Amended Customs Law No. 11/2026/QH16: What Key Changes Have Strategic Implications for Right Holders?

For foreign rights holders operating in Southeast Asia, one of the most consequential legal developments is Vietnam's comprehensive reform of its customs IP enforcement framework. Through Law No. 11/2026/QH16, adopted by the National Assembly on August 23, 2026 and entering into force on March 1, 2027, Vietnam has introduced a new generation of border enforcement measures that significantly strengthen the protection of intellectual property rights.

The revised Customs Law grants customs authorities statutory **ex officio** enforcement powers, extends customs supervision to goods in transit, and simplifies recordal procedures for rights holders. These enhancements not only modernize Vietnam's border control regime but also bring the country's customs enforcement framework closer in line with international trade and IP protection standards. As a result, the amendments are expected to reshape cross-border intellectual property protection strategies for businesses operating throughout the region.

Key Legal Changes for IP Rights Holders

1. Extension of Controls to Goods in Transit:

Under previous practice, border protection primarily focused on imports and exports. The amended law explicitly brings **goods in transit** into the specialized IP border-control framework. This closes an exploit where regional counterfeit networks used Vietnamese ports and logistics corridors to ship infringing goods into third-party markets.

2. Statutory *Ex Officio* Suspension Powers:

Customs officers gain an express legislative basis to suspend customs clearance on their own initiative when there are clear grounds to suspect that imported, exported, or transit shipments contain counterfeit or IP-infringing goods. Previously, interventions were largely dependent on formal, reactive requests from rights holders.

3. Decentralized and Accelerated Customs Recordal:

Rights holders can now lodge IP recordal applications (requests for customs inspection and supervision) directly with convenient **regional customs authorities** rather than navigating only a centralized filing route. The statutory review timeline has been cut in half, from **20 working days to 10 working days**, enabling much faster registration. The valid supervision period remains two years, renewable for another two-year period within the protection term.

4. Tighter Regulation of Cross-Border E-Commerce:

The law introduces specific data-sharing obligations and customs control procedures targeting cross-border e-commerce consignments and platform operators. This directly addresses the influx of small parcel shipments often used to distribute counterfeit goods.

Comparison: Previous Framework vs. Law No. 11/2026/QH16		
Feature	**Previous Customs Regime**	**Under Law No. 11/2026/QH16**
Transit Goods	Excluded or legally ambiguous in specialized IP border checks	**Expressly covered** under customs IP controls
Customs-Initiated (*Ex Officio*) Action	Heavily restricted; largely required prior applicant filings	**Statutory authority** to halt suspected counterfeit goods proactively
Recordal Review Timeline	Up to **20 working days**	**10 working days**
Recordal Filing Authority	Centralized application route	**Regional customs authorities** permitted
E-Commerce Consignments	General customs procedures	**Dedicated digital controls** and operator responsibilities

Practical Steps for Foreign Rights Holders

- **Proactively File or Update Customs Recordals:** Ensure all relevant trademarks, designs, and patents are registered in Vietnam and recorded with customs ahead of March 1, 2027.

- **Establish Local Contact Channels:** Because *ex officio* suspensions require swift confirmation to avoid wrongful detention damages, maintain rapid-response contact protocols between your local IP counsel and border checkposts.
- **Provide Product Identification Manuals:** Supply Vietnam Customs with clear technical product identification guides and training to help officers distinguish genuine articles from counterfeits during routine or automated digital inspections.

Conclusion

To effectively leverage the new protection mechanisms under Law No. 11/2026/QH16, intellectual property (IP) right holders should not rely solely on obtaining IP registrations. Instead, they must formulate a proactive enforcement strategy that encompasses customs recordals, active and continuous liaison with enforcement authorities, and regular assistance in product identification. These elements will be critical to optimizing cross-border IP protection in the period ahead.

KENFOX IP & Law Office regularly assists right holders and international law firms with customs recordals, compiling product identification guidelines and evidence, responding to suspected shipments, and executing relevant enforcement actions across Vietnam. We can assist in assessing priority IP assets and high-risk transit routes, as well as establishing the requisite documentation and rapid-response protocols to secure robust border enforcement.

QUAN, Nguyen Vu | Partner, IP Attorney

Contact
KENFOX IP & Law Office
Building No. 6, Lane 12/93, Chinh Kinh Street, Nhan Chinh Ward, Thanh Xuan District, Hanoi, Vietnam
Tel: +84 24 3724 5656
Email: info@kenfoxlaw.com / kenfox@kenfoxlaw.com