

Copyright Law in Vietnam: A Comprehensive Overview

Vietnam does not have a separate copyright law. Vietnam's legal framework for copyright protection is integrated within its broader **Law on Intellectual Property (IP Law)**, first enacted in 2005. Rather than having a standalone copyright law, this comprehensive legislation governs various forms of IP, including patents, [trademarks](#), industrial designs and copyrights. The IP Law has been amended 03 times to adapt to Vietnam's evolving economic landscape and to align with international IP standards.

KENFOX IP & Law Office provide below a comprehensive overview of legal instruments governing copyright related matters and historical development of trademark provisions in Vietnam for your review.

Key Legal Instruments for Copyright

The primary legal provisions governing trademarks in Vietnam can be found within the following:

1. **IP Law:** This overarching law establishes the foundational principles for copyright protection and [enforcement](#). This law, along with its implementing decrees and circulars, forms the cornerstone of copyright protection in Vietnam.
2. **Decrees:** These legal instruments provide specific details and regulations related to various aspects of copyright.
3. **Circulars:** Issued by the Ministry of Culture, Sports and Tourism, these provide practical guidance and instructions on how to implement the IP Law and its corresponding decrees.
4. **Decisions:** The Copyright Office of Vietnam issues these decisions to address specific technical and administrative matters related to copyright.
5. **Other Relevant Laws:** While the IP Law is central, other legal instruments, such as the Civil Code, Civil Procedure Code, Penal Code, and Criminal Procedure Code, along with laws related to customs, [e-commerce](#), advertising, and consumer protection, can also influence [copyright disputes](#) and enforcement.

Historical Development of Copyright Law in Vietnam

Early Stage:

- **1946 Constitution:** Although the term "[copyright](#)" was not explicitly used, Article 10 of the 1946 Constitution acknowledged the rights to free speech and publishing, setting an early foundation for recognizing intellectual rights.
- **Decree 142/HDBT (1986):** The term "copyright" was officially introduced in Vietnam's legal framework for the first time in 1986. This decree was a simple document with only eight articles covering basic copyright concepts but had notable limitations, such as the exclusion of computer programs from protection.
- **Constitution of 1992:** Copyright received a more prominent mention in the 1992 Constitution. Article 60 recognized the rights of citizens to literary and artistic production, and the state committed to protecting these rights.
- **Ordinance on the Protection of Copyright (1994):** This ordinance, which had 47 articles, was a more comprehensive regulation than the earlier decree. It introduced protection for computer programs and expanded on the term of copyright protection to 50 years after the author's death, in line with the Berne Convention.
- **Civil Code of 1995:** IP rights, including copyright, were incorporated into the Civil Code of 1995. This marked a shift in how copyright law was integrated with civil law, though it still left gaps regarding state management and dispute resolution.

Modern Era (2005 Onward):

- **2005:** Vietnam's first comprehensive IP law was enacted in 2005, coming into force in 2006. This law consolidated various scattered legal provisions on IP, including copyright, into a single legal framework.
- **2009 & 2019:** These amendments sought to address limitations in the 2005 law. The 2009 amendments aimed to rectify deficiencies in the 2005 legislation, with a particular focus on enhancing compliance with international obligations under the Berne Convention and the TRIPS Agreement. Subsequently, the 2019 revisions were enacted to ensure conformity with Vietnam's commitments under the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), thereby fostering further harmonization of the Vietnamese copyright regime with prevailing international standards.

- **2022:** Extensive updates addressed legal loopholes and enhanced patent protection. These changes streamlined registration processes and improved enforcement mechanisms.

International Copyright Agreements and Treaties

Vietnam has joined several international agreements and treaties on copyright, reflecting its commitment to aligning with global standards and protecting IP rights.

- **[Berne Convention for the Protection of Literary and Artistic Works](#):** Vietnam became a member on 26 October 2004. This convention ensures that works originating in one member country are given the same protection in other member countries.
- **WIPO Copyright Treaty (WCT):** Vietnam joined on 17 February 2022. The WCT deals with the protection of works and the rights of their authors in the digital environment.
- **WIPO Performances and Phonograms Treaty (WPPT)** (*joined on 01 July 2022*): Vietnam is a member of this treaty, which protects the rights of performers and producers of phonograms.
- **TRIPS Agreement** (Trade-Related Aspects of Intellectual Property Rights): As a member of the World Trade Organization (WTO) since 2007, Vietnam adheres to the TRIPS Agreement, which sets down minimum standards for many forms of IP regulation.
- **[Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations](#)** (*joined on 01 March 2007*): Vietnam is a member of this convention, which protects the rights of performers, producers of phonograms, and broadcasting organizations.
- **[Brussels Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite](#)** (*joined on 12 January 2006*): This convention aims to protect satellite signals from unauthorized distribution.
- **[Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms](#)** (*joined on 06 July 2005*): This convention protects producers of phonograms from unauthorized duplication.
- **[ASEAN Framework Agreement on Intellectual Property Cooperation](#)** (*joined 22 January 1997*): As a member of ASEAN, Vietnam participates in regional cooperation on IP matters.
- **Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)** (*Signed: 08 March 2018. Effective date: 30 December 2018*): This agreement includes provisions on IP, including copyright protection.
- **European Union–Vietnam Free Trade Agreement (EVFTA)** (*signed on 30 June 2019*): This agreement includes commitments to protect IP rights, including copyrights.
- **Regional Comprehensive Economic Partnership (RCEP)** (*Signed: 15 November 2020. Effective date: 01 January 2022*): This agreement also includes provisions on IP rights.

Current Legal Copyright Framework

The following acts and legal documents serve as the foundation of patent provisions in Vietnam:

- **IP Law** (2005, amended in 2009, 2019, and 2022): This serves as the fundamental legal framework for all aspects of IP rights in Vietnam, including trademarks.
- **Civil Code** (2015): This provides general principles on civil liability and remedies, which can be applicable in trademark disputes, particularly concerning damages and compensation.
- **Civil Procedure Code** (2015): This sets out the procedural rules for initiating and conducting civil lawsuits, including those related to trademark infringement.
- **Relevant Decrees, Circulars and Joint Circulars:** These provide detailed guidance and implementation regulations for the above laws. Notable examples include:
 - (i) Decree No. 17/2023/ND-CP detailing a number of articles of, and providing measures to implement, the IP Law regarding copyright and related rights.
 - (ii) Decree No. 131/2013/ND-CP dated October 16, 2013 of the Government on sanctioning administrative violations of copyright and related rights.
 - (iii) Joint Circular [No. 02-2008-TTLT-TANDTC-VKSNDTC-BVHTTDL-BKHCHN-BTP](#) guiding the application of a number of legal provisions to the settlement of disputes over IP rights at people's courts.

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