

**VIETNAM'S AMENDED IP LAW:
Key Updates for Patent and Design Applicants**

On December 10, 2025, the National Assembly enacted the Law Amending and Supplementing a Number of Articles of the Intellectual Property Law ("IP Law"), which will enter into force on **April 1, 2026**.

The amended Law introduces significant new provisions that have a direct impact on the establishment, exploitation, and protection of intellectual property rights in Vietnam.

Below, we highlight **several key amendments concerning patent and industrial design registration in Vietnam**.

REDUCED PUBLICATION PERIOD

- **Patent:**

Where early publication is requested, a patent application will be published within **one (1) month** from the date of the request or from the date on which the application is accepted as valid, whichever is later. This shortens the previous two-month publication period.

- **Design:**

An industrial design application shall be published within **one (1) month** from the date on which it is accepted as valid, instead of the former two-month time limit. Publication may be deferred at the applicant's request at the time of filing, provided that such deferral does not exceed seven months from the filing date.

SHORTENED TIME LIMIT FOR FILING OPPOSITIONS

- **Patent:**

The time limit for filing an opposition for a patent application has been reduced to:

- **Six (6) months** from the date of application publication; or
- **Three (3) months** from the date of publication for applications requesting accelerated substantive examination.

Previously, opponents had nine months from the date of publication to file an opposition against a patent application.

- **Design:**

For an industrial design application, the time limit for filing an opposition is now **three (3) months** from the date of publication, reduced from the former four-month period.

EARLIER DEADLINE FOR REQUESTING SUBSTANTIVE EXAMINATION OF INVENTION PATENT APPLICATIONS

Applicants for invention patent applications are now required to request substantive examination within **36 months** from the filing date or the earliest priority date, as applicable, instead of the previous 42-month period.

This amended regulation also applies to patent applications filed prior to April 1, 2026, but published on or after April 1, 2026.

SHORTENED EXAMINATION TIMEFRAME

- **Patent:**

The amended Law shortens the timeframe for completing substantive examination for a patent application to **12 months** from the date of application publication or from the date of receipt of the request for examination, whichever occurs later, thereby replacing the previous 18-month period.

- **Design:**

For an industrial design application, the period for completing substantive examination has been reduced to **five (5) months** from the date of publication, compared to the former seven-month timeframe.

FORMAL MECHANISM FOR ACCELERATED SUBSTANTIVE EXAMINATION OF PATENT APPLICATIONS

The amended Law introduces an official framework for the accelerated substantive examination of patent applications. Detailed procedural requirements and the applicable fees will be set out in forthcoming implementing regulations.

SECURITY CONTROL OVER FOREIGN FILING OF NATIONAL DEFENSE AND SECURITY-RELATED INVENTIONS

The security control mechanism under the amended Law applies only where the Applicant is:

- an individual who is a Vietnamese citizen permanently residing in Vietnam; or
- an organization established under Vietnamese law,

and only if the invention is created in Vietnam and **falls within the list of state secrets** in technical fields affecting national defense or security.

Overseas filing of such inventions requires prior approval from the Ministry of National Defense or the Ministry of Public Security.

The scope of state secrets in technical fields affecting national defense or security is expected to be further clarified in forthcoming implementing regulations, including decrees and circulars to be promulgated in the near future.

EXPANDED PROTECTION FOR INDUSTRIAL DESIGN

New additional subject matters are now eligible for industrial design protection, including:

- Partial designs; and
- Products in non-physical form, such as graphical user interfaces (GUI), icons and digital visual elements.

The industrial applicability requirement has also been updated to cover digital reproduction of such designs in cyberspace.

EXCEPTION TO NOVELTY FOR INDUSTRIAL DESIGNS

The amended Law expands the exceptions to the novelty requirement for industrial designs. In particular, an industrial design shall not lose novelty if it is disclosed **within six (6) months prior to the filing date in Vietnam** where:

- the disclosure is made by the design owner or by an unauthorized third party; or
- the disclosure results from the publication of an industrial property application or patent in violation of law, or from an application filed by a person without the right to registration.

Previously, only limited disclosures, such as scientific presentations or displays at national or officially recognized international exhibitions in Vietnam, qualified for the novelty exception.

POWER OF ATTORNEY VALIDITY PERIOD

Under the amended Law, a power of attorney that does not specify a term will be subject to the Civil Code, either lasting one year from issuance or until the authorized work is completed, instead of being unlimited in duration. Additional guidance is anticipated in forthcoming implementing decrees.

TRANSITIONAL PROVISIONS

The 2025 amended IP Law will come into force on April 1, 2026. Applications submitted prior to that date will continue to be processed under the existing legislation. Nevertheless, the amended Law will apply to:

- The formal examination of applications that have not been accepted as valid by the effective date; and
- The deadlines for filing oppositions and requesting substantive examination for applications published on or after 1 April 2026, even if filed earlier.

Further guidance is expected in forthcoming implementing decrees and circulars, and we will provide updates in due course.