Country/Regional Report

As usual, we request that each group also prepare and forward to us (again by November 1, 2026) a country/regional report covering:

- Recent patent statistics
- Changes in patent laws and regulations
- Notable court decisions related to patents in your jurisdiction

This report will provide valuable context and contribute to the quality of our discussions, as well as forming an invaluable archive.

VIETNAM COUNTRY REPORT

I. RECENT PATENT STATISTICS

Vietnam's profile on patent filings and grants is retrieved from the 2024 Annual Report of the Intellectual Property Office of Vietnam (hereinafter referred to as "the IP Vietnam")[1]. Table 1 below only shows data for the period of 2020-2024. Official statistics since 2025 have not been available on the official website of the IP Vietnam. It is evident that for the period of 2020-2024, non-resident applicants have long accounted for the vast majority of patent filings and grants for inventions in Vietnam, whereas they have represented only a relative minority of filings and grants for utility solutions.

Table 1. Filing and grant data (2020-2024, retrieved from the 2024 Annual Report from the IP Vietnam)

Metric	2020	2021	2022	2023	2024
Invention patent applications (total)	**7694**	**8535**	**8707**	**9460**	**9904**
Resident	*1020*	*1066*	*895*	*991*	*1226*
Non-resident	*6674*	*7469*	*7812*	*8469*	*8678*
Share of non-resident (%)	*86.7*	*87.5*	*89.7*	*89.5*	*87.6*
Invention patents (total)	**4319**	**3691**	**3868**	**3668**	**4430**
Resident	*139*	*153*	*153*	*315*	*308*
Non-resident	*4180*	*3538*	*3715*	*3353*	*4122*
Share of non-resident (%)	*96.8*	*95.9*	*96.0*	*91.4*	*93.0*
Utility solution applications (total)	**674**	**595**	**601**	**835**	**892**
Resident	*485*	*449*	*455*	*594*	*670*
Non-resident	*189*	*146*	*146*	*241*	*222*
Share of non-resident (%)	*28.0*	*24.5*	*24.3*	*28.9*	*24.9*
Utility solution patents (total)	**278**	**250**	**243**	**468**	**445**
Resident	*201*	*187*	*176*	*391*	*313*
Non-resident	*77*	*63*	*67*	*77*	*132*
Share of non-resident (%)	*27.7*	*25.2*	*27.6*	*16.5*	*29.7*
Top applicant country	**JP**	**JP**	**US**	**US**	**US**

[1] Accessed via: https://www.ipvietnam.gov.vn/documents/20195/2098343/%28Final%29+BCTN+SHTT+2024-20.8B.pdf/dff2bae4-ee23-44dd-a57b-649f85c24132

II. CHANGES IN REGULATIONS WITH RESPECT TO PATENT MATTERS

Vietnam IP Law, first enacted in 2005, established a comprehensive legal framework for the establishment, exploitation and protection of IP rights. It was first amended in 2009 to address issues arising from its implementation and further amended in 2019, primarily to implement certain of Vietnam's commitments under the CPTPP.

Following more than 15 years of implementation, and with the aim of improving Vietnam's IP legal framework, addressing practical shortcomings and ensuring compliance with Vietnam's obligations under recently concluded international agreements, including the EVFTA, CPTPP, Hague Agreement and RCEP, the IP Law was revised for the third time in 2022. The 2022 amended IP Law officially came into effect on 1 January 2023, except for certain provisions, including those on the protection of sound marks, effective from 14 January 2022, and the protection of test data for agrochemicals, effective from 14 January 2024.

Recently, the IP Law was revised for the fourth time under Law 131/2025/QH15 ratified on 10 December 2025 ("the 2025 amended IP Law"), effective on 1 April 2026. The 2025 amendment seeks to further institutionalise the State's strategic orientations and policies for promoting science, technology, innovation and digital transformation, while further addressing shortcomings remaining after the 2022 amendment, adapting the IP framework to emerging global IP trends, and ensuring compliance with international commitments in the evolving global trade landscape, including the rapid growth of e-commerce. Set out below are the key patent-related amendments introduced by the 2025 amended IP Law:

i) Revised first filing requirement (security control for filing patent applications abroad)

Under the pre-amendment version of Article 89a of the IP Law, inventions meeting the following criteria: (i) in technical fields having impacts on national defense and security, (ii) created in Vietnam, and (iii) under the right to file of Vietnamese citizens permanently residing in Vietnam or organizations established under the laws of Vietnam, could only be filed abroad after first filing a patent application in Vietnam for the purpose of undergoing a security control procedure.

The 2025 amended Article 89a now provides that "*Inventions falling within the list of State secrets in technical fields having impacts on national defense and security, created in*

Vietnam and owned by Vietnamese citizens permanently residing in Vietnam or organizations established under Vietnamese law, may only be filed abroad after obtaining permission from the Ministry of National Defence or the Ministry of Public Security".

Accordingly, the amended provision no longer requires domestic filing in Vietnam as a mandatory prerequisite before filing aboard. Instead, it requires prior permission from the Ministry of National Defence or the Ministry of Public Security for foreign filing. In addition, the 2025 amended Article 89a differs from the pre-amendment version in that the requirement now applies only to inventions falling within the list of State secrets, rather than broadly to all inventions in technical fields having impacts on national defense and security.

ii) Additional ground for refusal of patent application and invalidation of granted patent

In addition to the existing grounds, the 2025 amended IP Law introduces a new ground for refusal of patent application (Article 117.1.1b) and for invalidation of granted patent (Article 96.1.d), as follows:

- The inventor does not meet the requirements prescribed in Article 122.1 of Vietnam Law IP, which stipulates that an inventor must be a person who directly creates the invention; where two or more persons jointly and directly create the invention, they shall be recognized as co-inventors.

The amended provision clearly establishes the legal consequences of an incorrect determination of inventorship. In particular, naming an entity that does not qualify as an inventor (e.g., AI) may constitute a ground for refusal of patent application and invalidation of granted patent. Accordingly, the amendment strengthens the responsibility of applicants to ensure that information relating to inventorship is declared truthfully and accurately.

iii) Reduced prosecution duration

In line with the spirit of the State's strategic resolutions, the 2025 amended IP Law reduces the processing time of patent applications, including:

- *Early publication (Article 110.2):* In cases where early publication is requested, the time limit for early publication has been reduced from two (2) months to one (1) month from

the date of the request for early publication or from the date of formality acceptance, whichever is later.

- *Third-party opposition (Article 112a):* The time limit for filing an opposition against a patent application has been reduced from nine (9) months to six (6) months from the date of publication of the application. For applications subject to accelerated substantive examination, the time limit for filing an opposition is reduced to three (3) months.

- *Substantive examination request (Article 113.1):* The time limit for requesting substantive examination has been reduced from forty-two (42) months to thirty-six (36) months from the filing date or priority date where priority claim is applicable. Accordingly, both invention patents and utility solution patents are now subject to the same thirty-six (36)-month time limit for requesting substantive examination.

  This provision applies to patent applications filed on or after the effective date of the 2025 amended IP Law, i.e., from 1 April 2026 onward. For national phase applications of PCT applications, since the filing date of such applications is the international filing date, if the PCT application was filed before 1 April 2026, the time limit for requesting substantive examination remains subject to the pre-amendment provision, namely forty-two (42) months for invention patent applications and thirty-six (36) months for utility solution applications.

- *Substantive examination duration (Article 119.2):* The time limit for substantive examination has been reduced from eighteen (18) months to twelve (12) months from the date of publication of the application or from the date of filing the request for substantive examination, whichever is later. This provision applies to patent applications published on or after 1 April 2026.

  Notably, the 2025 amended IP Law (Article 119.2a) introduces an accelerated examination mechanism under which substantive examination may be completed within three (3) months from the date of publication of the application or from the date of filing the request for substantive examination, whichever is later, provided that the application satisfies the conditions to be prescribed by the Government.

iv) Validity duration of Power of Attorney (POA)

Under Article 107 of the 2025 amended IP Law, a POA without an expressly specified validity period is no longer considered indefinitely valid. Instead, pursuant to the Civil Code, it will generally remain valid for 1 year from the date of authorization and become invalid upon expiry.

Further, under Circular 10/2026/TT-BKHCN, which provides guidance on the implementation of the IP Law, a POA stating that authorization ends only upon written termination by either party or replacement by another POA is also considered to contain a specified term in accordance with Article 107(2)(c) of the 2025 amended IP Law.

To avoid repeated execution of POAs, applicants are advised to expressly state an indefinite validity period in newly executed POAs.

III. NOTABLE PATENT-RELATED COURT DECISIONS

Patent enforcement remains relatively uncommon in Vietnam. Traditionally, patent owners have tended to rely on administrative enforcement, particularly through the Inspectorate of the Ministry of Science and Technology (IMOST), rather than pursuing infringement proceedings before the courts.

Vietnam's patent enforcement landscape has recently undergone significant institutional changes. Following the dissolution of the IMOST in 2025, administrative enforcement responsibilities concerning patent infringement have been reassigned, with the IP Vietnam assuming responsibility for handling patent infringement matters through administrative procedures, among others.

The judicial system has also been restructured. Since 1 July 2025, two regional courts, namely the People's Court of Region 2 in Hanoi and the People's Court of Region 1 in Ho Chi Minh City, have been designated to exercise specialized jurisdiction over intellectual property matters across Vietnam.

Despite these developments, publicly available patent infringement judgments remain limited. Based on our review of publicly accessible sources, one notable patent infringement case resulting in judgments in 2025 and 2026 has been identified, as summarized below.

Patent Infringement Dispute Concerning a Heavy-Lifting Device – Patent No. 36573

First-instance judgment: No. 20/2025/DS-ST dated 17 July 2025, People's Court of Region 1, Ninh Binh Province.

Appellate judgment: No. 05/2026/DS-PT dated 15 January 2026, People's Court of Ninh Binh Province.

Background of the Dispute

The plaintiff was the owner of Vietnamese Patent No. 36573, entitled "Heavy-Lifting Device", granted on 30 June 2023 based on an application filed on 10 September 2020.

The patented invention concerned a lifting device designed for transporting construction materials, particularly at construction sites with limited space. The device incorporated a supporting structure and a lifting mechanism enabling both rotational and translational movements.

The plaintiff alleged that the defendants had copied supporting frames forming part of his patented lifting device. According to the plaintiff, the defendants had reproduced five supporting frames in March 2020 and a further ten in July 2021, and had used them in construction activities.

The plaintiff claimed that the defendants' activities had caused him economic losses, including lost customers and reduced business opportunities. He requested the court to order the defendants to cease manufacturing the allegedly infringing supporting frames and related equipment, and sought damages of VND 9 billion (approximately USD 340,000).

The defendants denied the allegations. One defendant maintained that he had merely performed welding and repair work at the plaintiff's request, while the other asserted that he had used lifting equipment developed independently many years earlier.

Court's Findings and Decision

The first-instance court dismissed the plaintiff's infringement and damages claims. The plaintiff appealed, seeking reconsideration of the entire judgment.

In its appellate judgment, the People's Court of Ninh Binh Province examined the technical features of the patented invention and the allegedly infringing supporting frames, taking into account an industrial property expert opinion issued by the Vietnam Intellectual Property Research Institute and written comments issued by the IP Vietnam.

The expert opinion set out the conditions for identifying patent infringement, including the requirement that all essential technical features of the protected invention be present in the accused product or component, either identically or equivalently.

In its written comments, the IP Vietnam assessed the technical features of the accused supporting frames and concluded that they shared only certain structural similarities with the patented invention, but did not reproduce all the relevant technical features in terms of structure, functions, operation and connections with other components.

Accordingly, the supporting frames were not considered identical or equivalent to the protected subject matter. Since this essential requirement for establishing infringement was not satisfied, it was unnecessary to further examine whether the defendants' use was unauthorized.

The Court also found that the plaintiff had failed to provide sufficient evidence to establish patent infringement or the alleged damages. At the appellate stage, the plaintiff submitted no new evidence capable of challenging the technical conclusions relied upon by the Court.

Consequently, the appellate court dismissed the appeal and upheld the first-instance judgment, rejecting both the request for cessation of the allegedly infringing activities and the claim for VND 9 billion in damages.

Practical Implications

The decision highlights the importance of assessing all essential technical features of the patented invention when determining patent infringement, rather than relying merely on similarities in appearance or individual components. It also illustrates the role of industrial property expert opinions and technical assessments in patent litigation, as well as the importance of sufficient evidence to substantiate infringement and damages claims.