest.
Cost (typical ranges)	Contract templates and intra-group agreement: USD 3,000 to 8,000; each copyright registration: USD 300 to 800 in professional fees plus small official fees.

Had the agency contract been silent on ownership and the agency been engaged by the parent directly from Singapore, the parties would have had to agree which law governs ownership; an express assignment avoids the question.

Had the LLC licensed rather than assigned the code to the parent, the parent's ability to enforce and to license onward would have depended on the licence terms.

Questions investors ask about copyright and AI

Do I need to register copyright in Vietnam?

No. Copyright arises automatically on creation under Article 6 of the IP Law, and foreign works are protected through the Berne Convention and Vietnam's trade agreements. Registration with the Copyright Office is voluntary but useful: the certificate holder need not prove ownership unless there is contrary evidence, which helps in enforcement.

Who owns software written by my Vietnamese employees?

The company that assigned the work owns the economic rights and the right of publication unless agreed otherwise (Article 39). The developers remain authors and keep non-transferable moral rights. State ownership in the employment contract, record consent to modification, and assign the rights in writing if the foreign parent is to own them.

Can I train an AI model on content published online in Vietnam?

Since 1 April 2026, Article 7(5) of the IP Law permits use of lawfully published, publicly accessible works and data for research, testing and AI training if it does not unreasonably prejudice rights holders, subject to Government regulations. Material behind paywalls or obtained in breach of access terms is outside the exception. Keep records of sources.

Is AI-generated content protected by copyright in Vietnam?

The Government is to regulate how rights arise in AI-assisted creations under Law No. 131/2025/QH15. Until then, protection rests on human creative contribution, so purely machine-generated output is unlikely to qualify. Separately, Law No. 134/2025/QH15 requires providers to mark AI-generated audio, images and video in machine-readable form.

Can moral rights be waived in a Vietnamese contract?

Not transferred. Moral rights other than the right of publication remain with the author under Articles 19 and 45 of the IP Law even where the employer owns the economic rights. A contract can record the author's consent to modification, adaptation and use without attribution, which reduces the practical risk.

THE 2027 HORIZON

- Government regulations on the AI training exception in Article 7(5) and on rights in AI-assisted creations are expected under Law No. 131/2025/QH15; they may add conditions such as rights-holder opt-outs or record-keeping.
- Implementing decrees under Law No. 134/2025/QH15 on Artificial Intelligence, including the list of high-risk systems and the technical rules for marking AI-generated content, are expected; the grace periods for existing systems end on 1 March 2027 and 1 September 2027.
- Proposals to amend Article 225 of the Penal Code to reach large-scale online infringement and commercial public performance have been published; check whether they have been adopted before assessing criminal exposure.

Terms you will meet in the documents

English	Vietnamese	Meaning
Copyright	<i>Quyền tác giả</i>	Rights in a literary, artistic or scientific work, arising on creation.
Related rights	<i>Quyền liên quan đến quyền tác giả</i>	Rights of performers, phonogram producers and broadcasters.
Copyright owner	<i>Chủ sở hữu quyền tác giả</i>	The person holding the economic rights, which may differ from the author.
Moral rights	<i>Quyền nhân thân</i>	The author's rights to name, attribution and integrity, not transferable.
Computer program	<i>Chương trình máy tính</i>	Software protected as a literary work.
Copyright registration certificate	<i>Giấy chứng nhận đăng ký quyền tác giả</i>	Evidence of ownership issued by the Copyright Office.
Copyright Office of Vietnam	<i>Cục Bản quyền tác giả</i>	The registration authority under the Ministry of Culture, Sports and Tourism.
Collective management organisation	<i>Tổ chức đại diện tập thể quyền tác giả, quyền liên quan</i>	A body licensing and collecting royalties for rights holders.
Artificial intelligence system	<i>Hệ thống trí tuệ nhân tạo</i>	A system regulated by Law No. 134/2025/QH15.

FOREIGN V VIETNAMESE INVESTOR

Foreign works enjoy the same protection as Vietnamese works without registration, through Berne and Vietnam's trade agreements. The practical differences lie in the chain of title: a foreign group typically wants its offshore parent to own what its Vietnamese team creates, which requires written assignments, may engage the technology transfer rules and creates royalty and transfer pricing questions, whereas a Vietnamese company usually keeps ownership where the work is created.

WATCH OUT FOR

- Agency and freelancer contracts that do not state who owns the deliverables and source code.
- Assuming a foreign parent owns what its Vietnamese subsidiary's staff create without a written assignment.
- Bespoke software licences with source code and know-how that may need technology transfer registration.
- Background music and video in shops, hotels and apps without collective management licences.
- Training AI on material behind paywalls or scraped in breach of terms, which falls outside Article 7(5).
- AI-generated images, audio and video published without the machine-readable marking the AI Law requires.

OFFICIAL SOURCES

- National Legal Database (vbpl.vn): Law No. 50/2005/QH11 on Intellectual Property as amended; Law No. 131/2025/QH15; Law No. 134/2025/QH15 on Artificial Intelligence — <https://vbpl.vn>
- Government portal: Decree No. 17/2023/ND-CP on copyright and related rights — <https://chinhphu.vn>
- Copyright Office of Vietnam: registration procedures — <https://cov.gov.vn>
- Ministry of Culture, Sports and Tourism — <https://bvhttdl.gov.vn>

IP enforcement and anti-counterfeiting: administrative action after the 2025 restructuring, civil litigation, provisional measures and damages, criminal prosecution under Articles 225 and 226 of the Penal Code, customs recordal and border measures, online takedowns and platform duties, evidence and expert assessment, with a worked counterfeit case

Reviewed 10 October 2026 · Prepared by a foreign investment lawyer (now retired) with 20 years' experience advising on Vietnamese investment law · Legal and tax information, not legal advice · [How we check](#) · [Open in the app](#)

WHAT YOU NEED TO KNOW

- A rights holder may enforce through administrative action, civil proceedings, criminal prosecution or border measures (Article 199 of Law No. 50/2005/QH11 on Intellectual Property as amended); since 1 April 2026 Law No. 131/2025/QH15 refers generally to the administrative authorities competent under the Law on Handling Administrative Violations instead of a fixed list.
- Market surveillance forces now sit in provincial Departments of Industry and Trade, and from 15 July 2026 Decree No. 186/2026/ND-CP lets the Director General of IP Viet Nam fine industrial property infringers up to VND 250 million and order domain names blocked.
- Courts may award statutory damages of up to VND 1 billion where actual loss cannot be determined, and moral damages of 10 to 100 times the base salary, and may order the removal or blocking of infringing content, accounts, websites and apps (Articles 205 and 202, as amended).
- Intentional trademark counterfeiting is a crime under Article 226 of the Penal Code where illegal profit reaches VND 100 million or goods reach VND 200 million, and copyright piracy under Article 225 from VND 50 million of profit or VND 100 million of goods; commercial legal entities can be prosecuted.
- Customs suspends clearance of suspected infringing goods on a recorded right holder's application and, since 1 March 2026, may act on its own initiative (Circular No. 13/2015/TT-BTC as amended by Circular No. 06/2026/TT-BTC).

Four routes, one strategy

Article 199 of Law No. 50/2005/QH11 on Intellectual Property provides four remedies against infringement: civil measures ordered by a court, administrative measures, criminal measures, and border control measures. They can be combined. A typical campaign against counterfeits in Vietnam

starts with investigation and evidence, uses an administrative raid or customs suspension to seize goods quickly, escalates to criminal referral when the quantities justify it, and reserves civil litigation for cases where the owner wants damages, a permanent injunction or a precedent. The choice depends on the type of right, the scale of infringement, the evidence available, the speed required and the cost the owner will bear.

Every route starts from a valid right. Registered rights are proved by the certificate of registration, or for Madrid marks the certificate of protection; copyright by a registration certificate or other evidence of authorship and ownership; trade secrets and unfair competition claims by proof of the facts. Owners should register first and keep certified copies of certificates, licences and assignments ready (Trademarks and brand protection).

Administrative enforcement after the 2025 restructuring

Administrative action remains the most used route because it is fast and inexpensive for the owner. The owner files a petition with evidence of the right and the infringement, the authority inspects the premises, seizes goods and imposes fines and remedial measures such as destruction of counterfeit goods, removal of infringing elements and confiscation of the means of production. Fines for industrial property infringement are set by Decree No. 99/2013/ND-CP, as amended by Decrees No. 126/2021/ND-CP, No. 46/2024/ND-CP and No. 186/2026/ND-CP, and for copyright by Decree No. 131/2013/ND-CP as amended; the Law on Handling Administrative Violations caps fines in the IP field at VND 250 million for an individual and twice that for an organisation. Law No. 131/2025/QH15 makes storage of counterfeit goods an express violation alongside production, import, transport and sale, and requires counterfeit and pirated goods to be destroyed except in cases the Government defines.

The agencies changed in 2025. The General Department of Market Surveillance ceased to operate in its former model on 1 March 2025; its central functions passed to the Department of Domestic Market Management and Development of the Ministry of Industry and Trade under Decree No. 40/2025/ND-CP, and the provincial market surveillance departments were handed to the provinces as market surveillance sub-departments of the provincial Departments of Industry and Trade. The Law on Inspection No. 84/2025/QH15 folded the separate specialised inspectorates into the general inspection system from 1 July 2025. Decree No. 186/2026/ND-CP, in force from 15 July 2026, now gives sanctioning power for industrial property infringement to the Director General of IP Viet Nam, who may fine up to VND 250 million, suspend licences and business in the infringing goods, confiscate goods and order remedial measures, and to the heads of inspection teams set up by IP Viet Nam or the Minister of Science and Technology. The economic police, customs and People's Committees also act, and Law No. 131/2025/QH15 replaced the old list of agencies with a general reference to authorities competent under the Law on Handling Administrative Violations. In practice the owner should choose the agency that has jurisdiction where the goods are and the capacity to act quickly, which is usually the provincial market surveillance force for shops and warehouses.

Civil litigation, provisional measures and damages

A civil action is brought in the People's Courts. Since the courts were reorganised on 1 July 2025 under Law No. 81/2025/QH15, IP cases at first instance have been concentrated in specialised intellectual property courts within Regional People's Court No. 2 in Hanoi, for the northern and north-central

provinces, and Regional People's Court No. 1 in Ho Chi Minh City, for the southern and south-central provinces; the owner should confirm the competent court for the defendant's location before filing. The court can order the infringer to stop, publicly apologise, perform civil obligations and pay damages, and can order destruction or non-commercial disposal of infringing goods and the means used to make them (Article 202). Law No. 131/2025/QH15 adds a new remedy: the court may order the removal, hiding or disabling of access to infringing information, content, accounts, websites, applications and internet addresses.

Provisional measures, such as seizure, attachment, sealing or a prohibition on changing the goods, can be requested with or after the claim where delay would cause irreparable harm or evidence may be destroyed (Articles 206 and 207 and the Civil Procedure Code), against security posted by the applicant; the amended law adds provisional measures directed at online infringement. **Damages** cover actual material loss, including lost profit and the costs of preventing infringement, and reasonable lawyers' fees. Where the loss cannot be quantified, the court may award statutory damages of up to **VND 1 billion**, raised from VND 500 million by Law No. 131/2025/QH15, and moral damages of **10 to 100 times the base salary** (Article 205, as amended). Litigation takes longer than administrative action, often one to two years at first instance, and judgments must then be enforced through the civil judgment enforcement system ([Vietnamese courts and litigation](#)).

Criminal prosecution

The Penal Code (Law No. 100/2015/QH13, as amended) makes two IP offences criminal. Under **Article 226**, intentionally infringing industrial property rights in a trademark or geographical indication protected in Vietnam is a crime where the illegal profit is VND 100 million or more, the damage to the owner VND 200 million or more, or the infringing goods are worth VND 200 million or more; individuals face fines of VND 50 million to VND 500 million or non-custodial reform for up to three years, and in aggravated cases fines up to VND 1 billion or six months' to three years' imprisonment. Under **Article 225**, infringing copyright or related rights for commercial purposes is a crime where the illegal profit is VND 50 million or more, the damage VND 100 million or more, or the infringing goods are worth VND 100 million or more, with imprisonment of up to three years in aggravated cases. Both articles allow commercial legal entities to be prosecuted, with fines of up to VND 5 billion under Article 226 and VND 3 billion under Article 225 and suspension of operations. Patents and designs are not covered; manufacturing and trading counterfeit goods that imitate the function or quality of genuine goods may instead fall under the counterfeit goods offences beginning at Article 192.

The owner files a denunciation with the economic police or the procuracy, or the market surveillance force refers a case after a raid; the owner then acts as the injured party and can claim damages in the criminal proceedings. Criminal referral is the strongest deterrent against repeat and organised infringers, but the owner loses control of timing once the case is with the police.

Customs recordal and border measures

A rights holder may file an application for customs supervision, commonly called recordal, with the Customs Department, supported by the registration certificate, product descriptions, photographs of genuine and suspected goods and known infringers, under Circular No. 13/2015/TT-BTC as amended by Circular No. 06/2026/TT-BTC from 1 March 2026. Customs must respond to a complete electronic

dossier within 20 working days, and online filing is now the default. A recordal is commonly valid for two years and renewable. When a shipment matching the recordal arrives, customs notifies the holder, and on the holder's request and security, of 20% of the value of the goods or at least VND 20 million where the value is unknown, suspends clearance for ten working days, extendable to 20 (Articles 217 and 218 of the IP Law), during which the holder must start administrative or civil proceedings or the goods are released.

Circular No. 06/2026/TT-BTC added a new Article 10a allowing customs to suspend clearance of suspected counterfeit trademark goods, pirated goods and other infringing goods on its own initiative, without a prior request; the holder is then notified, within eight working hours of the decision, and must act. Customs must compensate the importer if a suspension on its own initiative proves unfounded, so officers act more readily where a right is recorded and the owner has trained them to identify fakes.

Online infringement, takedowns and platforms

Online sales and digital piracy are now the largest source of complaints. Law No. 131/2025/QH15 extends the duties of internet service providers and digital platform operators to all IP rights, not only copyright, requiring them to take technical and organisational measures to prevent infringement in cyberspace, including cloud, over-the-top and social media services, and to cooperate with authorities and rights holders; a safe harbour protects intermediaries that meet the prescribed conditions (new Article 198b). Authorities and courts may order infringing content, accounts, websites and apps removed or disabled, and Decree No. 186/2026/ND-CP adds blocking of access to infringing domain names as a remedial measure. The E-commerce Law (Law No. 122/2025/QH15) separately requires platforms to remove infringing listings and livestreams and to verify sellers (E-commerce, digital platforms and consumer protection). In practice an owner should use each major platform's notice procedure first, keeping screenshots and test purchases as evidence, and escalate to the authorities for repeat sellers and stand-alone pirate sites.

Evidence and expert assessment

Vietnamese authorities decide largely on documents. An enforcement file usually contains the certificate of registration and any recorded licence; evidence of the infringement, such as test purchases with invoices, photographs, the infringer's business registration details and, where useful, a record of the facts made by a bailiff (vi bằng) or a notarised record of website content; a comparison of genuine and infringing products; and an **expert assessment opinion** (giám định sở hữu trí tuệ). Assessment is carried out by licensed IP assessment organisations and assessors, such as the Vietnam Intellectual Property Research Institute, on whether the goods or sign fall within the scope of protection; IP Viet Nam can also give opinions to enforcement authorities. Authorities are reluctant to act on a trademark case without an assessment where similarity is arguable, and a patent case almost always needs one.

DECISION GUIDE

Choosing the enforcement route

A first guide for a rights holder that has found infringing goods or content. More than one route is often used.

Q1 Is the infringement online only (listings, livestreams, a website or an app)?

Yes Use the platform's notice-and-takedown procedure first; for repeat sellers or stand-alone sites, petition the authorities to order removal or blocking under the amended IP Law and Decree No. 186/2026/ND-CP.

No Continue to Q2.

Q2 Are the goods being imported or exported through a recorded customs channel?

Yes Rely on the customs recordal: request suspension, post security and start administrative or civil proceedings within ten working days.

No Continue to Q3.

Q3 Is the scale large (illegal profit of VND 100 million or more, or goods of VND 200 million or more for trademarks), or is the infringer a repeat or organised offender?

Yes Prepare a criminal denunciation to the economic police, usually after an administrative raid that quantifies the goods.

No Continue to Q4.

Q4 Does the owner need damages, a permanent injunction or a court ruling on a disputed right (for example a patent)?

Yes Bring a civil action with a request for provisional measures, supported by an expert assessment opinion.

No File an administrative petition with the market surveillance force where the goods are, or with IP Viet Nam for industrial property infringement.

The enforcement routes compared (October 2026)

Route	Who acts	What it achieves	Typical timing	Basis
Administrative	Market surveillance (provincial Departments of Industry and Trade), economic police, IP Viet Nam, inspection teams, People's Committees	Seizure, fines up to VND 250 million (individual) or VND 500 million (organisation), destruction, removal of infringing elements	Weeks to a few months	Decree No. 99/2013/ND-CP as amended by Decree No. 186/2026/ND-CP; Decree No. 131/2013/ND-CP as amended
Civil	People's Courts	Injunction, damages (statutory up to VND 1 billion), destruction, takedown orders, provisional measures	One to two years at first instance	IP Law, Articles 202 to 207, as amended; Civil Procedure Code
Criminal	Economic police, procuracy, courts	Fines, imprisonment, corporate fines up to VND 5 billion	Months to years	Penal Code, Articles 225 and 226
Border	Customs Department	Suspension of clearance for 10 working days (extendable to 20); action on own initiative	Days	IP Law, Articles 216 to 219; Circular No. 13/2015/TT-BTC as amended by Circular No. 06/2026/TT-BTC
Online	Platforms; authorities; courts	Removal of listings, accounts, websites and apps; domain blocking	Days to weeks	IP Law, Articles 198b and 202, as amended; Law No. 122/2025/QH15

WORKED EXAMPLE

Counterfeit motorcycle parts sold in shops and online

A Japanese manufacturer finds counterfeit brake pads bearing its registered trademark sold by 30 shops in Hanoi and on two marketplaces, traced to a warehouse in Bac Ninh supplied by imports through Lang Son. The example is illustrative; professional-fee ranges are typical market ranges in October 2026, not quotations.

Month 1: investigation	Investigator identifies the warehouse and the importer; test purchases from three shops and two online stores with invoices and photographs; a bailiff records the online listings.
Month 1: assessment	Expert assessment opinion confirming that the sign on the pads is identical to the registered mark for the same goods.

Month 2: customs	Recordal filed with the Customs Department; customs responds within 20 working days and alerts the Lang Son border branch.
Month 2: raid	Petition to the Bac Ninh market surveillance sub-department; raid on the warehouse seizes 18,000 sets of pads valued at about VND 900 million at genuine prices.
Month 3: criminal referral	Because the goods exceed the VND 200 million threshold in Article 226, the market surveillance force transfers the file to the economic police, who open a criminal case against the warehouse owner and its company.
Month 3: online	Notices to the two marketplaces; 140 listings removed within days, and the platforms suspend the repeat sellers.
Month 5: border	Customs suspends a further container at Lang Son; the owner posts security and joins the goods to the criminal case within ten working days.
Retail shops	Administrative petitions against the larger retailers result in fines and destruction of stock; smaller shops sign undertakings.
Cost (typical ranges)	Investigation and evidence: USD 3,000 to 8,000; assessment: USD 500 to 1,500; raid and administrative proceedings: USD 4,000 to 10,000; customs recordal: USD 1,000 to 2,500; criminal case support: USD 5,000 to 15,000. Damages claimed in the criminal case may recover part of the cost.

Had the goods seized been worth less than VND 200 million and the profit below VND 100 million, the case would have ended in administrative fines, which may not deter a professional counterfeiter.

Had the brake pads copied a patented design rather than the trademark, Article 226 would not have applied, and a civil action or administrative petition supported by an assessment would have been needed.

Questions investors ask about enforcement

What is the fastest way to stop counterfeits in Vietnam?

Usually an administrative raid by the provincial market surveillance force, or a customs suspension where the goods are imported, supported by the registration certificate, test purchases and an expert assessment. Raids can take place within weeks of a complete petition. Civil litigation is slower but gives damages and injunctions.

How much can a Vietnamese court award in IP damages?

Actual material loss and reasonable lawyers' fees, or, where loss cannot be determined, statutory damages of up to VND 1 billion under Article 205 of the IP Law as amended by Law No. 131/2025/QH15, plus moral damages of 10 to 100 times the base salary. Proving actual loss with sales data usually gives a better result.

When does trademark counterfeiting become a crime in Vietnam?

Under Article 226 of the Penal Code, where the infringer intentionally counterfeits a protected trademark or geographical indication and the illegal profit is at least VND 100 million, the owner's damage at least VND 200 million or the goods worth at least VND 200 million. Companies as well as individuals can be prosecuted.

How does customs recordal work?

The owner files a supervision application with the Customs Department, which responds within 20 working days under Circular No. 13/2015/TT-BTC as amended by Circular No. 06/2026/TT-BTC. When suspect goods arrive, clearance is suspended for ten working days, extendable to 20, against security, and the owner must start proceedings. Customs may now also act on its own initiative.

Can IP Viet Nam itself fine infringers?

Yes, since 15 July 2026. Decree No. 186/2026/ND-CP gives the Director General of IP Viet Nam power to warn, fine up to VND 250 million, suspend business in infringing goods, confiscate goods and order remedial measures for industrial property infringement, alongside inspection teams set up by IP Viet Nam or the Minister of Science and Technology.

THE 2027 HORIZON

- Proposals to amend Articles 225 and 226 of the Penal Code, including heavier penalties and wider coverage of online infringement, have been published; check whether they are adopted before advising on criminal thresholds in 2027.
- Government regulations defining the cases in which counterfeit goods need not be destroyed, and the conditions of the intermediary safe harbour under Article 198b, are expected under Law No. 131/2025/QH15.
- Practice under Decree No. 186/2026/ND-CP, including how often IP Viet Nam uses its new sanctioning power and the conditions for online enforcement under Article 18a of the Law on Handling Administrative Violations, will develop through 2027.

Terms you will meet in the documents

English	Vietnamese	Meaning
Infringement of industrial property rights	<i>Xâm phạm quyền sở hữu công nghiệp</i>	Unauthorised use of a protected trademark, patent, design or other right.
Counterfeit trademark goods	<i>Hàng hóa giả mạo nhãn hiệu</i>	Goods bearing a sign identical or indistinguishable from a protected mark.
Market surveillance force	<i>Lực lượng Quản lý thị trường</i>	The inspection force now under provincial Departments of Industry and Trade.

English	Vietnamese	Meaning
Provisional measures	<i>Biện pháp khẩn cấp tạm thời</i>	Urgent court orders such as seizure before or during litigation.
Expert assessment of IP	<i>Giám định sở hữu trí tuệ</i>	An expert opinion on whether goods or signs fall within the protected scope.
Customs supervision application	<i>Đơn đề nghị kiểm tra, giám sát hải quan</i>	The recordal that allows customs to detect and suspend suspect goods.
Suspension of customs clearance	<i>Tạm dừng làm thủ tục hải quan</i>	A border measure lasting ten working days, extendable to 20.
Bailiff's record	<i>Vi bằng</i>	A record of facts prepared by a bailiff, used as evidence.

FOREIGN V VIETNAMESE INVESTOR

The remedies and agencies are the same for all right holders. A foreign owner acts through a power of attorney given to a Vietnamese firm, needs its foreign documents legalised and translated, and must lodge any security for provisional measures or customs suspension in Vietnam. In practice foreign owners rely more heavily on administrative and customs routes, which require less presence in Vietnam, while Vietnamese owners litigate more readily.

WATCH OUT FOR

- Starting enforcement before the right is registered or the licence recorded; authorities will not act on an unregistered mark.
- Filing without an expert assessment opinion where similarity is arguable.
- Missing the ten-working-day window after a customs suspension, which releases the goods.
- Fines that are lower than the infringer's profit; consider criminal referral where thresholds are met.
- Relying on platform notices alone against repeat sellers without escalating to the authorities.
- Pursuing a patent or design copier under Article 226, which covers only trademarks and geographical indications.

OFFICIAL SOURCES

- National Legal Database (vbpl.vn): Law No. 50/2005/QH11 on Intellectual Property as amended by Law No. 131/2025/QH15; Penal Code, Articles 225 and 226 — <https://vbpl.vn>
- Government portal: Decree No. 99/2013/ND-CP as amended by Decree No. 186/2026/ND-CP — <https://chinhphu.vn>
- Customs Department: Circular No. 13/2015/TT-BTC as amended by Circular No. 06/2026/TT-BTC — <https://www.customs.gov.vn>
- Ministry of Industry and Trade (market surveillance) — <https://moit.gov.vn>

Technology transfer and licensing: the Law on Technology Transfer as amended by Law No. 115/2025/QH15, encouraged, restricted and prohibited technology, registration of inbound and outbound transfers, licences for restricted technology, mandatory contract contents, price and royalties, technology as capital, IP licence recordal and technology appraisal of investment projects

Reviewed 10 October 2026 · Prepared by a foreign investment lawyer (now retired) with 20 years' experience advising on Vietnamese investment law · Legal and tax information, not legal advice · [How we check](#) · [Open in the app](#)

WHAT YOU NEED TO KNOW

- Law No. 07/2017/QH14 on Technology Transfer, as amended by Law No. 115/2025/QH15 from 1 April 2026, applies to know-how, processes, designs, models, algorithms, software, data and accompanying equipment transferred within, into or out of Vietnam (Article 4).
- A contract transferring technology from abroad into Vietnam, from Vietnam abroad, or domestically using State capital must be registered with the science and technology authority within 90 days of signing, and takes effect only on the issue of the registration certificate (Articles 24 and 31).
- Restricted technology needs written approval from the provincial People's Committee, then a technology transfer licence applied for within 60 days of signing; prohibited technology may not be transferred at all (Articles 10, 11, 28 to 30).
- The parties agree the price freely and no royalty cap applies, but prices between related parties, including parent and subsidiary, must be audited and follow the tax and pricing laws (Article 27); royalties bear foreign contractor tax with a 10% CIT element.
- Investment projects using restricted technology, or technology with a risk of adverse environmental impact, need a technology appraisal or opinion at the investment approval or IRC stage (Article 13).

Two laws for one licence

When a foreign group allows its Vietnamese subsidiary or partner to use its technology, two statutes usually apply together. The Intellectual Property Law governs any patent, design, trademark, copyright or trade secret licensed, and the recordal of the licence with IP Viet Nam. The Law on Technology Transfer (Law No. 07/2017/QH14) governs the transfer of the technology itself: whether it may be transferred at all, whether the contract must be registered or licensed, what the contract must say and how the price is treated. The law was amended by Law No. 16/2023/QH15 on Prices, by Law No.

93/2025/QH15 on Science, Technology and Innovation from 1 October 2025, and most significantly by **Law No. 115/2025/QH15**, passed on 10 December 2025 and in force from 1 April 2026; a consolidated text was published in September 2026. It is implemented by Decree No. 76/2018/ND-CP, as amended, pending new implementing rules under the 2025 law.

Article 4 defines the technology that may be transferred as technical and technological know-how; plans, processes, solutions, parameters, designs, diagrams, models, algorithms, formulas, software, information and data; production rationalisation and technological innovation solutions; and machinery and equipment that accompany any of these. The express references to algorithms, software and data were added by Law No. 115/2025/QH15. Where the technology is protected by an IP right, the transfer of that right follows the IP Law (Article 4(2)). Technology may be transferred on its own, or as part of an investment project, a capital contribution, a franchise, a transfer of IP rights, or a sale of machinery (Article 5). An amended Article 7(7) states that rights in technology embedded in products, machinery or systems do not pass automatically with ownership of those goods unless the law or the parties provide otherwise, so a purchaser of equipment needs an express licence to use the embedded technology.

Encouraged, restricted and prohibited technology

Article 9 lists technology **encouraged** for transfer into or within Vietnam: high technology prioritised for investment and strategic technology under the high-technology law, and advanced, new, clean and green technology that, for example, creates better or new products, saves resources or energy, produces renewable energy or high-efficiency storage, improves health care or education, or helps prevent disasters and reduce emissions. Encouraged technology can qualify for a certificate of encouraged technology transfer and for incentives ([Investment incentives](#); [FAQ 39](#)).

Article 10 lists technology **restricted** from transfer into or within Vietnam, including technology and accompanying equipment no longer in common use in developed industrial countries, technology using toxic chemicals or generating hazardous waste, genetic modification, radioactive substances, minerals whose domestic exploitation is restricted, untested breeds, and technology producing products harmful to customs, traditions and social ethics; and from Vietnam abroad, technology for traditional products and rare Vietnamese varieties or materials and technology competing with Vietnam's key exports.

Article 11 lists technology **prohibited** from transfer into or within Vietnam, such as technology failing safety, health and environmental standards or harmful to national defence and security, and prohibits transferring abroad technology on the list of State secrets. The Government issues each list, currently in the appendices to Decree No. 76/2018/ND-CP as amended; the classification of a technology should be checked against the current list by code before any contract is signed.

Registration of technology transfer contracts

Under Article 31, a technology transfer contract, or the technology transfer part of an investment project, capital contribution, franchise, IP transfer or equipment sale, **must be registered** with the State science and technology authority in three cases: transfer from abroad into Vietnam; transfer from Vietnam abroad; and domestic transfer using State capital or the State budget. Restricted technology that has been licensed is excepted. Other transfers may be registered voluntarily, and Law No. 115/2025/QH15 provides that a registration certificate is a basis for priority in State science

programmes and for incentives. The party responsible, normally the Vietnamese transferee for an inbound transfer as the contract provides, files a written request with a commitment that the contract complies with the law, and the original or certified copy of the contract, with a notarised or certified Vietnamese translation if it is in another language, **within 90 days of signing**. The authority issues the certificate within five working days of a complete dossier, or refuses in writing, for example where the contract has no technology content or concerns restricted technology. Amendments, extensions and renewals of a registered contract must themselves be registered (Article 33).

The timing rule has teeth. Article 24(3) provides that a contract subject to compulsory registration **takes effect from the date the registration certificate is issued**, and an amendment or extension from the date its own certificate is issued. A royalty paid for a period before registration therefore has no effective contractual basis, which banks and the tax authority may question; the registration certificate is commonly requested by banks before technology fees are remitted and supports the deductibility of the fee (Paying foreign suppliers and group companies). Under the transitional rules in Article 3 of Law No. 115/2025/QH15, contracts signed before 1 April 2026 continue on their terms, but amendments and extensions made after that date follow the amended law.

Licences for restricted technology

Restricted technology may be transferred only under a **technology transfer licence** (Article 28), issued since Law No. 115/2025/QH15 by the provincial People's Committee where the technology is received rather than by the Ministry of Science and Technology. The procedure has two stages. First, the party applies for **approval of the transfer** with documents on its legal status, the technology, the conditions for its use and its conformity with standards; the People's Committee checks the dossier within three working days and decides within 30 days of a valid dossier (Article 29). Approval is not needed where the technology of the investment project was already appraised or commented on at the investment policy or investment decision stage. Second, after approval the parties sign the contract and, **within 60 days of signing**, apply for the licence with the contract, the list of technical documents and equipment, IP certificates, product standards and an explanation of the conditions of use; the People's Committee decides within 15 working days of a valid dossier (Article 30). The contract takes effect only when the licence is issued, and any change to the licensed contents needs a new licence. Transferees of restricted technology into Vietnam must report annually on performance of the contract.

What the contract must contain

A technology transfer contract must be in writing or another form treated as written under the Civil Code, signed by the parties and, where they use seals, sealed, including across pages and appendices (Article 22). The language is for the parties, but a registration or licence dossier needs a Vietnamese version or certified translation. Article 23 lists fourteen contents: the name of the technology; the technology transferred, the products it creates and their standards and quality; whether ownership is assigned or a right of use is licensed; the method of transfer; the parties' rights and obligations; price and payment; term and effective date; definitions; the plan, schedule and place of transfer; the transferor's warranty of the technology; penalties; liability for breach; the dispute resolution body; and other agreed terms. A contract missing a mandatory content may be refused registration.

The scope of a right of use is for the parties: exclusive or non-exclusive, and with or without the right to sub-license (Article 7(4)). The transferee may improve and develop the technology under the IP Law (Article 7(5)), so ownership of improvements should be dealt with expressly. The transferor must warrant that it has the right to transfer and that the right is not restricted by third parties unless otherwise agreed, keep information confidential, and notify technical difficulties (Article 25); the transferee must perform and keep information confidential (Article 26). Clauses restricting the transferee, such as export bans, tie-ins and grant-backs, should be reviewed against Law No. 23/2018/QH14 on Competition.

Price, royalties and tax

The price of technology is agreed by the parties (Article 27(1)) and **no royalty cap** applies under the current law. Payment may be made in a lump sum or instalments, in money or goods; by converting the value of the technology into capital in the project or enterprise; as a percentage of net selling price, of net revenue or of the transferee's pre-tax profit; or by other agreed methods (Article 27(2)). Where the parties include a party with State capital, are parent and subsidiary, or are related parties under the tax law, the price must be audited and set in accordance with the tax and pricing laws (Article 27(3)), which in practice means the arm's-length rules of Decree No. 255/2026/ND-CP ([Transfer pricing, interest and global minimum tax](#)).

A royalty paid to a foreign licensor without a permanent establishment in Vietnam bears foreign contractor tax with a CIT element of 10%, withheld by the Vietnamese payer and declared within ten days of payment; the transfer of technology is generally outside VAT, and a tax treaty may reduce the CIT element if the treaty procedure is followed ([Foreign contractor tax and tax treaties](#); FAQ 23; FAQ 67). The payment documents banks require, and the treatment of management fees and recharges that are often bundled with royalties, are in Paying foreign suppliers and group companies. Income from qualifying technology transfer may be exempt from CIT on the Vietnamese side ([Corporate income tax](#)).

Technology as capital, IP licence recordal and appraisal

A lawful owner of technology may contribute it as capital to an investment project or enterprise (Article 8, as amended). The contribution is valued under the Law on Enterprises, by agreement of the members or by a valuation organisation, and where the project uses State capital the technology must be valued under the pricing law and its ownership confirmed before contribution. The contribution of technology from abroad is also an inbound technology transfer to be registered, and the IP rights contributed must be assigned and the assignment registered with IP Viet Nam ([Charter capital and capital contribution](#)). Law No. 131/2025/QH15 encourages the use of IP as capital and security, with further guidance expected.

An IP licence of a registered patent, design or trademark takes effect as the parties agree but is enforceable against third parties only once recorded with IP Viet Nam (Article 148 of the IP Law), and an assignment takes effect only on registration. A licence that carries know-how or other technology with the IP right may need both recordal at IP Viet Nam and technology transfer registration; a pure trademark licence without technology is not a technology transfer. Finally, Article 13, as amended, requires a **technology appraisal or opinion** at the investment policy approval or IRC stage for projects

using restricted technology and projects with a risk of adverse environmental impact that use technology, and at the investment decision stage for construction projects of those kinds; changes to appraised technology require a new appraisal ([The Investment Registration Certificate](#)).

DECISION GUIDE

Does my technology contract need registration or a licence?

Work through the questions in order for each contract, or each technology element of a wider contract.

Q1 Does the contract transfer technology within Article 4 (know-how, processes, designs, algorithms, software, data or accompanying equipment), rather than only a trademark or finished goods?

Yes Continue to Q2.

No The Law on Technology Transfer does not apply; a trademark or copyright licence should still be recorded or documented under the IP Law.

Q2 Is the technology on the prohibited list?

Yes It cannot be transferred. Stop.

No Continue to Q3.

Q3 Is the technology on the restricted list?

Yes Apply for approval from the provincial People's Committee, then for a technology transfer licence within 60 days of signing; the contract takes effect on the licence.

No Continue to Q4.

Q4 Is the transfer from abroad into Vietnam, from Vietnam abroad, or domestic using State capital or budget?

Yes Register the contract with the science and technology authority within 90 days of signing; it takes effect on the registration certificate.

No Registration is voluntary; consider registering to support incentives and the bank and tax position.

Registering an inbound technology transfer contract

1 Classify the technology

Confirm that the subject matter is technology under Article 4 and check it against the encouraged, restricted and prohibited lists in Decree No. 76/2018/ND-CP as amended.

2 Draft to Article 23

Include all fourteen mandatory contents, an express statement of whether ownership or a right of use passes, the royalty method and the effective date on registration.

3 Check the price

For a related-party licence, prepare the arm's-length support required by Article 27(3) and Decree No. 255/2026/ND-CP.

4 Sign and diarise 90 days

The registration deadline runs from the date of signing; the contract has no effect until the certificate is issued.

5 Prepare the dossier

Written request with the parties' compliance commitment; original or certified copy of the contract; notarised or certified Vietnamese translation if needed.

6 File with the science and technology authority

File with the competent authority under the implementing rules, online where available. The certificate should issue within five working days of a complete dossier.

7 Record the IP licence

Record any patent, design or trademark licence with IP Viet Nam so that it is enforceable against third parties.

8 Operate the contract

Pay royalties only for periods from the certificate date, withhold and declare foreign contractor tax within ten days of each payment, and register any amendment or extension.

Technology transfer rules at a glance (October 2026)

Item	Rule	Source
Objects of transfer	Know-how, processes, designs, models, algorithms, software, data, accompanying equipment	Law on Technology Transfer, Article 4, as amended by Law No. 115/2025/QH15
Compulsory registration	Inbound, outbound, and domestic using State capital or budget	Article 31(1)
Registration deadline	90 days from signing; certificate within 5 working days	Article 31(4) and (5)
Effective date of registered contract	Date of the registration certificate	Article 24(3)

Item	Rule	Source
Restricted technology	Provincial approval (30 days), then licence applied for within 60 days of signing (15 working days)	Articles 28 to 30, as amended
Prohibited technology	No transfer	Article 11
Price	Agreed by the parties; no cap; related-party prices audited and at arm's length	Article 27; Decree No. 255/2026/ND-CP
Foreign contractor tax on royalties	CIT element 10%; declared within 10 days of payment	Circular No. 103/2014/TT-BTC as amended by Circular No. 20/2026/TT-BTC
Capital contribution	Permitted for a lawful owner; valuation required for State capital	Article 8, as amended
IP licence recordal	Needed for effect against third parties	IP Law, Article 148
Technology appraisal	Projects with restricted technology or environmental risk, at IRC or policy approval stage	Article 13, as amended

WORKED EXAMPLE

A Japanese parent licenses process know-how and a patent to its Vietnamese subsidiary

A Japanese chemicals group sets up a wholly owned subsidiary in an industrial park in Ba Ria-Vung Tau to make specialty coatings. The parent licenses its patented formulation, its process know-how and its trademark to the subsidiary for a royalty of 4% of net sales, with training by Japanese engineers. The example is illustrative; professional-fee ranges are typical market ranges in October 2026, not quotations.

Classification	The process uses chemicals managed under national technical regulations but meets them, so the technology is not restricted; it is not prohibited. The project does carry environmental risk, so the technology content was explained and commented on at the IRC stage under Article 13.
Contract structure	One technology transfer and licence agreement covering the patent, the know-how, training and technical assistance, with all fourteen Article 23 contents, and a separate trademark licence.
Signing and registration	Signed on 2 June 2026. Registration dossier filed with the science and technology authority on 10 July 2026, within the 90-day window; certificate issued on 17 July 2026. The contract takes effect on 17 July 2026.
IP recordal	The patent licence and the trademark licence are recorded with IP Viet Nam to make them enforceable against third parties.

Price	The 4% royalty is supported by a transfer pricing benchmark of comparable licences, as Article 27(3) requires for parent and subsidiary.
First royalty	Royalty for July to September 2026 on net sales of VND 20 billion is VND 800 million, contractually net of Vietnamese tax. The subsidiary grosses up, withholds foreign contractor tax with a 10% CIT element (about VND 89 million after gross-up), declares it within ten days of payment and gives the bank the contract, the registration certificate and the royalty statement.
Treaty check	The Vietnam-Japan treaty rate on royalties is compared with the domestic rate; the lower is applied only if the treaty procedure is followed.
Amendment	When the royalty is raised to 4.5% in 2028, the amendment is registered and takes effect on its certificate date, not on the date the parties agreed.
Cost (typical ranges)	Drafting and registration: USD 2,500 to 6,000; IP recordals: USD 500 to 1,500; transfer pricing support: USD 5,000 to 15,000.

Had the subsidiary paid royalties from June 2026 before the certificate issued, the payment for June and early July would have lacked an effective contract and been exposed to challenge by the bank and the tax authority.

Had the technology been on the restricted list, the subsidiary would first have needed approval from the provincial People's Committee and then a licence applied for within 60 days of signing.

Questions investors ask about technology transfer

Must a licence from our foreign parent be registered in Vietnam?

If it transfers technology, such as know-how, processes, software or data, from abroad into Vietnam, yes. Article 31 of the Law on Technology Transfer requires registration within 90 days of signing, and under Article 24(3) the contract takes effect only when the registration certificate is issued. Restricted technology needs a licence instead.

Is there a cap on royalties in Vietnam?

No. Article 27 of the Law on Technology Transfer leaves the price to the parties and allows lump sums, instalments or percentages of net sales, revenue or pre-tax profit. Between parent and subsidiary or other related parties, the price must be audited and set at arm's length under the tax and pricing laws.

What changed in technology transfer law on 1 April 2026?

Law No. 115/2025/QH15 expressly added algorithms, software and data to the technology that can be transferred, moved licensing of restricted technology to provincial People's Committees, narrowed technology appraisal to projects with restricted technology or environmental risk, and clarified that rights in technology embedded in equipment do not pass automatically with the equipment.

Can technology be contributed as capital to a Vietnamese company?

Yes. Article 8 allows a lawful owner to contribute technology to a project or enterprise. It must be valued under the Law on Enterprises, and by a valuation organisation where State capital is involved. A contribution from abroad is an inbound transfer to be registered, and IP rights contributed must be assigned and registered with IP Viet Nam.

Does a trademark licence need technology transfer registration?

Not if it licenses only the trademark. A trademark licence is governed by the IP Law and should be recorded with IP Viet Nam to be enforceable against third parties. If the licence also delivers know-how, recipes, processes or software from abroad, that technology element must be registered under the Law on Technology Transfer.

THE 2027 HORIZON

- New implementing rules under Law No. 115/2025/QH15, replacing or amending Decree No. 76/2018/ND-CP and its lists of encouraged, restricted and prohibited technology, are expected; check the lists again before signing in 2027.
- Law No. 20/2026/QH16, passed on 24 August 2026, amends the Law on Technology Transfer together with the telecommunications, radio frequency and electronic transactions laws, mainly from 1 March 2027 with some provisions from 1 October 2026; its effect on registration practice should be checked as it comes into force.
- Guidance on the use of IP and technology as capital and loan security under Law No. 131/2025/QH15 and Law No. 115/2025/QH15 is expected, which may ease valuation and recording of in-kind contributions.

Terms you will meet in the documents

English	Vietnamese	Meaning
Technology transfer	<i>Chuyển giao công nghệ</i>	The assignment of ownership or licensing of the right to use technology.
Technology transfer contract	<i>Hợp đồng chuyển giao công nghệ</i>	The written contract that must contain the 14 contents in Article 23.
Certificate of technology transfer registration	<i>Giấy chứng nhận đăng ký chuyển giao công nghệ</i>	The certificate from which a registrable contract takes effect.
Technology transfer licence	<i>Giấy phép chuyển giao công nghệ</i>	The licence required for restricted technology, issued by the provincial People's Committee.
Restricted technology	<i>Công nghệ hạn chế chuyển giao</i>	Technology that may be transferred only under licence (Article 10).
Prohibited technology	<i>Công nghệ cấm chuyển giao</i>	Technology that may not be transferred (Article 11).

English	Vietnamese	Meaning
Know-how	<i>Bí quyết kỹ thuật, bí quyết công nghệ</i>	Accumulated information decisive for the quality or competitiveness of technology.
Capital contribution in technology	<i>Góp vốn bằng công nghệ</i>	Contribution of technology to a project or enterprise as capital (Article 8).
Technology appraisal	<i>Thẩm định công nghệ</i>	Review of a project's technology at the approval stage (Article 13).

FOREIGN V VIETNAMESE INVESTOR

The Law on Technology Transfer applies to every transferor and transferee. Registration is compulsory because the technology crosses the border, not because a party is foreign: a Vietnamese-owned company licensing technology from abroad must register exactly as a foreign-owned subsidiary must, and a domestic transfer between two foreign-owned Vietnamese companies is not compulsorily registrable unless State capital is involved. The foreign-invested company feels the rules more because its technology typically comes from its own parent, which brings in the related-party pricing requirement.

WATCH OUT FOR

- Paying royalties for periods before the registration certificate issues, when a registrable contract has no effect.
- Missing the 90-day registration window, or failing to register amendments and extensions.
- Contracts that omit one of the 14 mandatory contents in Article 23 and are refused registration.
- Technology on the restricted list transferred without provincial approval and a licence.
- Buying equipment with embedded technology without an express licence to use the technology.
- Related-party royalty rates without arm's-length support, which put the deduction at risk while foreign contractor tax is still due.

OFFICIAL SOURCES

- National Legal Database (vbpl.vn): Law No. 07/2017/QH14 on Technology Transfer; Law No. 115/2025/QH15 amending it — <https://vbpl.vn>
- Government portal: consolidated Law on Technology Transfer, document No. 138/2026/VBHN-VPQH (21 September 2026) — <https://chinhphu.vn>
- Ministry of Science and Technology: technology transfer registration — <https://mst.gov.vn>
- Intellectual Property Office of Viet Nam: recordal of licence contracts — <https://ipvietnam.gov.vn>

Personal data protection: the Personal Data Protection Law 2025 and Decree No. 356/2025/ND-CP, extraterritorial scope, controllers and processors, consent and the other legal bases, sensitive data, data subject rights and response times, impact assessments, breach notification, data protection officers, the SME grace period, penalties under Decree No. 330/2026/ND-CP and a compliance checklist

Reviewed 10 October 2026 · Prepared by a foreign investment lawyer (now retired) with 20 years' experience advising on Vietnamese investment law · Legal and tax information, not legal advice · [How we check](#) · [Open in the app](#)

WHAT YOU NEED TO KNOW

- Law No. 91/2025/QH15 on Personal Data Protection took effect on 1 January 2026 with Decree No. 356/2025/ND-CP, replacing Decree No. 13/2023/ND-CP; it applies in Vietnam and to foreign organisations that process the personal data of Vietnamese citizens and certain residents from abroad.
- Processing requires the data subject's consent, which must be specific, verifiable and never set by default, unless one of the cases in Article 19 applies, including emergencies, State functions and performance of an agreement with the data subject.
- Controllers and processors must prepare a processing impact assessment and, for transfers abroad including to offshore cloud servers, a transfer impact assessment filed with the Ministry of Public Security's A05 within 60 days of the start of the transfer, updated every six months where circumstances change (Decree No. 356/2025/ND-CP).
- A controller must notify A05 within 72 hours of detecting a reportable violation, and in defined cases also notify the affected individuals; data subject requests must be acknowledged within two working days and implemented within 10 to 20 days depending on the request.
- Decree No. 330/2026/ND-CP, effective 19 August 2026, sets fines of up to VND 3 billion for organisations, up to 5% of prior-year Vietnamese revenue for unlawful cross-border transfers and up to ten times the proceeds of buying or selling personal data; small enterprises and start-ups have a five-year grace period for some duties.

A law, not a decree

Vietnam's first comprehensive data protection instrument was Decree No. 13/2023/ND-CP. It was replaced on 1 January 2026 by **Law No. 91/2025/QH15 on Personal Data Protection** (the PDPL), passed on 26 June 2025, and by its implementing decree, **Decree No. 356/2025/ND-CP**, issued on 31 December 2025 and effective the next day (FAQ 81). The penalties are in **Decree No. 330/2026/ND-CP**, effective 19 August 2026, which also covers cybersecurity violations. Supervision and enforcement sit with the Ministry of Public Security's **Department of Cybersecurity and High-Tech Crime Prevention (A05)**, which receives impact assessment dossiers and breach notifications, runs the national personal data protection portal and inspects compliance.

The PDPL applies to Vietnamese and foreign organisations and individuals in Vietnam, and to foreign organisations and individuals abroad that directly process, or are involved in processing, the personal data of Vietnamese citizens and certain persons resident in Vietnam. A foreign parent that runs the group HR system, a foreign e-commerce operator that sells to Vietnamese consumers, and a foreign cloud or analytics provider that processes data for a Vietnamese customer may all be within its reach. The same rules apply to domestic and foreign-owned companies. Personal data protection overlaps with the cybersecurity and data localisation rules, which are in [Cybersecurity, data localisation and cross-border transfers](#).

Roles: controller, processor and third parties

The PDPL allocates duties by role. A **personal data controller** decides the purposes and means of processing; a **personal data processor** processes on the controller's behalf under a contract; a **controller-processor** does both; and a **third party** is any other person permitted to process the data. The controller carries the main obligations: identifying a legal basis, giving notice, obtaining consent, responding to data subjects, preparing impact assessments, implementing security measures and notifying breaches. The processor must process only as instructed, apply security measures, assist the controller and delete or return data at the end of the contract. Decree No. 356/2025/ND-CP requires a written agreement for transfers to processors and third parties and for transfers in a restructuring, covering the purpose, data subjects, types of data, duration, deletion, legal basis and responsibilities, and requires encryption, anonymisation or equivalent protection when sensitive data is transferred.

Within a group, the Vietnamese subsidiary is usually the controller of its customer and employee data, and its parent or a regional shared-service centre acts as processor or as a further controller. The intra-group data transfer agreement should reflect the actual roles; a parent that sets the purposes of a global HR or CRM system is likely to be a controller in its own right.

Legal bases and consent

Consent is the default basis. It must be given freely and expressly for a specific purpose, on the basis of notice of the purpose, types of data, recipients, the data subject's rights and the consequences of processing; silence or inaction is not consent. Decree No. 356/2025/ND-CP requires consent to be recorded so that its timing and content can be verified, prohibits pre-ticked boxes and unclear or misleading settings, and accepts consent given by phone, email, website, platform or application where

the technical settings meet those standards. Consent can be withdrawn at any time, and the controller must then stop processing within the time limits described below. Separate consent is needed for each purpose, so a bundled consent in a long privacy policy is weak.

Article 19(1) of the PDPL lists five cases in which personal data may be processed **without consent**: to protect the life, health, dignity, rights or lawful interests of the data subject or others in urgent situations; to respond to emergencies, national security threats, terrorism, crime and other violations; to serve the activities of State agencies and State management under the law; to perform an agreement between the data subject and the relevant organisation or individual as the law prescribes; and other cases provided by law. Employment and customer contracts can therefore support processing necessary to perform them, but marketing, profiling, transfers to group companies for their own purposes and sharing with partners generally still need consent. The PDPL prohibits buying and selling personal data except as the law allows.

Sensitive personal data

The PDPL distinguishes basic and sensitive personal data, and Decree No. 356/2025/ND-CP lists each. Sensitive data includes data on political and religious views, health status, genetic and biometric data, sex life and orientation, criminal records, precise location, and, among the decree's additions, behaviour-tracking and usage data from telecommunications, social network, online media and other cyberspace services, usernames and passwords for electronic identification accounts, images of identity cards, and bank account, payment card and financial transaction data. Processing sensitive data requires notice that the data is sensitive, stronger security and access controls, and it removes the small-enterprise grace period described below. A business that tracks app users, processes card payments or keeps copies of customers' identity cards is therefore processing sensitive data and should plan accordingly.

Data subject rights and response times

Individuals have the rights to be informed, to consent and to withdraw consent, to access their data and obtain a copy, to correct it, to have it deleted, to restrict or object to processing, to complain and to claim compensation (FAQ 83). Decree No. 356/2025/ND-CP sets the clock. The controller must respond to any request within **two working days**. It must then implement a request to withdraw consent, restrict or object within 15 days (20 days where processors or third parties are involved); a request to access, correct or provide data within 10 days (15); and a request to delete within 20 days (30). Each period may be extended once, by up to the same number of days. A business with large consumer volumes needs a request-handling procedure, identity verification and a log; the response times are too short to be met by ad hoc handling.

Impact assessments

Controllers and processors must prepare a **personal data processing impact assessment**, and before sending personal data abroad, including by storing it on servers outside Vietnam or using an offshore cloud, a **transfer impact assessment**, and file them with A05 online (FAQ 82). Decree No. 356/2025/ND-CP allows **60 days from the start of the transfer** to file the transfer dossier; A05 reviews a dossier within 15 days and may require it to be supplemented within 30 days. Dossiers must include the organisation's internal data protection policies, procedures and templates and a data-flow description

for each role, and must be updated every six months where new purposes arise or the controller, processor or third party changes, and within ten days of a reorganisation, dissolution, change of protection service provider or change of business lines involving personal data. The decree exempts transfers made for personnel management under labour rules, internal rules and collective labour agreements from the transfer impact assessment, but the exemption is narrow, and global HR platforms used for wider purposes should still be assessed. Where personal data is also core or important data under the Data Law, the PDPL dossiers replace the separate Data Law assessment.

Breaches, officers and the SME grace period

A controller must notify A05 within **72 hours** of detecting a reportable violation of the personal data protection rules, and processors must notify the controller promptly. Certain breaches must also be notified to the individuals affected, including breaches at financial service providers and those involving biometric or location data, within 72 hours of discovery or, where individual notice is not feasible, by public disclosure; breach records must be kept for at least five years after remediation. Organisations must designate a **personal data protection department or officer** with the qualifications Decree No. 356/2025/ND-CP prescribes, a college degree or higher, at least two years' relevant experience and data protection training, or engage a qualified external service provider.

Small enterprises and start-ups have a five-year grace period from 1 January 2026 for appointing a data protection officer or provider and for preparing, updating and filing impact assessments, and **household businesses and micro-enterprises** are largely exempt. The relief does not apply to an enterprise that provides personal data processing services, directly processes sensitive personal data, or processes the data of 100,000 or more data subjects, so many consumer-facing and technology start-ups do not benefit.

Penalties

Decree No. 330/2026/ND-CP, effective 19 August 2026, implements the penalty ceilings in the PDPL. Organisations may be fined up to **VND 3 billion** for most violations, and individuals half that. Unlawful buying or selling of personal data is fined up to **ten times the proceeds**. Violations of the cross-border transfer rules, such as transferring without the required dossier, concealing or falsifying data flows that lead to leakage, or continuing after a stop order, are fined as a percentage of the previous year's Vietnamese revenue: 1% to 2% where 10,000 to under 100,000 data subjects are affected, 2% to 3% from 100,000 to under one million, and **3% to 5%** from one million, with fixed fines of up to VND 3 billion where there is no Vietnamese revenue or the percentage would be lower. Lesser fines apply to dossier and procedural failures, processing may be suspended until an impact assessment failure is cured, and serious cross-border violations can lead to suspension of transfers for six to 12 months. Individuals responsible may also face criminal liability for illegal use of information on computer networks under the Penal Code.

Personal data compliance checklist for a Vietnamese business

The core steps for a company operating in Vietnam, in a sensible order. A group with an existing GDPR programme can adapt much of it, but the Vietnamese dossiers, response times and filing duties are additional.

- ☐ **Data map**
Personal data held, purposes, legal basis, systems, locations, recipients and retention, distinguishing basic and sensitive data.
- ☐ **Roles and contracts**
Controller, processor and third-party roles identified; written agreements with processors, group companies and partners in the form the decree requires.
- ☐ **Notices and consents**
Vietnamese-language notices; separate, recorded consents for each purpose; no default settings; withdrawal mechanism.
- ☐ **Processing impact assessment**
Prepared on the A05 template with internal policies and data-flow diagrams, filed online, updated every six months where circumstances change.
- ☐ **Transfer impact assessment**
For every flow abroad, including cloud hosting and group systems, filed within 60 days of the start of the transfer.
- ☐ **Data subject requests**
Procedure to acknowledge within two working days and implement within 10 to 20 days, with identity checks and a log.
- ☐ **Security**
Access controls, encryption of sensitive data, logging, vendor due diligence and staff training.
- ☐ **Breach response**
Incident plan to notify A05 within 72 hours and affected individuals where required, with records kept for five years.
- ☐ **Officer**
Qualified internal data protection officer or department, or an external provider, unless the SME grace period applies.
- ☐ **Marketing and cookies**
Consent for direct marketing, profiling and tracking technologies; no purchase or sale of personal data.

Key PDPL obligations and deadlines (October 2026)

Obligation	Rule	Source
Scope	Processing in Vietnam, and foreign processing of data of Vietnamese citizens and certain residents	Law No. 91/2025/QH15
Processing without consent	Five cases, including emergencies, State functions and performance of an agreement	Law No. 91/2025/QH15, Article 19(1)
Response to data subject requests	Acknowledge within 2 working days; implement within 10 to 20 days (15 to 30 with processors); one extension	Decree No. 356/2025/ND-CP
Transfer impact assessment	Filed with A05 within 60 days of the start of the transfer; reviewed within 15 days	Decree No. 356/2025/ND-CP
Dossier updates	Every six months if circumstances change; within 10 days of reorganisation or dissolution	Decree No. 356/2025/ND-CP
Breach notification	A05 within 72 hours; individuals in defined cases	Law No. 91/2025/QH15; Decree No. 356/2025/ND-CP
Data protection officer	Qualified officer, department or external provider	Decree No. 356/2025/ND-CP
SME grace period	Five years from 1 January 2026, unless processing services, sensitive data or 100,000+ data subjects	Decree No. 356/2025/ND-CP
General fine ceiling	VND 3 billion for organisations; half for individuals	Decree No. 330/2026/ND-CP
Cross-border transfer fines	1% to 5% of prior-year Vietnamese revenue by number of data subjects affected	Decree No. 330/2026/ND-CP
Buying or selling personal data	Up to ten times the proceeds	Decree No. 330/2026/ND-CP

WORKED EXAMPLE

A retail chain's loyalty programme and regional CRM

A Thai-owned Vietnamese retail company with 60 stores runs a loyalty app with 400,000 members, stores data on a Singapore cloud managed by its regional parent, and processes card payments through a local bank. The example is illustrative; professional-fee ranges are typical market ranges in October 2026, not quotations.

Roles	The Vietnamese company is controller of member data; the Singapore parent sets regional marketing purposes and is treated as a joint controller for those purposes; the cloud provider is a processor.
Sensitive data	App usage tracking and payment card data are sensitive under Decree No. 356/2025/ND-CP, so the SME grace period would not apply even if the company were small.

Consents	The app is updated in January 2026 with separate, unticked consents for the loyalty programme, personalised offers and sharing with the parent, recorded with timestamps; existing members are asked to re-consent.
Impact assessments	Processing impact assessment and transfer impact assessment for the Singapore cloud filed on the A05 portal in February 2026, within 60 days of the transfers continuing under the new law; A05 asks for a revised data-flow diagram, supplied within 30 days.
Requests	A request portal acknowledges within two working days; deletion requests are completed within 20 days, or 30 where the cloud provider must act.
Breach	In May 2026 a misconfigured marketing tool exposes 12,000 members' purchase histories. A05 is notified within 72 hours; the dossier is updated and the vendor contract amended.
Exposure	Had the company transferred data to Singapore without the dossier, with 400,000 data subjects affected, the fine band under Decree No. 330/2026/ND-CP would have been 2% to 3% of prior-year Vietnamese revenue.
Cost (typical ranges)	Gap assessment, dossiers and templates: USD 10,000 to 30,000; external data protection officer service: USD 500 to 2,000 a month.

Had the company had fewer than 100,000 members, no sensitive data and qualified as a small enterprise, it could have deferred the officer appointment and the dossiers until 2031, but not the consent, notice, rights and breach rules.

Had the parent processed the data only on the company's instructions, it would have been a processor, needing a processing agreement rather than consent for its own purposes.

Questions investors ask about personal data

Does Vietnam's data protection law apply to my company abroad?

It can. Law No. 91/2025/QH15 applies to foreign organisations that directly process, or are involved in processing, personal data of Vietnamese citizens and certain residents, even from outside Vietnam. A foreign parent running group HR or CRM systems, or a foreign platform selling to Vietnamese consumers, should assess its exposure.

Do I need consent to process employee data?

Not for everything. Article 19(1) of the PDPL permits processing without consent to perform an agreement with the data subject, which covers what the employment contract requires, and for legal obligations under other laws. Other uses, such as group-wide analytics or sharing for the parent's own purposes, generally need separate, recorded consent.

When must we file a transfer impact assessment?

Within 60 days of the start of a transfer of personal data abroad, including storage on offshore servers or clouds, under Decree No. 356/2025/ND-CP. A05 reviews it within 15 days and may ask for changes. The dossier must be updated every six months where purposes or parties change.

How quickly must a data breach be reported in Vietnam?

Within 72 hours of detection to A05 under Law No. 91/2025/QH15. Breaches at financial service providers or involving biometric or location data must also be notified to the affected individuals within 72 hours, or publicly where that is not feasible. Keep breach records for at least five years.

What are the fines for breaching the PDPL?

Under Decree No. 330/2026/ND-CP, up to VND 3 billion for organisations for most violations, up to ten times the proceeds of buying or selling personal data, and 1% to 5% of prior-year Vietnamese revenue for cross-border transfer violations, depending on how many data subjects are affected.

THE 2027 HORIZON

- A draft Law on Data Security, reported in July 2026 as targeted for the National Assembly's October 2026 session, would require prior Ministry of Public Security approval for transfers abroad of large volumes of personal data; its final form and timing are uncertain.
- A05's practice on reviewing dossiers and on the HR exemption from the transfer impact assessment will become clearer as the first six-monthly updates fall due during 2026 and 2027.
- The five-year grace period for small enterprises and start-ups runs to 31 December 2030; enterprises that grow past 100,000 data subjects or begin processing sensitive data lose it earlier and should monitor their position.

Terms you will meet in the documents

English	Vietnamese	Meaning
Personal data	<i>Dữ liệu cá nhân</i>	Information identifying or capable of identifying a specific individual.
Sensitive personal data	<i>Dữ liệu cá nhân nhạy cảm</i>	Data whose misuse seriously affects the individual, listed in Decree No. 356/2025/ND-CP.
Data subject	<i>Chủ thể dữ liệu cá nhân</i>	The individual whom the data concerns.
Personal data controller	<i>Bên kiểm soát dữ liệu cá nhân</i>	The party deciding the purposes and means of processing.
Personal data processor	<i>Bên xử lý dữ liệu cá nhân</i>	The party processing on the controller's behalf under contract.

English	Vietnamese	Meaning
Processing impact assessment	<i>Đánh giá tác động xử lý dữ liệu cá nhân</i>	The dossier assessing processing risks, filed with A05.
Transfer impact assessment	<i>Đánh giá tác động chuyển dữ liệu cá nhân ra nước ngoài</i>	The dossier required before personal data leaves Vietnam, filed within 60 days.
Consent	<i>Sự đồng ý của chủ thể dữ liệu</i>	Express, specific and verifiable agreement to processing.
A05	<i>Cục An ninh mạng và phòng, chống tội phạm sử dụng công nghệ cao</i>	The Ministry of Public Security department supervising data protection.

FOREIGN V VIETNAMESE INVESTOR

The PDPL draws no distinction between domestic and foreign-owned companies operating in Vietnam. The difference is in data flows: a foreign-invested company is far more likely to send personal data to a parent, a regional hub or an offshore cloud, which triggers the transfer impact assessment and the revenue-based fines for cross-border violations, and its foreign parent may itself be within the law's extraterritorial scope.

WATCH OUT FOR

- Assuming a GDPR programme is enough; Vietnam adds filed dossiers, shorter response times and its own consent standards.
- Bundled or pre-ticked consents, which are invalid under Decree No. 356/2025/ND-CP.
- Offshore cloud hosting and group systems switched on without a transfer impact assessment filed within 60 days.
- Tracking, payment and identity card data treated as basic data when the decree lists them as sensitive.
- Relying on the SME grace period while processing sensitive data or data of 100,000 or more people.
- No incident plan capable of notifying A05 within 72 hours.

OFFICIAL SOURCES

- National Legal Database (vbpl.vn): Law No. 91/2025/QH15 on Personal Data Protection — <https://vbpl.vn>
- Government portal: Decree No. 356/2025/ND-CP; Decree No. 330/2026/ND-CP on administrative sanctions for cybersecurity and personal data protection — <https://chinhphu.vn>
- National personal data protection portal (A05, Ministry of Public Security) — <https://baovedlcn.gov.vn>
- Ministry of Public Security — <https://bocongan.gov.vn>

Cybersecurity, data localisation and cross-border transfers: the Cybersecurity Law 2025 and Decree No. 333/2026/ND-CP, who must store data in Vietnam and open a local office, the Data Law and core and important data, transfer impact assessments under the PDPL, information system protection, penalties, and a decision guide for group IT and HR data

Reviewed 10 October 2026 · Prepared by a foreign investment lawyer (now retired) with 20 years' experience advising on Vietnamese investment law · Legal and tax information, not legal advice · [How we check](#) · [Open in the app](#)

WHAT YOU NEED TO KNOW

- Law No. 116/2025/QH15 on Cybersecurity, in force from 1 July 2026, consolidated the 2018 Cybersecurity Law and the 2015 Law on Network Information Security, and is implemented by seven decrees issued on 19 August 2026, Decrees No. 327/2026/ND-CP to No. 333/2026/ND-CP.
- Under Decree No. 333/2026/ND-CP, domestic enterprises providing online, telecommunications and internet services must store prescribed user data in Vietnam; foreign enterprises providing listed services must store data for at least 24 months and open a branch or representative office only after a Ministry of Public Security decision following an unremedied violation, with 12 months to comply.
- Law No. 60/2024/QH15 on Data, in force from 1 July 2025, and Decree No. 165/2025/ND-CP control the transfer abroad of core and important data, defined by Decision No. 20/2025/QD-TTg; core data needs prior approval of the Ministry of Public Security, or the Ministry of National Defence for defence data.
- Any transfer of personal data abroad, including to offshore cloud servers, needs a transfer impact assessment filed with A05 within 60 days under Law No. 91/2025/QH15 and Decree No. 356/2025/ND-CP, and that dossier replaces the separate Data Law assessment for personal data that is also core or important data.
- Decree No. 330/2026/ND-CP fines cybersecurity violations up to VND 200 million for organisations, and cross-border personal data violations up to 5% of prior-year Vietnamese revenue.

Three regimes, one question

A foreign-invested company that wants to run its Vietnamese operations on group systems hosted abroad, whether an ERP, a CRM, an HR platform or a public cloud, must ask whether the data may leave Vietnam and whether any of it must also stay there. Three laws answer the question, each with its own regulator logic but all supervised by the Ministry of Public Security. The **Cybersecurity Law** decides

who must store data in Vietnam and open a local office. The **Data Law** controls the transfer abroad of data classified as core or important, whether or not it is personal. The **Personal Data Protection Law** requires a transfer impact assessment for every transfer of personal data abroad ([FAQ 82](#)). They overlap, and a single transfer can engage all three.

There is no general prohibition on sending data abroad and no general rule that all data must be stored in Vietnam. For most foreign-invested manufacturers, traders and service companies, the practical requirements are the PDPL transfer impact assessment and good security, with the localisation and core-data rules relevant only in specific sectors or after specific triggers. The detailed PDPL rules are in [Personal data protection](#).

The Cybersecurity Law 2025 and its decrees

Law No. 24/2018/QH14 on Cybersecurity introduced data localisation, implemented from 1 October 2022 by Decree No. 53/2022/ND-CP. **Law No. 116/2025/QH15 on Cybersecurity**, in force from 1 July 2026, consolidated it with the 2015 Law on Network Information Security into a single law on cybersecurity and network information security, and expanded the powers of the Ministry of Public Security. On 19 August 2026 the Government issued seven implementing decrees: Decree No. 327/2026/ND-CP on online information harmful to national security and public order; No. 328/2026/ND-CP on fake and false information, effective 5 October 2026; No. 329/2026/ND-CP on cybersecurity protection forces; No. 330/2026/ND-CP on administrative sanctions for cybersecurity and personal data protection; No. 331/2026/ND-CP on protection of information systems, with a five-level classification; No. 332/2026/ND-CP on cybersecurity products and services businesses; and **No. 333/2026/ND-CP**, which details the law and carries forward, with revisions, the parts of Decree No. 53/2022/ND-CP that remain appropriate, including the localisation rules. Transitional provisions preserve certain earlier arrangements for existing systems, contracts and licence applications received before 1 July 2026.

Decree No. 331/2026/ND-CP requires owners of information systems to classify them into one of five levels according to the harm a breach would cause and to apply the protection measures for that level, with higher levels subject to approval and inspection. Most private commercial systems sit at the lower levels, but operators of large consumer platforms, financial services and systems important to national security should check their classification.

Who must store data in Vietnam and open an office

Decree No. 333/2026/ND-CP distinguishes domestic and foreign enterprises. **Domestic enterprises**, which includes Vietnamese companies owned by foreign investors, that provide telecommunications, internet and value-added services in cyberspace in Vietnam must store prescribed data in Vietnam: personal information of service users in Vietnam and data created by those users, such as account names, service-use times, credit card information, email addresses, the latest log-in and log-out IP addresses and linked telephone numbers.

Foreign enterprises are covered only if they provide listed services in Vietnam: telecommunications, online data storage and sharing, domain name registration, e-commerce, online payment and payment intermediation, online transport connection, social networks and social media, online games, online applications and certain other online information services. Even then, the obligations arise only on a

trigger. The service must have been used to commit a cybersecurity violation; the Ministry of Public Security's specialised force must have notified the violation and issued written requests for cooperation, up to three over up to six months; and the enterprise must have failed to remedy the violation or comply, or have obstructed or disabled protective measures. The Ministry may then decide that the enterprise must store the data in Vietnam and establish a **branch or representative office** responsible for compliance. The enterprise has **12 months** from the decision to comply, must keep the data for at least **24 months**, and must maintain the office until it stops operating in Vietnam or providing the service (FAQ 82). Telecommunications and hosting providers must remove or block unlawful content within 24 hours of a request from the specialised force, provide IP address identification within 24 hours or within three hours in urgent national security and serious crime cases, and keep logs for at least 12 months.

The Data Law: core and important data

Law No. 60/2024/QH15 on Data, in force from 1 July 2025 and implemented by **Decree No. 165/2025/ND-CP** of 30 June 2025, governs digital data generally, personal or not. It classifies data by importance and controls the transfer abroad of **important data** and **core data**, the latter a subset of the former whose unlawful use would directly threaten national defence, security, foreign relations, the macro-economy, social stability or public health and safety. The categories are listed in Decision No. 20/2025/QD-TTg. For private organisations, important data includes basic personal data of 100,000 or more people, sensitive personal data of 10,000 or more people and bank account, payment or debt data of 10,000 or more enterprises; core data includes the corresponding categories at one million people, 100,000 people and 100,000 enterprises, as well as defence, security and cryptography data and State-held data on critical infrastructure, health and finance.

The transfer abroad of **core data** requires prior approval: the transferor files an impact assessment dossier with the Ministry of Public Security, or the Ministry of National Defence for military, defence and cryptographic data, and receives a written decision. **Important data** may be transferred without prior approval, but the transferor must carry out a risk assessment covering legality, necessity, scope, the recipient's protection standards, leakage risks and responsibilities, and file the dossier with the Ministry. Decree No. 356/2025/ND-CP provides that where the data is personal data that is also core or important data, only the PDPL processing and transfer impact assessment dossiers are required, not a separate assessment under Decree No. 165/2025/ND-CP. Separately, providers of data intermediary services must locate their infrastructure in Vietnam and have a Vietnamese citizen as legal representative.

Cloud, outsourcing and sector rules

Data centre and cloud services may be 100% foreign-owned and need only registration, or notification for offshore providers, under the telecommunications law (FAQ 94), so a group can host Vietnamese data in a Vietnamese data centre operated by a foreign-owned provider if it chooses to localise. Several sectors add their own rules: banks and payment intermediaries are subject to State Bank requirements on data centres, backup sites and outsourcing of information technology; securities, insurance and health data have their own controls; and State agencies' data and data classified as State secrets cannot leave Vietnam. A foreign-invested company in a regulated sector should check its sector rules

before any offshore migration. The penalties for cybersecurity violations under Decree No. 330/2026/ND-CP reach VND 200 million for organisations and VND 100 million for individuals; the penalties for personal data transfer violations, which are revenue-based, are set out in [Personal data protection](#).

DECISION GUIDE

Moving group IT, CRM and HR data offshore: a decision guide

A first screen for a foreign-invested company in Vietnam planning to host or process data on systems outside Vietnam. Work through every question; more than one regime can apply.

Q1 Does the data include personal data of people in Vietnam (employees, customers, users, contacts)?

Yes File a transfer impact assessment with A05 within 60 days of the start of the transfer, unless the narrow HR exemption in Decree No. 356/2025/ND-CP clearly covers the flow; put intra-group and vendor agreements in place. Continue to Q2.

No The PDPL does not apply to the flow. Continue to Q2.

Q2 Does the data reach the important or core data thresholds in Decision No. 20/2025/QĐ-TTg (for example basic data of 100,000 people or sensitive data of 10,000 people)?

Yes Core data needs prior Ministry of Public Security approval before transfer; important data needs a risk assessment dossier. For personal data, the PDPL dossiers serve this purpose. Continue to Q3.

No No Data Law transfer control. Continue to Q3.

Q3 Is the Vietnamese company a domestic provider of telecommunications, internet or online services to users in Vietnam?

Yes Store the prescribed user data in Vietnam under Decree No. 333/2026/ND-CP before relying on offshore systems for it. Continue to Q4.

No No localisation duty under the Cybersecurity Law for internal group systems. Continue to Q4.

Q4 Is the company in a regulated sector (banking, payments, securities, insurance, health) or does it hold State or State-secret data?

Yes Apply the sector rules on data centres, outsourcing and offshore processing, which may require local primary or backup hosting or regulator approval.

No Proceed with the transfer once the PDPL dossier and contracts are in place, and keep the dossier updated every six months where circumstances change.

The three regimes compared (October 2026)

Issue	Cybersecurity Law	Data Law	Personal Data Protection Law
Instrument	Law No. 116/2025/QH15; Decree No. 333/2026/ND-CP	Law No. 60/2024/QH15; Decree No. 165/2025/ND-CP; Decision No. 20/2025/QD-TTg	Law No. 91/2025/QH15; Decree No. 356/2025/ND-CP
Data covered	User data of online, telecoms and internet services	All digital data, classified as core, important or other	Personal data
Main rule	Localisation for domestic providers; for foreign providers of listed services only after a triggering decision	Prior approval for core data transfers; risk assessment for important data	Transfer impact assessment for every transfer abroad
Timing	12 months to comply after a decision; 24 months' minimum storage	Before transfer for core data	Within 60 days of the start of the transfer
Authority	Ministry of Public Security	Ministry of Public Security; Ministry of National Defence for defence data	Ministry of Public Security (A05)
Penalties	Up to VND 200 million (organisations)	Under the administrative sanctions decrees and the Data Law	Up to 5% of prior-year Vietnamese revenue for transfer violations

WORKED EXAMPLE

A European engineering group moves its Vietnamese HR and CRM to a Singapore cloud

A German group's Vietnamese subsidiary in Binh Duong has 1,200 employees and a B2B customer database of 8,000 contacts. The group migrates HR to a global platform and CRM to a regional instance, both hosted in Singapore, from 1 March 2026. The example is illustrative; professional-fee ranges are typical market ranges in October 2026, not quotations.

PDPL	Employee and customer contact data are personal data. The group concludes that payroll and personnel administration fall within the HR exemption, but the global platform is also used for talent analytics and succession planning, so it files a transfer impact assessment covering both systems with A05 on 20 April 2026, within 60 days of the start of the transfer.
Sensitive data	HR records include health certificates and bank account details, which are sensitive; the dossier describes encryption and access controls.

Data Law thresholds	Basic data of about 9,200 people and sensitive data of 1,200: well below the important data thresholds of 100,000 and 10,000, so no Data Law transfer control applies.
Cybersecurity Law	The subsidiary provides no online or telecommunications services to users in Vietnam, so Decree No. 333/2026/ND-CP imposes no localisation duty.
Contracts	An intra-group data transfer agreement in the form Decree No. 356/2025/ND-CP requires, with the Singapore entity as processor for HR administration and the German parent as controller for talent analytics with employee consent.
A05 review	A05 requests a clearer data-flow diagram within 15 days; the subsidiary supplies it within 30 days.
Ongoing	Dossier reviewed every six months; a new purpose added in October 2026 triggers an update.
Cost (typical ranges)	Assessment, dossier and agreements: USD 8,000 to 20,000.

Had the subsidiary operated a consumer app with 150,000 users in Vietnam, it would have held important data, and as a domestic online service provider would have had to keep prescribed user data in Vietnam.

Had the group transferred without filing, with about 9,200 data subjects affected the case would have fallen below the revenue-based bands of Decree No. 330/2026/ND-CP, which start at 10,000 data subjects, but fixed fines for dossier failures and an order suspending the transfers would still have been possible.

Questions investors ask about localisation and data transfers

Must my company store its data in Vietnam?

Not generally. Under Decree No. 333/2026/ND-CP, domestic providers of online, telecommunications and internet services must store prescribed user data in Vietnam, and foreign providers of listed services only after a Ministry of Public Security decision following an unremedied violation. Most manufacturers and traders have no localisation duty, but sector rules may apply.

Can we use an offshore cloud for our Vietnamese company's data?

Yes, in most cases, provided the transfer of any personal data is covered by a transfer impact assessment filed with A05 within 60 days under Decree No. 356/2025/ND-CP, and the Data Law controls on core and important data and any sector rules are respected. Put processing agreements in place with the provider and group companies.

When does a foreign online service have to open an office in Vietnam?

Under Decree No. 333/2026/ND-CP, only if it provides a listed service, its service was used for a cybersecurity violation, it failed to remedy the violation after notice and up to three requests over up to six months, and the Ministry of Public Security then decides. It has 12 months from the decision to comply.

What are core and important data?

Categories under Law No. 60/2024/QH15 on Data listed in Decision No. 20/2025/QĐ-TTg. For private organisations, important data includes basic personal data of 100,000 or more people or sensitive data of 10,000 or more; core data starts at one million and 100,000 respectively. Core data needs prior approval before transfer abroad.

What changed with the 2025 Cybersecurity Law?

Law No. 116/2025/QH15, in force from 1 July 2026, merged the 2018 Cybersecurity Law and the 2015 Law on Network Information Security. Seven decrees issued on 19 August 2026 implement it, including Decree No. 333/2026/ND-CP on localisation, Decree No. 331/2026/ND-CP on information system protection and Decree No. 330/2026/ND-CP on penalties.

THE 2027 HORIZON

- A draft Law on Data Security, reported as targeted for the National Assembly's October 2026 session, would prohibit the transfer abroad of core data entirely and require prior Ministry of Public Security approval for important data and large volumes of personal data; how it would interact with the Data Law and the PDPL is not yet settled.
- Practice under Decree No. 333/2026/ND-CP, including the first localisation decisions against foreign service providers and the information system classifications under Decree No. 331/2026/ND-CP, will develop during 2027.
- Implementing rules under Law No. 20/2026/QH16, which amends the telecommunications and electronic transactions laws mainly from 1 March 2027, may affect data centre and cloud licensing; check them before a 2027 migration.

Terms you will meet in the documents

English	Vietnamese	Meaning
Cybersecurity	<i>An ninh mạng</i>	Protection of activities in cyberspace from harm to national security and public order.
Data localisation	<i>Lưu trữ dữ liệu tại Việt Nam</i>	The duty to store prescribed data on servers in Vietnam.
Core data	<i>Dữ liệu cốt lõi</i>	Data whose misuse directly threatens national interests; transfer needs prior approval.

English	Vietnamese	Meaning
Important data	<i>Dữ liệu quan trọng</i>	Data that may affect national interests; transfer needs a risk assessment.
Cross-border data transfer	<i>Chuyển dữ liệu xuyên biên giới</i>	Sending, storing or processing data outside Vietnam.
Information system classification	<i>Phân loại cấp độ hệ thống thông tin</i>	Five-level grading of systems by the harm a breach would cause.
Specialised cybersecurity force	<i>Lực lượng chuyên trách bảo vệ an ninh mạng</i>	The Ministry of Public Security units enforcing the Cybersecurity Law.
Data intermediary service	<i>Dịch vụ trung gian dữ liệu</i>	A regulated service connecting data providers and users, with local infrastructure required.

FOREIGN V VIETNAMESE INVESTOR

A Vietnamese company owned by foreign investors is a domestic enterprise for the Cybersecurity Law, so if it provides online or telecommunications services to users in Vietnam it must localise the prescribed data exactly as a Vietnamese-owned provider must. The separate, trigger-based rule applies only to foreign enterprises serving Vietnam from abroad. The Data Law and PDPL transfer controls apply equally, but foreign-invested companies use offshore group systems far more often and so meet them more often.

WATCH OUT FOR

- Assuming a foreign-owned Vietnamese subsidiary is a foreign enterprise for localisation purposes; it is domestic.
- Migrations to offshore group systems without the PDPL transfer impact assessment.
- Consumer businesses crossing the important data thresholds (100,000 people, or 10,000 for sensitive data) without noticing.
- Relying on the HR exemption for global platforms used for analytics or other wider purposes.
- Ignoring sector rules on data centres and outsourcing in banking, payments, securities, insurance and health.
- Failing to respond to Ministry of Public Security requests, which is the trigger for localisation and office decisions against foreign providers.

OFFICIAL SOURCES

- National Legal Database (vbpl.vn): Law No. 116/2025/QH15 on Cybersecurity; Law No. 60/2024/QH15 on Data — <https://vbpl.vn>
- Government portal: Decrees No. 327/2026/ND-CP to No. 333/2026/ND-CP; Decree No. 165/2025/ND-CP; Decision No. 20/2025/QD-TTg — <https://chinhphu.vn>
- Ministry of Public Security — <https://bocongan.gov.vn>
- National personal data protection portal (A05) — <https://baovedlcn.gov.vn>

E-commerce, digital platforms and consumer protection: the E-commerce Law 2025 and Decree No. 248/2026/ND-CP, platform types, registration with the Ministry of Industry and Trade, foreign platforms and the 100,000-transaction threshold, livestreaming and affiliate marketing, seller identification, consumer rights in remote sales, large digital platforms, online advertising, electronic contracts and tax

Reviewed 10 October 2026 · Prepared by a foreign investment lawyer (now retired) with 20 years' experience advising on Vietnamese investment law · Legal and tax information, not legal advice · [How we check](#) · [Open in the app](#)

WHAT YOU NEED TO KNOW

- Law No. 122/2025/QH15 on E-commerce, passed on 10 December 2025, and Decree No. 248/2026/ND-CP took effect on 1 July 2026; websites and apps notified or registered before that date may operate on their existing approvals until 30 June 2027 (Article 41).
- The law classifies platforms as direct business, intermediary, social networks engaged in e-commerce, and integrated platforms (Article 4), and sets transparency, ordering, livestreaming and affiliate marketing duties (Articles 11 to 13 and 22 to 26).
- A foreign platform must register with the Ministry of Industry and Trade once it offers a Vietnamese-language option, uses a .vn domain or reaches 100,000 transactions a year with buyers in Vietnam, within 60 days of reaching the threshold, and must establish a legal entity, appoint an authorised representative or, where it has no entity and offers ordering, keep a deposit of at least VND 20 billion (Articles 27 to 31; Decree No. 248/2026/ND-CP).
- Law No. 19/2023/QH15 on Protection of Consumer Rights and Decree No. 55/2024/ND-CP require disclosures in remote transactions, registration of standard-form contracts for listed goods and services, and additional duties for large digital platforms.
- Law No. 75/2025/QH15 amending the Advertising Law, in force from 1 January 2026, regulates influencers and online advertising, requires violating advertisements to be removed within 24 hours of a request, and requires offshore advertisers to work through a Vietnamese advertising service provider.

From decrees to a law

For more than a decade, e-commerce in Vietnam was regulated by decree: Decree No. 52/2013/ND-CP, substantially amended by Decree No. 85/2021/ND-CP, which required sales websites to notify, and e-commerce service platforms to register with, the Ministry of Industry and Trade (MOIT) through its online portal. **Law No. 122/2025/QH15 on E-commerce**, passed by the National Assembly on 10 December 2025, took effect on 1 July 2026 and puts the regime on a statutory footing. It is implemented by **Decree No. 248/2026/ND-CP**, issued on 30 June 2026 and effective the next day, except for the electronic identification of sellers and livestreamers, which applies from 1 January 2027. Under the transitional provision in Article 41, websites, apps and e-contract authentication providers that were notified or registered before 1 July 2026 may continue on their approved contents until 30 June 2027, by which time they must complete the new procedures.

The law sits alongside the Law on Protection of Consumer Rights, the Law on Electronic Transactions, the Advertising Law, the Personal Data Protection Law and the tax laws, each of which applies to online business. Foreign investment in e-commerce is also subject to the market access rules for distribution and retail and the business licence regime for foreign-invested traders ([Market access for foreign investors](#)).

Platform types and core duties

Article 4 classifies platforms by the nature of their operations and their involvement in transactions: **direct business platforms**, on which the operator sells its own goods or services; **intermediary platforms**, on which third-party sellers trade; **social networks engaged in e-commerce**; and **integrated platforms** combining several functions. Every platform must disclose in Vietnamese the identity of its operator, its privacy policy, the parties' rights and obligations and its complaint mechanism, and, where it has an ordering function, the prices, payment, delivery, return and refund terms, the criteria for prioritising the display of products and its livestreaming rules (Article 11). Buyers must be able to review and confirm an order before it is placed, and records must remain accessible afterwards (Articles 12 and 13). Transaction data must be kept for at least three years, even after a seller's store closes.

Intermediary platforms carry the heaviest duties: verifying sellers and separating business from personal accounts, connecting seller information with the national databases, removing infringing and unlawful listings, cooperating with authorities, and handling disputes. From 1 January 2027 sellers must complete electronic identification: individuals by name, date of birth and personal identification number; organisations by name, head office, identification number and the legal representative's identity; foreign individuals by passport valid for at least six months; and foreign organisations by their registration details and the legal representative's identity. MOIT operates an **E-commerce Activity Management System** linked to the National Public Service Portal for registrations, complaints and risk monitoring, and publishes lists of compliant and non-compliant entities (Article 37).

Livestreaming and affiliate marketing

The law regulates livestream selling and affiliate marketing for the first time. A platform that allows livestreaming must publish livestreaming rules, verify hosts' identities, monitor content and advertising, handle viewers' complaints, stop livestreams and remove content that breaches the law or that a

competent authority identifies, warn of unsafe goods and keep livestream data for at least one year (Article 22). A seller must provide the host with documents on its business eligibility, the quality of the product and, where advertising content must be verified, the approved content before the livestream (Article 23). A host must verify its identity, follow the platform's rules, refuse to promote where the seller's documents are insufficient, and not give misleading information (Article 24). Affiliate marketing providers must verify marketers' identities before links are created and remove links to unlawful goods; marketers must provide identity information and remove infringing links on request (Articles 25 and 26). A foreign brand that uses Vietnamese influencers to sell through livestreams is therefore responsible for giving them accurate product and advertising documents.

Foreign platforms

Article 27 requires every foreign platform operating in Vietnam to register with the competent authority. Under Decree No. 248/2026/ND-CP the obligation is triggered by any of three facts: the platform offers a **Vietnamese-language option**; it uses a **.vn domain name**; or it reaches **100,000 or more transactions with buyers in Vietnam** in a calendar year, in which case it must register within 60 days of reaching the threshold. A foreign direct business or intermediary platform with an ordering function must establish a **legal entity in Vietnam** or appoint an **authorised representative**; an intermediary platform or social network without ordering must appoint an authorised representative. Where a platform with ordering has not established a legal entity, it must keep a **deposit of at least VND 20 billion** at a commercial bank or foreign bank branch in Vietnam for as long as it operates, topped up within 30 days if deductions reduce it, failing which MOIT terminates the registration. Material changes, such as the platform name, legal representative or transaction conditions, must be notified within 20 working days.

The local entity or representative is responsible for legal procedures, violations, complaints and consumer protection, and for compliance with the data protection, cybersecurity and advertising laws (Articles 29 to 31). Payment, logistics, infrastructure and e-contract authentication providers must refuse or suspend services to platforms that fail to comply (Articles 33 to 36). For foreign providers of online services, the trigger-based data localisation and local office rules under the Cybersecurity Law apply in addition (Cybersecurity, data localisation and cross-border transfers).

Consumer protection online

Law No. 19/2023/QH15 on Protection of Consumer Rights, in force since 1 July 2024, and Decree No. 55/2024/ND-CP apply to all sales to consumers and contain specific rules for **remote transactions**, including online sales. The trader must give clear information on itself, the goods, the price including taxes and fees, delivery, payment and the terms of exchange and return, including time limits, procedures and a contact point, and must publish its complaint procedure (FAQ 87). Model contracts and general trading conditions for goods and services on the Prime Minister's list, such as electricity, water, telecommunications and passenger air transport, must be **registered** with the consumer protection authority before use and displayed publicly. Defective products must be withdrawn from sale within 24 hours of discovery or a State request, and recalls announced within three working days for products risking life or health.

A **large digital platform**, defined by Decree No. 55/2024/ND-CP by reference to its number of users in Vietnam or its status as a large intermediary platform, must publish its search ranking criteria, label paid and sponsored results, maintain an online reporting account and provide requested data to the authority within five working days. The National Competition Commission under MOIT is the central consumer protection authority, with provincial Departments of Industry and Trade enforcing locally; consumers, and social organisations acting on their behalf, may also bring claims. Unfair terms in standard-form contracts, such as clauses excluding the trader's liability or allowing unilateral changes, are void.

Online advertising and influencers

Law No. 75/2025/QH15 amending the Advertising Law, passed on 16 June 2025 and in force from 1 January 2026, brings social networks, online applications and internet-connected digital platforms expressly within the advertising rules. Advertising content must be clearly identified as such.

Advertising conveyors, the individuals who promote, endorse or verify products online, must check the advertiser's credentials and the accuracy of the product information, disclose that they are advertising before and during the promotion, comply with consumer protection law, pay tax on their advertising income and provide documents to the authorities on request. Platforms must give users tools to disable and report inappropriate advertising, and violating advertisements must be removed or blocked within **24 hours** of a request from a competent authority. Offshore advertisers promoting to users in Vietnam must work through a Vietnamese advertising service provider. Advertising for regulated products, such as pharmaceuticals, cosmetics, food supplements and medical devices, still requires content to be confirmed or notified before publication under the sector rules.

Electronic contracts, payments, data and tax

Online orders form contracts by electronic means. Law No. 20/2023/QH15 on Electronic Transactions, in force since 1 July 2024, gives electronic contracts and data messages legal effect, and Decree No. 23/2025/ND-CP governs digital signatures and trust services ([FAQ 90](#)); the rules, and the documents that still need notarisation, are in [Commercial contracts in Vietnam](#). Payments to consumers' accounts and e-wallets are regulated by the State Bank and are not covered here. Customer data collected online is personal data: marketing consents, tracking technologies and transfers to offshore systems must comply with the Personal Data Protection Law ([Personal data protection](#)).

Vietnam has no separate digital services tax. Foreign suppliers of digital services and goods sold through platforms to customers in Vietnam bear VAT and corporate income tax on a deemed basis, collected by withholding by Vietnamese business buyers, by deduction by platform operators, or by direct registration through the tax authority's portal for foreign suppliers ([VAT and e-invoicing](#); [Foreign contractor tax and tax treaties](#)). Platforms also deduct and pay tax on behalf of household and individual sellers under the tax administration rules, and must provide seller and transaction data to the tax authority.

Launching an online sales channel in Vietnam

The items a foreign brand or platform should settle before going live, whether selling through its own website, marketplaces or livestreams. Sector licences for regulated goods are additional.

☐ **Structure and market access**

Selling entity (Vietnamese subsidiary with the right business lines and any business licence, or a foreign platform), checked against the market access rules.

☐ **MOIT procedures**

Notification of a sales website or app, or registration of a platform, through the E-commerce Activity Management System; existing approvals renewed by 30 June 2027.

☐ **Foreign platform test**

Vietnamese language, .vn domain or 100,000 transactions a year: register within 60 days, and establish an entity, appoint a representative or post the VND 20 billion deposit.

☐ **Trademarks and domains**

Brand registered with IP Viet Nam and the .vn domain secured before launch, so that takedowns against copycats are possible.

☐ **Terms and disclosures**

Vietnamese-language terms, privacy policy, price, delivery, return and complaint information; registered model contracts if the goods or services are on the list.

☐ **Livestream and affiliate programme**

Product and advertising documents for hosts; identity verification of hosts and affiliates; rules for removal of content.

☐ **Advertising**

Ads labelled; influencer contracts requiring disclosure and accuracy; pre-clearance for regulated products; process to remove within 24 hours.

☐ **Data protection**

Separate consents for marketing and tracking; transfer impact assessment for offshore hosting; data subject request handling.

☐ **Tax**

VAT and CIT position of the seller or foreign supplier; platform deductions; e-invoices for sales by the Vietnamese entity.

☐ **Record keeping**

Transaction data for at least three years; livestream data for at least one year.

Online business rules at a glance (October 2026)

Topic	Rule	Source
Framework	E-commerce Law and implementing decree in force from 1 July 2026	Law No. 122/2025/QH15; Decree No. 248/2026/ND-CP
Transition	Existing notifications and registrations valid until 30 June 2027	Law No. 122/2025/QH15, Article 41
Platform types	Direct business, intermediary, social network engaged in e-commerce, integrated	Article 4
Seller electronic identification	From 1 January 2027	Decree No. 248/2026/ND-CP
Foreign platform triggers	Vietnamese language, .vn domain, or 100,000 transactions a year (register within 60 days)	Article 27; Decree No. 248/2026/ND-CP
Foreign platform presence	Legal entity or authorised representative; VND 20 billion deposit if no entity and ordering function	Articles 27 to 31; Decree No. 248/2026/ND-CP
Livestream data retention	At least one year	Article 22
Transaction data retention	At least three years	Law No. 122/2025/QH15
Consumer standard-form contracts	Registration before use for listed goods and services	Law No. 19/2023/QH15; Decree No. 55/2024/ND-CP
Removal of violating advertisements	Within 24 hours of an authority's request	Law No. 75/2025/QH15
Electronic contracts	Legally effective; digital signatures under Decree No. 23/2025/ND-CP	Law No. 20/2023/QH15

WORKED EXAMPLE

A Korean cosmetics brand sells online in Vietnam

A Korean cosmetics company sells in Vietnam through three channels from 2026: a Vietnamese-language direct-to-consumer website operated from Korea, flagship stores on two Vietnamese marketplaces run by its Vietnamese distributor, and livestreams with local influencers. In 2027 it plans its own Vietnamese subsidiary. The example is illustrative; professional-fee ranges are typical market ranges in October 2026, not quotations.

Direct website from Korea

Because it offers a Vietnamese-language option, the website is a foreign direct business platform with an ordering function. The company registers with MOIT and, having no Vietnamese entity yet, appoints an authorised representative and places a VND 20 billion deposit with a bank in Ho Chi Minh City.

Alternative considered	Closing the Vietnamese-language option and selling only through marketplaces would have avoided registration until 100,000 transactions a year, but would have lost direct customer relationships.
Marketplace stores	The distributor is the seller; the marketplaces verify its identity and, from 1 January 2027, its electronic identification. The brand's trademark registration lets it file takedowns against parallel sellers of counterfeits.
Livestreams	The brand supplies hosts with the cosmetic product notification documents and approved claims; hosts disclose that they are advertising; the platforms keep livestream data for one year.
Advertising	Influencer contracts require disclosure, accuracy and removal of content within 24 hours of an authority's request, consistent with Law No. 75/2025/QH15.
Data	Customer data from the website is stored in Korea: the company files a transfer impact assessment with A05 within 60 days of launch and obtains separate consents for marketing.
Tax	The Korean company registers through the tax authority's portal for foreign suppliers for sales to consumers; the distributor invoices marketplace sales with Vietnamese e-invoices.
2027 subsidiary	Once the subsidiary is licensed, it takes over the website as a domestic seller, notifies the website to MOIT, and the deposit can be released with MOIT's confirmation once the foreign registration is terminated and obligations are settled.
Cost (typical ranges)	MOIT registration and representative arrangements: USD 5,000 to 15,000; terms, privacy and influencer templates: USD 4,000 to 10,000; the deposit is the main cash cost.

Had the company sold only through the distributor's marketplace stores, with no Vietnamese-language website of its own, the foreign platform rules would not have applied to it.

Had the website been in English only and below 100,000 transactions a year, registration would not yet have been required, although consumer, data protection and tax rules would still have applied.

Questions investors ask about e-commerce and digital platforms

When must a foreign e-commerce platform register in Vietnam?

Under Law No. 122/2025/QH15 and Decree No. 248/2026/ND-CP, when it offers a Vietnamese-language option, uses a .vn domain, or reaches 100,000 transactions a year with buyers in Vietnam, in which case it registers within 60 days of reaching the threshold. Platforms with ordering need a local entity, an authorised representative or a VND 20 billion deposit.

What does the E-commerce Law require for livestream selling?

Platforms must publish livestream rules, verify hosts, monitor content, stop unlawful livestreams and keep data for at least one year. Sellers must give hosts documents on business eligibility, product quality and approved advertising content, and hosts must verify their identity and refuse to promote without adequate documents (Articles 22 to 24).

Do existing e-commerce registrations remain valid after 1 July 2026?

Yes, for a transitional period. Under Article 41 of Law No. 122/2025/QH15, websites, apps and e-contract authentication providers notified or registered before 1 July 2026 may operate on their approved contents until 30 June 2027, by which time they must complete the procedures under the new law and Decree No. 248/2026/ND-CP.

What consumer protection rules apply to online sales?

Law No. 19/2023/QH15 and Decree No. 55/2024/ND-CP require clear information on the trader, goods, full price, delivery, payment, returns and complaints in remote transactions; registration of model contracts for listed goods and services; prompt recalls of defective goods; and extra transparency duties for large digital platforms.

Does Vietnam have a digital services tax?

No separate tax. Foreign suppliers of digital services and online sales to Vietnam bear VAT and deemed corporate income tax, collected by withholding by business buyers, deduction by platform operators, or direct registration through the tax authority's portal for foreign suppliers. Platforms also deduct tax for household and individual sellers.

THE 2027 HORIZON

- Electronic identification of sellers and livestreamers under Decree No. 248/2026/ND-CP applies from 1 January 2027; platforms and sellers should prepare their verification processes during the second half of 2026.
- The transitional period for websites and platforms approved under Decree No. 52/2013/ND-CP as amended ends on 30 June 2027, after which all must operate under the new registration and notification procedures.
- Law No. 20/2026/QH16 amends the Law on Electronic Transactions, with most provisions in force from 1 March 2027; online businesses should check its effect on electronic contracts and trust services before then.

Terms you will meet in the documents

English	Vietnamese	Meaning
E-commerce	<i>Thương mại điện tử</i>	Commercial activity conducted wholly or partly by electronic means over the internet.

English	Vietnamese	Meaning
Intermediary platform	<i>Nền tảng thương mại điện tử trung gian</i>	A platform on which third-party sellers trade with buyers.
Foreign e-commerce platform	<i>Nền tảng thương mại điện tử nước ngoài</i>	A platform operated from abroad that serves buyers in Vietnam.
Livestream selling	<i>Bán hàng qua livestream (phát trực tiếp)</i>	Sales promoted through live video, regulated by Articles 22 to 24.
Affiliate marketing	<i>Tiếp thị liên kết</i>	Promotion through tracked links for commission, regulated by Articles 25 and 26.
Remote transaction	<i>Giao dịch từ xa</i>	A consumer transaction concluded without both parties being present, such as an online sale.
Model contract	<i>Hợp đồng theo mẫu</i>	A standard-form consumer contract, registrable for listed goods and services.
Advertising conveyor	<i>Người chuyển tải sản phẩm quảng cáo</i>	An individual, such as an influencer, who promotes products online.
Security deposit	<i>Ký quỹ</i>	The minimum VND 20 billion deposit required of some foreign platforms without a Vietnamese entity.

FOREIGN V VIETNAMESE INVESTOR

A Vietnamese company, including one owned by foreign investors, notifies its website or registers its platform with MOIT as a domestic operator. A foreign platform serving Vietnam from abroad faces the additional registration triggers, the requirement for a legal entity or authorised representative, and the VND 20 billion deposit where it has no entity, as well as the trigger-based localisation rules of the Cybersecurity Law. Consumer, advertising, data protection and tax rules apply to both, although a foreign supplier pays VAT and CIT through the foreign supplier portal or by withholding rather than through ordinary returns.

WATCH OUT FOR

- Adding a Vietnamese-language option or a .vn domain to a foreign website without registering with MOIT.
- Counting transactions too late; registration is due within 60 days of reaching 100,000 in a calendar year.
- Livestream hosts promoting cosmetics, supplements or other regulated products without the approved documents.
- Influencer posts that do not disclose that they are advertising.
- Letting a pre-July 2026 MOIT approval lapse after 30 June 2027 without completing the new procedures.
- Collecting customer data on a foreign-hosted site without consents and a transfer impact assessment.

OFFICIAL SOURCES

- National Legal Database (vbpl.vn): Law No. 122/2025/QH15 on E-commerce; Law No. 19/2023/QH15 on Protection of Consumer Rights; Law No. 75/2025/QH15 amending the Advertising Law — <https://vbpl.vn>
- Government portal: Decree No. 248/2026/ND-CP; Decree No. 55/2024/ND-CP — <https://chinhphu.vn>
- Ministry of Industry and Trade: e-commerce registration and notification — <https://moit.gov.vn>
- E-commerce management portal (online.gov.vn) — <https://online.gov.vn>