



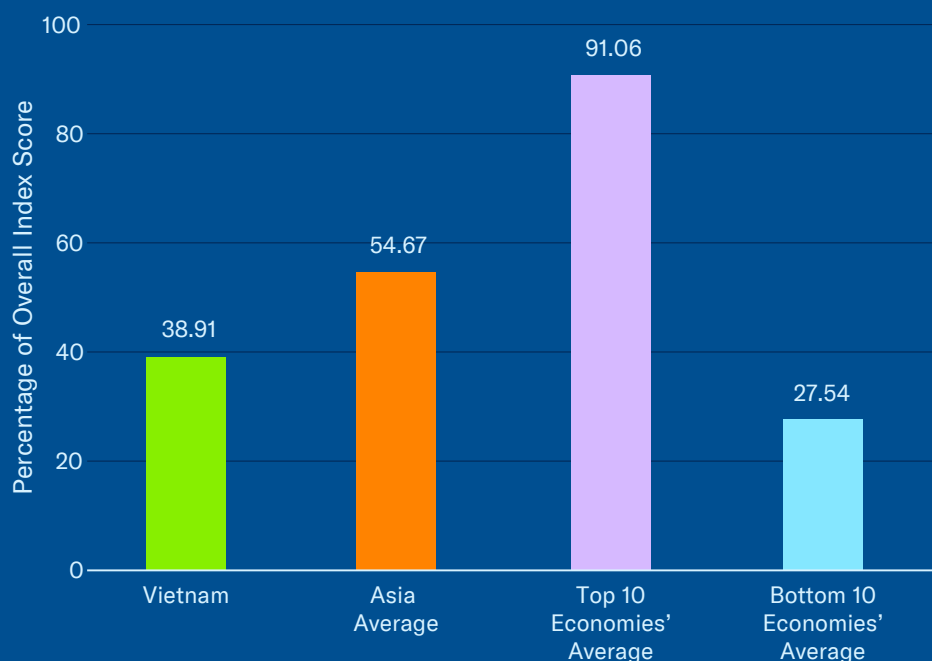
Vietnam

Rank
39/55

Category Scores



Overall Score in Comparison





Vietnam

Rank
39/55

Key Areas of Strength

- First criminal conviction was issued for copyright infringement in 2024
- 2022 amendments to the Law on Intellectual Property (IP Law) improve copyright protection
- Acceded to the WIPO Performances and Phonograms Treaty in 2022
- Acceded to the WIPO Copyright Treaty in 2021
- Ratified the EU-Vietnam FTA in 2020
- Basic IP protections and enforcement framework are in place
- Growing integration into international IP platforms, such as through the EU-Vietnam FTA
- Long-standing effort to coordinate IP enforcement

Key Areas of Weakness

- No special IP incentives for orphan medicinal product development
- Inadequate protection of life sciences patents, with a challenging enforcement environment
- 2022 amendments notwithstanding, gaps remain in copyright protection remain, including a lack of measures to address online infringements
- High physical counterfeiting rates and online infringement with an estimated software piracy rate of 74%
- Restrictions to digital trade and cross-border data transfers through the Law on Cybersecurity
- Enforcement is generally poor; penalties are insufficient in practice; administrative inaction

| Indicator | Score | Indicator | Score |
|---|-------|--|-------|
| Category 1: Patents Rights and Limitations | | Category 7: Enforcement | |
| 1. Term of protection | 1.00 | 29. Direct government intervention in setting licensing terms | 0.00 |
| 2. Patentability requirements | 0.25 | 30. IP as an economic asset | 0.75 |
| 3. Patentability of CILs | 0.00 | 31. Tax incentives for the creation of IP assets | 0.33 |
| 4. Plant variety protection | 1.00 | | |
| 5. Pharmaceutical-related enforcement | 0.00 | 32. Physical counterfeiting rates | 0.40 |
| 6. Legislative criteria and use of compulsory licensing | 0.00 | 33. Software piracy rates | 0.26 |
| 7. Pharmaceutical patent term restoration | 0.00 | 34. Civil and precluded remedies | 0.25 |
| 8. Membership of a Patent Prosecution Highway | 0.50 | 35. Pre-established damages | 0.25 |
| 9. Patent opposition | 0.25 | 36. Criminal standards | 0.50 |
| | | 37. Effective border measures | 0.25 |
| Category 2: Copyrights and Limitations | | 38. Transparency and public reporting by customs | 0.00 |
| 10. Term of protection | 0.53 | | |
| 11. Exclusive rights | 0.50 | Category 8: Systemic Efficiency | |
| 12. Expedient legal remedies disabling access to infringing content online | 0.25 | 39. Coordination of IP rights enforcement | 0.75 |
| 13. Cooperative action against online piracy | 0.25 | 40. Consultation with stakeholders during IP policy formation | 0.50 |
| 14. Limitations and exceptions | 0.00 | 41. Educational campaigns and awareness raising | 0.75 |
| 15. TPM and DRM | 0.50 | 42. Targeted incentives for the creation and use of IP assets for SMEs | 0.00 |
| 16. Government use of licensed software | 0.00 | 43. IP-intensive industries, national economic impact analysis | 0.50 |
| Category 3: Trademarks Rights and Limitations | | | |
| 17. Term of protection | 1.00 | Category 9: Cutting-Edge Innovation | |
| 18. Protection of well-known marks | 0.25 | 44. IP incentives for orphan medicinal product development | 0.00 |
| 19. Exclusive rights, trademarks | 0.50 | 45. IP incentives for orphan medicinal product development, term of protection | 0.00 |
| 20. Frameworks against online sale of counterfeit goods | 0.50 | 46. Restrictions on the effective use of existing IP incentives for orphan medicinal product development | 0.00 |
| Category 4: Design Rights and Limitations | | | |
| 21. Industrial design term of protection | 0.60 | Category 10: Membership and Ratification of International Treaties | |
| 22. Exclusive rights, industrial design rights | 0.50 | 47. WIPO Internet Treaties | 1.00 |
| Category 5: Trade Secrets and the Protection of Confidential Information | | 48. Singapore Treaty on the Law of Trademarks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks | 0.50 |
| 23. Protection of trade secrets (civil remedies) | 0.50 | 49. Patent Law Treaty and Patent Cooperation Treaty | 0.50 |
| 24. Protection of trade secrets (criminal sanctions) | 0.25 | 50. Membership of the International Convention for the Protection of New Varieties of Plants, act of 1991 | 1.00 |
| 25. Regulatory data protection term | 0.50 | 51. Membership of the Convention on Cybercrime, 2001 | 0.00 |
| Category 6: Commercialization of IP Assets | | 52. The Hague Agreement Concerning the International Registration of Industrial Designs | 1.00 |
| 26. Barriers to market access | 0.00 | 53. Post-TRIPS FTA | 1.00 |
| 27. Barriers to technology transfer | 0.25 | | |
| 28. Registration and disclosure requirements of licensing deals | 0.25 | | |

Percentage of Overall Score: 38.91%

• Total Score: 20.62

Spotlight on the National IP Environment

Past Editions versus Current Score

Vietnam's overall Index score has increased from 20.38 out of 50 indicators in the twelfth edition to 20.38 out of 53 indicators. This reflects a score increase for indicator 11 and a score decrease for indicator 32.

Patent Rights and Limitations

7. Patent term restoration for pharmaceutical products:

As noted in previous editions of the Index, Vietnamese law has historically not provided restoration for loss of patent term time for biopharmaceutical products due to delays caused by the marketing approval process. Under the terms of the Vietnam-EU FTA, the Government of Vietnam committed to introducing a clearly defined period of term restoration. This is not reflected in the 2022 amendments to the IP Law. Instead, the main thrust of the amendments and Article 131(a) is to provide compensation to a rightsholder in the form of a reduction in annual patent renewal fees for any relevant period of delay. Subsequent regulations implementing the IP Law published in 2023 have not altered this. Under Article 42 of Decree 65/2023, patent term restoration is not mentioned. Instead, compensation is again specified as a reduction in relevant usage and renewal fees during the period of delay. This does not constitute patent term restoration. New draft amendments published in 2024 do not address this deficiency. Consequently, Vietnam's score for this indicator remains unchanged at 0.

Copyrights and Limitations; and Enforcement

11. Legal measures, which provide necessary exclusive rights that prevent infringement of copyrights and related rights (including web hosting, streaming, and linking); and 36. Criminal standards, including minimum imprisonment and minimum fines:

In 2024, there significant developments occurred with respect to criminal copyright enforcement in Vietnam. In April 2024, the People's Court of Hanoi handed down a guilty verdict against the proprietor of BestBuyIPTV, a website providing illegal access to the streaming of live sports. The case marks the first criminal court conviction ever in Vietnam for copyright infringement. The lawsuit was the result of a private-public partnership between local law enforcement and a coalition of rightsholders. As has been noted over the course of the Index, rightsholders have historically faced significant challenges in protecting their content in Vietnam with piracy rates high and both civil and criminal enforcement through the judiciary challenging. Hopefully, this case will lead to an increase in criminal prosecution and further convictions through the Vietnamese court system. As a result of these positive enforcement efforts, the score for indicator 11 has increased by 0.25.

Incentives for Cutting-Edge Innovation

44. Special market exclusivity incentives for orphan medicinal product development; 45. Special market exclusivity incentives for orphan medicinal product development, term of protection; and 46. Restrictions on the effective use of existing market exclusivity incentives for orphan medicinal product development:

Interest in rare diseases has grown in the Asia-Pacific region. In 2017, the Asia-Pacific Economic Cooperation (APEC) forum (of which Vietnam is a member) announced a new initiative geared specifically toward rare diseases, the “APEC Action Plan on Rare Diseases.” The plan’s primary aim is to “address barriers to the diagnosis and treatment of rare diseases in the region.” The plan consists of 30 individual targets across 10 pillars, including the promotion of innovative research and development through financial incentives, expedited market review procedures, and support for domestic R&D. In Vietnam, too, policymakers and the government are increasingly focused on addressing rare diseases and improving patient access to care and treatments.

The Ministry of Health has established several policies and regulations related to rare disease, including a national list of orphan drugs. With respect to incentives to R&D and the development of new treatments and technologies, Article 7 of the Law on Pharmacy states that the government should provide “incentives for investment in the manufacture of drugs and drug materials, essential drugs, drugs for prevention and control of social diseases, vaccines, biological products, drugs from medicinal materials, traditional drugs and rare drugs; to provide incentives for scientific research in.” However, neither this law nor any related regulations provide any special IP-based market exclusivity incentives for orphan medicinal product development.