



LEGAL NEWSLETTER 02/2026



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A LEGAL UPDATES





Construction sector:

Decree No. 14/2026/ND-CP: On 13 January 2026, the Government promulgated Decree No. 14/2026/ND-CP amending and supplementing certain provisions of various Decrees in order to reduce and simplify administrative procedures related to production and business activities under the management of the Ministry of Construction. Notable new provisions include: the time limit for the construction-specialized authority to issue a document approving or disapproving the investor's acceptance results is shortened from 30 days to 20 working days for grade-I and special-grade works, and from 20 days to 14 working days for other works; the results of administrative procedure settlement shall be issued in electronic form, which carries the same legal validity as paper documents. This decree takes effect from 15 January 2026.



Natural Resources and Environment sector:



Decree No. 23/2026/ND-CP: On 17 January 2026, the Government promulgated Decree No. 23/2026/ND-CP amending and supplementing certain provisions of decrees in the field of water resources. Key noteworthy provisions include: the monitoring regime for parameters subject to online supervision for water extraction works serving the production and supply of clean water for domestic use must be conducted at intervals not exceeding once every hour, on the hour; surface water extraction permits shall have a maximum validity of 10 years and a minimum of 5 years, and may be renewed multiple times, with each renewal valid for 5 years; priority is given to the registration and licensing of exploration, extraction, and use of water resources for domestic water supply purposes; within 30 days from the date the water extraction facility commences operation, the permit holder must submit an application dossier for the calculation of water resource exploitation charges. The Decree also amends and supplements various administrative procedure forms. The Decree takes effect from the date of signing.

Decree No. 29/2026/ND-CP: On 19 January 2026, the Government promulgated Decree No. 29/2026/ND-CP on the domestic carbon market. The Decree provides regulations on registration activities, issuance of domestic codes, transfer of ownership, depository, trading, and settlement of transactions of greenhouse gas emission allowances and eligible carbon credits. The Decree takes effect from the date of signing. Greenhouse gas emission allowances and carbon credits must be centrally registered on the National Registry System of the Ministry of Agriculture and Environment, be assigned a code for uniform use in transactions, and be deposited with the Vietnam Securities Depository and Clearing Corporation (“VSDC”) prior to being traded on the domestic carbon exchange. VSDC is responsible for effecting ownership transfer and recording ownership of greenhouse gas emission allowances and carbon credits for market participants immediately upon completion of transaction settlement. Each participant in the market may use only one securities custody account.



Circular No. 83/2025/TT-BNNMT: On 31 December 2025, the Ministry of Agriculture and Environment promulgated Circular No. 83/2025/TT-BNNMT detailing a number of articles of the Law on Biodiversity, several decrees guiding the implementation of the Law on Biodiversity, and the Law on Environmental Protection. The Circular provides detailed regulations on: fundamental biodiversity surveys; biodiversity information and databases; conservation area management regulations; conservation and sustainable use of wetlands; and management of natural heritage sites, except for cases governed by the laws on cultural heritage. Fundamental biodiversity surveys shall be conducted every five years, or on an as-needed basis upon assignment by a competent authority, and shall include surveys of natural ecosystems, species, and genetic resources. A statistical review and inventory of wetlands shall be conducted every five years. Monitoring of important wetlands shall be conducted at least once a year, including monitoring of hydrological regimes, water environment quality, sediments, and biodiversity. This Circular takes effect from 15 February 2026.



Intellectual Property sector:



Decree No. 341/2025/ND-CP: On 26 December 2025, the Government promulgated Decree No. 341/2025/ND-CP on administrative sanctions for violations of copyright and related rights. The Decree introduces 25 additional remedial measures; supplements provisions guiding the determination of the value of infringing goods related to copyright and related rights as the basis for determining penalty ranges and enforcement competence; and supplements new sanctionable acts, including violations of regulations on exceptions to copyright and related rights, violations of limitations on copyright and related rights, violations of legal liability obligations applicable to intermediary service providers, and violations related to sealing and temporary seizure of infringing exhibits and means during inspection and examination procedures. This Decree takes effect from 15 February 2026.

Decree No. 15/2026/ND-CP: On 14 January 2026, the Government promulgated Decree No. 15/2026/ND-CP amending and supplementing a number of provisions of various decrees in order to reduce and simplify administrative procedures related to production and business activities under the state management of the Ministry of Science and Technology. The Decree amends and supplements regulations on the amendment, supplementation, and withdrawal of industrial property registration applications; amendments to information recorded in protection titles; changes to information in the National Register of Industrial Property; and compensation for patent owners due to delays in the issuance of pharmaceutical marketing authorizations. The Decree replaces several forms, including declarations for amending and supplementing industrial property registration applications, declarations for amending industrial property protection titles, and other related forms. The Decree also revises regulations on technology transfer. This Decree takes effect from the date of signing.



Livestock Production and Veterinary Medicine sector:



Decree No. 32/2026/ND-CP: On 21 January 2026, the Government promulgated Decree No. 32/2026/ND-CP amending and supplementing several provisions of decrees in the fields of livestock production and veterinary medicine. The Decree introduces new regulations on the disclosure of information regarding complete compound feed, concentrated feed, and supplementary feed products; regulations on the issuance of Certificates of eligibility for animal feed production and the frequency of supervision assessments for maintaining production conditions. The Decree also provides regulations on the competence, order, and procedures for issuing import permits for animal feed that has not yet been publicly disclosed, Certificates of eligibility for livestock production, and the procedures for registering and obtaining: GMP Certificates on good manufacturing practice for veterinary drugs, Certificates of eligibility for veterinary drug manufacturing, Certificates of eligibility for veterinary drug trading, Certificates of eligibility for importing veterinary drugs, and Veterinary practice certificates. In addition, the Decree amends and supplements related administrative forms. The Decree takes effect from the date of signing.



B ANALYSIS OF NEW REGULATIONS



DIVORCE DECREE

Dear Mr. Harry Jones

Let's first explain to you how all this works. You are the petitioner and you are asking the court to grant you a divorce. The court will only grant a divorce if you can prove that you are legally separated for a certain period of time. This is why you need to file for divorce first. Once you have filed for divorce, you will need to wait for a certain period of time before the court can grant you a divorce. This is why you need to file for divorce first. Once you have filed for divorce, you will need to wait for a certain period of time before the court can grant you a divorce.

To find out more about the law, you can visit the website of the Department of Justice. You can also contact a lawyer for more information. The Department of Justice is responsible for the administration of the law. You can find the Department of Justice website at www.justice.gov.

LAW NO. 131/2025/QH15 AMENDING AND SUPPLEMENTING CERTAIN ARTICLES OF THE LAW ON INTELLECTUAL PROPERTY



On 10 December 2025, the National Assembly adopted Law No. 131/2025/QH15 (“2025 Amended IP Law”), which amends and supplements certain articles of the Law on Intellectual Property (“IP Law”). Some notable new points under the 2025 Amended IP Law compared to the 2005 IP Law as amended in 2009 and 2022 are as follows:

1. Amendment to the definitions of “Intellectual Property Rights,” “Related Rights,” and “Industrial Design”

The 2005 IP Law stipulates that intellectual property rights are rights over intellectual assets. However, in addition to the subjects protected under copyright and related rights, industrial property rights, and rights to plant varieties, intellectual assets also encompass many other forms of assets. Therefore, the 2025 Amended IP Law revises the definition to clarify that intellectual property rights are rights over copyright and related rights, industrial property rights, and rights to plant varieties.

The 2025 Amended IP Law supplements the subject matter of related rights to include encoded program-carrying cable signals. This definition expands the scope of objects eligible for protection under related rights.

Under the 2005 IP Law as amended in 2022, an industrial design is defined as the external appearance of a product or a component intended for assembly into a complex product. A component intended for assembly into a complex product is one that is capable of independent circulation, can be detached from the complex



product, and can be reassembled. However, the 2025 Amended IP Law revises this definition to clarify that an industrial design covers not only the external appearance of an entire product but also the external appearance of a part of a product. Accordingly, a part of a product regardless of whether it is detachable, or whether it is used for assembling a complex product may still constitute an industrial design if it satisfies the statutory protection requirements.

2. Reference to intellectual property rights created with the use of artificial intelligence

In light of the rapid development of artificial intelligence and its increasing role as a tool in human creative activities, the 2025 Amended IP Law authorizes the Government to promulgate detailed regulations, based on the provisions of the IP Law, on the arising and establishment of intellectual property rights in cases where the relevant subject matter is created with the use of an artificial intelligence system. This represents an adjustment aligned with practical realities.

3. Enhancing the commercial value of intellectual property rights

The 2025 Amended IP Law grants intellectual property right holders the authority to use their intellectual property rights to conduct civil, commercial, investment, and other lawful transactions. The State encourages the exploitation of intellectual property rights and the use of such rights as capital contributions or collateral for loans in accordance with the laws on investment, enterprises, credit institutions, and other relevant legislation. Although the Law on Enterprises already permits capital contribution in the form of intellectual property rights, the new provisions of the 2025 Amended IP Law further strengthen the legal basis for right holders to use their intellectual property rights when carrying out investment activities.

These new provisions will enhance the commercial value of intellectual property rights, promote the integration of intellectual property rights into business activities, and encourage organizations and individuals to invest financially and intellectually in the creation of intellectual assets. At the same time, the provisions create opportunities for right holders to access financial resources to exploit the value of their intellectual property assets, apply inventions and utility solutions in production and business, thereby generating profits for themselves and contributing to overall economic development.



4. Promotion of digital transformation in intellectual property activities

To enhance the efficiency and transparency of intellectual property operations, the State will invest in the automation of professional processes through technological applications, the provision of online public services, and the development of digital platforms supporting intellectual property administration, including databases on intellectual property rights protection and databases on the transactional value of intellectual property rights. Accordingly, administrative procedures will be carried out through online public services. This facilitates time, effort, and cost savings for intellectual property right holders when performing administrative procedures.

5. Authors, copyright owners, and related rights owners must sign the declaration themselves

Clause 2, Article 50 of the 2005 IP Law permitted an authorized representative of the author, copyright owner, or related rights owner to sign the declaration in applications for copyright or related rights registration. However, the 2025 Amended IP Law only allows the author, copyright owner, or related rights owner to personally sign or affix a fingerprint to the declaration, except in cases where the individual is physically incapable of signing or fingerprinting. Accordingly, even if a lawful representative is authorized to submit the registration dossier for copyright or related rights, the author or right holder must still sign or fingerprint the declaration personally.

6. Amendment to the provisions on cases where industrial designs are not considered to have lost novelty

According to Clause 4, Article 65 of the 2005 IP Law, an industrial design that has been disclosed by another person without the permission of the person entitled to registration, or disclosed by the author in the form of a scientific report or displayed at a national or international exhibition, shall not be considered to have lost its novelty if the industrial design application is filed within six (06) months from the date of disclosure.

The 2025 Amended IP Law expands the circumstances under which an industrial design is not considered to have lost its novelty. Specifically, an industrial design shall not be deemed to have lost novelty if it is: (i) publicly disclosed by the person entitled to registration of the industrial design, or by a person who directly or indirectly obtained the information from such entitled person without limitation as to the form, location, or means of disclosure; or (ii) disclosed in an industrial



property registration application filed by a person who is not entitled to file such application; or (iii) published by a state authority in a manner inconsistent with the law; and the industrial design application is filed within six (06) months from the date of disclosure.

7. Amendment to the provisions on the industrial applicability of industrial designs

Under the 2025 Amended IP Law, an industrial design shall be considered to have industrial applicability if it can serve as a model for the mass production of products whose external appearance, or a part of whose external appearance, is the industrial design, through the manufacture of physical products by industrial or handicraft methods, or through the uniform reproduction of non-physical products in cyberspace. This new provision aligns with the revised definition of industrial design, which covers not only the external appearance of an entire product but also the external appearance of a part of a product.

In addition, the 2025 Amended IP Law supplements the provision that an industrial design shall also be considered to have industrial applicability if it can serve as a model for the uniform reproduction of non-physical products in cyberspace. This may be understood to mean that if a design can be used to create identical non-physical products in the digital environment, then, even if such products are not intended for the manufacture of tangible, physical goods, the design is still deemed to possess industrial applicability.

new provision aligns with the revised definition of industrial design, which covers not only the external appearance of an entire product but also the external appearance of a part of a product.

8. Subjects entitled to carry out industrial property-related procedures through a lawful representative

Article 89 of the 2005 IP Law allowed organizations and individuals to file applications for the establishment of industrial property rights only through a lawful representative in Vietnam. However, under the new provisions of the 2025 Amended IP Law, a subject may authorize an organization or individual to file applications requesting the performance of procedures related to industrial property rights (including applications for the establishment of industrial property rights, applications for renewal of the validity of protection titles, requests for state authorities to enforce rights, etc.). These new provisions create a more flexible



mechanism for organizations and individuals in registering, protecting, and exercising their industrial property rights.

When authorizing another entity to act as a representative in carrying out procedures related to industrial property rights, the organization or individual must execute a written authorization, which must include all required information, such as: the names and full addresses of the authorizing party and the authorized party; the scope of authorization; the duration of authorization; the date of execution; and the signature and seal (if any) of the authorizing party.

9. Amendment to the general requirements for industrial property registration applications

Article 100 of the 2005 IP Law merely listed the documents required in an industrial property registration application. The 2025 Amended IP Law removes this detailed listing and instead provides a set of general requirements for registration applications. Some of these requirements include:

(i) An industrial property registration application must comprise documents relating to the subject matter for which protection is sought and other relevant documents;

(ii) The application and accompanying documents must be in Vietnamese; certain documents may be prepared in a foreign language, but must be translated into Vietnamese upon request;

(iii) Each industrial property registration application may request the issuance of only one protection title for a single industrial property subject, except in specific cases provided by law;

(iv) The applicant shall be responsible for the accuracy of the information declared in the application.

Based on these general requirements, the Ministry of Science and Technology shall issue detailed regulations guiding industrial property registration applications. The applicant shall be responsible for the accuracy of the information declared in the application.

10. Shortening the time limit for requesting substantive examination of patent applications

Clause 1, Article 113 of the 2005 IP Law provides that the applicant for a patent



application or any third party may request substantive examination within forty-two (42) months from the filing date or the priority date, where priority is claimed. However, the 2025 Amended IP Law shortens this time limit from forty-two (42) months to thirty-six (36) months. The order and procedures for requesting and processing substantive examination of patent applications shall be prescribed by the Ministry of Science and Technology.

11. Reduction of the time limit for substantive examination of trademark, industrial design, and geographical indication applications

The 2025 Amended IP Law reduces the time limit for substantive examination of trademark, industrial design, and geographical indication applications from six (06) months under the 2005 IP Law to five (05) months from the date of publication of the application. This reduction in the examination period enables organizations and individuals to obtain protection titles more quickly. In addition, applicants are entitled to request expedited substantive examination of patent applications and trademark applications. The time limit for expedited examination is three (03) months. The order and procedures for requesting expedited examination shall be prescribed by the Government.

12. Additional responsibilities for digital platform operators

The 2025 Amended IP Law requires digital platform operators to implement measures for the protection of intellectual property rights in cyberspace in accordance with the laws on intellectual property, e-commerce, cybersecurity, and other relevant legislation. This provision is fully aligned with the increasing prevalence of intellectual property infringements occurring online. The inclusion of these responsibilities for digital platform operators will help reduce violations of intellectual property rights in the digital environment.

13. Supplementing civil measures for the protection of intellectual property rights

The 2025 Amended IP Law supplements several civil measures for the protection of intellectual property rights, including:

(i) Compelling the destruction of counterfeit trademark goods and pirated goods; and compelling the destruction, or the non-commercial distribution or use, of materials, raw materials, and means used for the production of counterfeit trademark goods and pirated goods, provided that such measures do not affect the ability of the intellectual property right holder to exploit its rights.



(ii) Compelling the removal, concealment, or disabling of access to information, content, accounts, websites, applications, or Internet address identifiers associated with acts of infringement of intellectual property rights.

These measures provide intellectual property right holders with additional tools to protect their rights. In particular, with respect to infringements occurring in cyberspace, these civil measures impose significant obligations on platform operators and technology application service providers in receiving and handling requests for enforcement measures submitted by right holders.

The 2025 Amended IP Law introduces numerous revisions to the provisions of the 2005 IP Law, as amended in 2009 and 2022. These new regulations are aligned with the context in which artificial intelligence is increasingly developing and has become a powerful tool for humans in both work and daily life. In addition to providing rules for subject matter that makes use of artificial intelligence, the 2025 Amended IP Law broadens policies to promote the commercial exploitation of intellectual property rights, and elevates the responsibilities of platform operators and technology application providers to strengthen the protection of intellectual property rights in cyberspace. Administrative procedures in the field of intellectual property are also reformed in a manner that saves time and costs. However, many contents of the 2025 Amended IP Law will still require detailed implementing instruments before they can be applied in practice.





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LAWYERS WITH BUSINESS MINDSET

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