# Legal Framework, Policy, and Governance of IP in Vietnam Amid the Changes of the AI Era

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# Vietnam's Revolutionary Reform
## – Entering a New Era –

**Vietnam is implementing major reforms to streamline the state apparatus to increase national competitiveness:**

❖ Reducing the number of ministries and ministerial-level agencies (from 22 to 17, merging overlapping functions)

❖ Downsizing provincial-level administrative units (reducing the number of provinces from 63 to 34)

❖ Transitioning to the 2-level local government (dissolving the district-level administrative units)

**Four Strategic Pillars ushering the country into the new era:**

| Resolution 57/Politburo (Dec 2024) | Resolution 59/Politburo (Jan 2025) | Resolution 66/Politburo (Apr 2025) | Resolution 68/Politburo (May 2025) |
|---|---|---|---|
| Breakthrough development of science, technology, innovation, and digital transformation (S.T.I.D) | Comprehensive international integration in the new global context | Reforming law making and implementation to meet development needs in the new era | Developing the private economy |

# AI-Related Policy in Four Strategic Pillars

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**Resolution 57/Politburo (Dec 2024) - Breakthroughs in science and technology, innovation, and digital transformation (S.T.I.D)**

❖ **AI** is one of strategic technologies that should be prioritized. Data centers are supported for development.

❖ **Directions**: (i) Vigorously develop AI applications based on big data in key sectors, (ii) Establish advanced AI training centers, (iii) Apply AI in reforming training programs and methods; and (iv) Strengthen international cooperation with AI-leading countries.

❖ **By 2030 targets**: Master strategic technologies (including AI); Top 3 ASEAN for AI R&D; Having ≥5 world-class digital tech firms; Patent number increases 16–18% per year, with commercialization rate of 8–10%.

→ **Urgent need to comprehensively improve the legal framework on IP, science & technology..., to remove bottlenecks, unlock resources, and encourage the development of S.T.I.D (including AI)**

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**Resolution 59/Politburo (Jan 2025) - International integration in the new context**

❖ **Also call for deeper international integration in S.T.I.D (including AI)**, such as:

    (i)   Implement strategies to attract big global corporations that play a leading role in AI technology,

    (ii)   Improve legislation, developing special policies and implementing support mechanisms for AI sector,

    (iii)   Mobilize international partners to provide support and share experiences in developing AI.

# AI-Related Policy in Four Strategic Pillars

## Resolution 66/Politburo (Apr 2025) - Reforming law making to meet development needs

❖ Develop **laws on S.T.I.D**, create **a legal framework for emerging/non-traditional issues (including AI)** → to drive new growth, new productive forces, and new industries.

❖ Enhance **use of AI & big data in law making**, such as **(i)** implement Project on developing a legal big database and Project on applying AI in law making; **(ii)** apply special policies to use AI & big data in law making.

## Resolution 68/Politburo (May 2025) - Developing private economy as a key growth engine

❖ Improve the legal framework for businesses based on tech/digital platform (especially AI); finalize laws and policies on data governance to facilitate data sharing and exploiting.

❖ Strengthen IPR laws and enforcement; support IPR valuation and registration; strictly punish infringements (especially in e-commerce); promote full online procedures and shorten registration time.

❖ Thoroughly apply AI & big data to administrative procedures (including IP).

❖ Develop data systems and AI tools for early warning of potential violations.

❖ Enact a controlled trial legal framework (i.e., sandbox) for new technologies and business models, create environment for private sector to research on the application of AI & big data.

❖ **By 2030 targets**: 2 million active enterprises, at least 20 leading enterprises participating in global value chains; Top 3 ASEAN and Top 5 Asia for tech/digital capacity.

# Vietnam's AI Strategy to 2030

**In addition to the AI-related policies stated in the 4 Strategic Resolutions, the Prime Minister's Decision 127 on AI Strategy to 2030 also sets out the following tasks and objectives:**

- Rapidly increasing the number of AI-related patent applications from Vietnam.

- Establishing a legal framework for promoting research, development and application of AI in everyday life.

- Improving legislation on AI-related IPRs.

- Developing cooperation in AI research, collaborative projects on exploitation of AI-related IPRs between Vietnamese and foreign enterprises.

# Vietnam-Korea S.T.I.D and IP Cooperation — 2025 Key Outcomes

**Through the visit of General Secretary To Lam of Vietnam to Korea in August 2025:**

- The Joint Statement elevates S.T.I.D as one of the core cooperation pillars (AI is identified as one of the priority areas).

- 10 cooperation documents are signed, including:

  ✓ An MoU on Science & Technology cooperation (AI is identified as one of the priority areas)

  ✓ An MoU on cooperation in the field of copyright and related rights

# Guiding Principles for Modernizing Vietnam IP Law in the New Era

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**The development of the IP Law should focus on addressing urgent issues and meeting new situational demands, including:**

- ❖ Addressing major legal gaps in light of technological trends (IP in digital environments, new technologies including AI);

- ❖ Resolving issues related to exploitation and commercialization, and development of the IP market;

- ❖ Harmonizing the IP Law with relevant laws that are newly enacted or amended, particularly addressing the issue of considering IP as an asset;

- ❖ Ensuring international commitments on improving IP protection standards;

- ❖ Meeting the requirements of promoting national innovation, supporting innovative enterprises, transforming IP into valuable assets for transactions;

- ❖ Enhancing the IPR enforcement, especially in digital environments.

# General Requirements for Designing the IP Law Amendments

**The study to amend the IP Law must be based on the following:**

**(1) Global trends in the IP field**

There is a strong trend toward the rapid growth and protection of non-traditional IP assets, and the expansion of the IP concept with new protection mechanisms → *Vietnam IP law needs faster protection and flexible mechanisms for digital assets (AI, data, algorithms, business models, interface designs, etc.).*

**(2) National development strategies to reflect the contribution of the IP field to the country**

The IP law amendment must align with national goals on science-technology, innovation, and digital transformation, treating IP as a lever for growth and reflecting the contribution of IP to the country.

**(3) Existing problems in the practical implementation of the IP Law**

Current practice shows bottlenecks (complex and lengthy procedures, weak enforcement capacity, unclear rules for secret inventions, lack of regulations to develop an IP market and enable the use/exploitation of IP assets) → *Procedures and remedies must be strengthened.*

**(4) International experience in developing IP policies**

The study of international experiences should focus on countries with high IP intensity to amend Vietnam IP Law appropriately.

# AI-Related Issues in IP Law:
# Missing Pieces

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**The current IP Law, although last amended in 2022, shows limitations in addressing AI-related issues:**

**1. Insufficient Framework for Protection of Emerging Digital Assets**

The law lacks clear mechanisms for protection of non-traditional subject matters (AI-generated works, algorithms, data, user-interface designs, or other intangible digital assets) → This leaves a legal gap for protecting valuable digital assets in the AI era.

**2. Unclear Legal Status of AI-Generated Works**

There are no explicit rules on whether AI can be considered an author or inventor, or on how authorship and ownership should be determined when AI plays a significant role in creation.

**3. Inadequate Enforcement Mechanisms in the Digital Environment**

The law has not fully adapted enforcement tools to the realities of online and AI-driven infringement, especially in cross-border contexts or on digital platforms.

**4. Limited Provisions for Balancing IP Protection and Public Interest**

There is no sufficient legal mechanism to prohibit the abuse of IP monopoly.

# AI-Related Issues in IP Law: Proposed Amendments

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**1. Expanding IP Protection Scope for Digital Assets**

❖ Expand protectable industrial-designs to include user-interface designs;

❖ Enable patents for computer programs and algorithms where they produce a technical effect or solve a specific problem, and for business methods where they are tied to a technical system or specific technology platform;

❖ Address issues arising from new trends in technology, innovation, and digital transformation:
  - ✓ protection rules related to AI (i.e., only humans can be authors, similar to many countries)
  - ✓ protection mechanisms for digital assets.

**2. Supporting Registration and Commercialization of AI-Related IP Assets**

❖ Provide State policies to support the creation, registration, and exploitation of IP—especially for AI and emerging technologies

**3. Enhancing IPR Enforcement in the Digital Environment (involving AI-related matters)**

❖ Further regulate the responsibilities of intermediary service providers in IP infringements in the digital environment;

❖ Strengthen measures/sanctions against infringers and introduce preventive measures in the digital environment;

❖ Build online enforcement systems to detect, monitor, search, warn, and handle violations in the digital environment;

❖ Build interlinked online IP enforcement databases and mechanisms to enhance inter-agency coordination.

**4. Balancing IP Protection and Public Interest**

❖ Clarify that the IPR enforcement by owners must not affect the rights/interests of others.

# IP Governance in the AI Era: What Vietnam's Agencies Are Doing/Asked to Do

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## Policy mandate:

❖ Upgrade IT infrastructure, IP digital platforms, and specialized IP databases/tools to clear current bottlenecks and meet growing demand for IP protection

❖ Implement end-to-end online IPR filing and comprehensive digital transformation of IP protection operations

❖ Build interlinked data systems and AI tools for early warning of infringement risks, expand remote/online inspections

❖ Apply AI & Big Data to IP-related administrative procedures and processes

## Current action:

The IP Office is actively promoting AI integration into IP administration to enhance efficiency, accuracy, and service quality. Some events:

❖ Internal training program: "AI for IP – Smarter, Faster, More Efficient" for IP officers in July 2025.

   (*Training topics: Automated document drafting; Trademark search & application preparation; Summarizing documents & prompt engineering; Understanding risks, limits, and ethics in AI use*)

❖ International collaboration: Actively cooperate with IP offices/organizations for capacity building, to strengthen technical capacity and modernize IP administration through AI integration.

# Thank you for your attention!

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