

How to Exploit Patents for Innovation? Green Future and Sustainable Development in Vietnam

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The Government of Vietnam recently issued a Strategy for Intellectual Property 2030 and amended the Law on Intellectual Property in 2022 for the economic development of Vietnam through stimulating innovation and creativity. Many solutions are recommended to foster the integration of research and development, and intellectual property such as recycling, water cleaning, treatment of poisonous exhausted air, energy saving, green technology for conserving ecosystems. To have more inventions and patents, Vietnam needs to protect its intellectual property rights (IPRs) involving all its various sectors and entities more. However, the current status of IPRs protection in Vietnam shows limitations in this field due to lack of appropriate legal rules on civil and criminal sanctions. This article will give an overview of IPRs protection in Vietnam and then analyze some current provisions relating to civil and criminal sanctions for IPRs infringement based on the experiences of some foreign countries. It will also recommend some solutions for overcoming these challenges.

Keywords

Exploitation of Patents, Protection and Enforcement of Intellectual Property Rights, Viet Nam

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1. Introduction

On April 26, 2020, the World Intellectual Property Organization (WIPO) celebrated the World IP Day with the theme, “Innovation for Green Future.”¹ The focus was on environmental protection, which was a burning issue at that time. To adapt the slogan, the Government of Vietnam issued the IP Strategy by 2030 for the protection and commercialization of IPRs in Vietnam, in order to achieve innovation and sustainable development, and further build a green future for the next generation. Formerly, the Sustainable Development Goal of Vietnam for the period 2011-2020 outlined in the Governmental Decision No. 432/QĐ-TTg aligned with the United Nations’ Agenda for Sustainable Development Goals 2030 (SDGs).² Recently, the Law on IP in 2005 was amended on June 16, 2022. It is the relevant legal rule that fosters the protection and commercialization of IPRs, generally and patents, particularly in the process of Revolution 4.0.

There are many measures made by the Vietnamese Government to foster the integration of research, innovation and patents into business and production to resolve real environmental issues, such as recycling, water cleaning, treatment of poisonous exhausted air, energy saving, green technology for conserving ecosystems, etc. These measures can help Vietnam to obtain environmental sustainability and protection.³ Based on the principle of environmental sustainability, enterprises would supply friendly-environmental products and services, and craft villages focusing not only on production and business, but also on building the system of environmental protection and waste treatment. Farmers are encouraged to use sustainable natural materials in order to develop clean and organic agriculture, and ensure food safety and security. This would make people to have civilized life style, save energy, and protect water sources, etc.⁴

Hanoi is one of the cities in Vietnam that pushes for environmental protection for sustainable development via the exploitation of patents. In fact, Hanoi has been

¹ WIPO, World Intellectual Property Day 2020 – Innovation for a Green Future, https://www.wipo.int/ip-outreach/en/ipday/2020/green_future.html.

² Do Phu Hai, *Theoretical Issues on Sustainable Development and Green Economy in Vietnam* [Những vấn đề lý luận về phát triển bền vững và kinh tế xanh ở Việt Nam], 34(2) VNU J. SCI.: POL’Y & MGMT. STUD. [Tạp chí Khoa học ĐHQGHN: Nghiên cứu Chính sách và Quản lý] 29-39 (2018).

³ Thu Trang, *Starting with “Green Route”*: *Focusing on the Environmental Protection* [Khởi đầu cho “lộ trình xanh”]: Chủ trương bảo vệ môi trường], ELEC. J. ENV’L INDUSTRY [Tạp chí điện tử Công nghiệp môi trường] (Apr. 25, 2020), <https://congnghiepmoitruong.vn/khoi-dau-cho-lo-trinh-xanh-chu-trong-bao-ve-moi-truong-6031.html>.

⁴ *Id.*

investing in and implementing projects of research and development and exploiting patents for environmental protection. It has been clamoring for wall from light concerts to replace the traditional bricks, which are harmful to the environment; for self-decomposed nylons which do not pollute the environment; and for the generation of electric power from burning waste. Also, Hanoi is interested in protecting craft villages' environments and green production for the green future.⁵

In brief, innovation and IPRs, especially patents for supporting innovation are the key to building a green future for the Earth-loved house of all people. Protection and exploitation of patents are the important ways that can shape our future. Green future could be created from today via intellectual actions.⁶

There are thousands of scientific and technological research works in various fields done yearly in Vietnam. However, the number of research results protected by patents is still very modest. Worse still is that the number of works on exploited patents is very limited; it is not commensurate with their potentials. One of the key challenges is that the enforcement of IPRs infringement is rather weak in Vietnam. The civil damages and criminal sanctions still do not have good effects. Experiences from other countries are good examples for Vietnam to improve this situation.

Against this background, our research will overview the IPRs protection in Vietnam and then analyze some current provisions relating to civil and criminal sanctions for IPRs infringement based on the experiences of some foreign countries. We will also recommend some solutions for overcoming these challenges.

2. Exploitation of Patents as Innovation for Green Future and Sustainable Development in Vietnam

Exploitation of patents plays a very important role in economic development and innovation for green future as sustainable development. Patents are intellectual assets and could be transferred as goods and services in the market. Therefore, they could bring profits for owners if they are exploited, managed, and used properly. In particular, the commercialization of patents fosters innovation for green growth.

⁵ Thu Hang, *On World IP Day 26 April: To the Green Future* [Nhân Ngày Sở hữu trí tuệ thế giới 26-4: Hướng đến một tương lai xanh], HANOIMOI (Apr. 25, 2020), <https://hanoimoi.com.vn/ban-in/Doi-thoai/965675/nhan-ngay-so-huu-tri-tue-the-gioi-26-4-huong-den-mot-tuong-lai-xanh>.

⁶ Representative Office of the National Office of Intellectual Property (NOIP), *Intellectual Property with "green future"* [Sở hữu trí tuệ với "tương lai xanh"], ELEC. J. ENV'L INDUSTRY [Tập chí điện tử Công nghiệp môi trường] (Apr. 24, 2020), <https://sohuutritue.net.vn/so-huu-tri-tue-voi-tuong-lai-xanh-d74220.html>.

Patents can be exploited via technology transfer or self-commercialization by patent owners as startup.⁷

Many countries of the world, including Vietnam opt for sustainable and economic development. To accelerate the process of green economic development, nothing is better than the exploitation policy of patents. Using clean technology, transferring technology of renewable energy, applying new production process, consuming less energy, saving natural resources, and reducing greenhouse gas emission all are efficient ways to achieve sustainable and economic development. In Vietnam, sustainable development and green growth target was first stated officially in the Resolution of the Party's Congress XI in 2011. This was referred to subsequently in the Resolution of the Party's Congress XII in 2016, and Resolution of the Party's Congress XIII in 2021 with emphasis on green growth target, development of clean energy, clean production, and clean consumption.⁸

Each Government has issued many policies to promote the development of science and technology (S&T) in order to accelerate the national economic development. In 2011-2020, the annual investment for S&T activities was 2% of the total State budget expenditures (equivalent to 0.5 to 0.6% GDP with the average growth rate of about 16% annually. The state budget is still the main source of investment, accounting for 70% of the total investment of the whole society for S&T activities). In addition to the state budget, S&T investments come from many different sources in the society.⁹

The Vietnamese Government also has policy for developing and commercializing patents (Strategy for socio-economic development from 2011 to 2020, from 2021 to 2025).¹⁰ According to the surveys and assessment of the Ministry of Science and Technology of Vietnam of Vietnam (MOST), the legal system of S&T is basically completed in accordance with a modern management model that has been successful in many developed countries, such as Japan, Germany, Korea and China, etc.¹¹

⁷ WIPO, *INTELLECTUAL PROPERTY HANDBOOK: POLICY, LAW AND USE* 34 (2004).

⁸ National Party Congress Documents XI, XII and XIII in 2011, 2016 and 2021, <https://www.tapchiconsang.org.vn/web/english>. For details on the 13th National Party Congress Resolution, see The 13th National Party Congress Resolution, https://www.tapchiconsang.org.vn/web/english/focus/detail/-/asset_publisher/FMhwM2oQCZEZ/content/the-13th-national-party-congress-resolution#.

⁹ Ministry of Finance, *Policy of the Communist Party and the State on the Development of Science and Technology in Financial Field* [Chính sách của Đảng và Nhà nước về phát triển khoa học và công nghệ trong lĩnh vực tài chính], https://mof.gov.vn/webcenter/portal/tpltc/pages_r/l/chi-tiet-tin-tpltc?dDocName=MOFUCM176709.

¹⁰ See Eleventh Congress of Vietnam Communist Party, Vietnam's Socio-Economic Development Strategy for the Period of 2011-2020, <https://pubdocs.worldbank.org/en/347151477448693952/pdf/Vietnam-SEDS-2011-2020.pdf>; National Assembly of Vietnam, *Socio-Economic Development Plan for 2021-2025*, <https://vietnam.gov.vn/socio-economic-development-plans/socio-economic-development-plan-for-2021-2025-12056314>.

¹¹ Committee for Science, Technology and Environment, Report No. 561/BC-UBKHCNMT13, <https://quochoi.vn/tintuc/Pages/cacbaocaogiamsat.aspx?ItemID=28049>.

Up until today, Vietnam has enacted eight specialized laws and supporting legal documents: the Law on Science and Technology (2000, amended in 2013); Law on Intellectual Property (2005, amended in 2009, 2109 and 2022); Law on Standards and Technical Regulations (2006); Law on Technology Transfer (2006, amended in 2017); Law on Product and Good Quality (2007); Law on Atomic Energy (2008); Law on High Technology (2008) and Law on Measurement (2011). The MOST have submitted to the Government and the Prime Minister to issue more than 50 decrees and circulars to guide implementation of laws relating to science, technology and innovation.¹²

3. Current Status of the Exploitation of Patents in Vietnam

According to the MOST, the exploitation of patents and technology transfer (TT) activities are partly improved, which contributes to technology innovation and raise domestic productivity and national technological capacity.¹³ With the support of foreign direct investment, technical level will be increased to the new step. In particular, such industries as post-telecommunication, petroleum, construction, bridge, electronics, vehicle, etc. are accessible to the advanced technologies. However, the exploitation of patents and TT did not satisfy real technology innovation necessity of enterprises.¹⁴ The official statistics from the Ministry of Planning and Investment of Vietnam show that more than 80% enterprises with foreign direct investment use world average technological level and 14% are at lower and obsolete technical level, which pollutes the environment.¹⁵

There is no effective market for patent transfer. According to the statistics from the National Office of Intellectual Property (NOIP), the number of patent filing is increasing, but the purchase, assignment and licensing of patent are not developed

¹² MN, *Continuous Improvement of Legal System of Science, Technology and Innovation* [Tiếp tục hoàn thiện hệ thống pháp luật về khoa học, công nghệ và đổi mới sáng tạo], VIET. J. SCI. & TECH. [Tập Chí Khoa Học Và Công Nghệ Việt Nam] (Oct. 12, 2023), <https://vjst.vn/vn/tin-tuc/8404/tiep-tuc-hoan-thien-he-thong-phap-luat-ve-khoa-hoc-cong-nghe-va-doi-moi-sang-tao.aspx>.

¹³ Statements from Vice-Commissioner of National Intellectual Property Office of Vietnam, Ministry of Science and Technology in the interview conducted by the Vietnam Association of Intellectual Property. See NOIP, *supra* note 6.

¹⁴ Office of Sustainable Production and Consumption - Ministry of Industry and Trade [Văn phòng Sản xuất và tiêu dùng bền vững - Bộ Công Thương], *Technology Transfer and Innovation Through Foreign Direct Investment* [Chuyển giao và đổi mới công nghệ qua đầu tư trực tiếp nước ngoài] (2015), <http://scp.gov.vn/tin-tuc/t1369/chuyen-giao-va-doi-moi-cong-nghe-qua-dau-tu-truc-tiep-nuoc-ngoai.html>.

¹⁵ *Id.*

in Vietnam.¹⁶ During the period 2010-2020, the total number of patent/utility solution assignment and licensing contracts registered is about 20-30 on average a year, which is below its potential.¹⁷ The number of TT contracts with patent transfer is very limited.¹⁸ For example, during the period 2003-2008, there are a total of 276 TT contracts registered at the MOST. Among them, just five had patents transferred (1.81%).¹⁹

From the findings on the need of transferring and applying patents to be supported in the framework of Program 68 to support intellectual property of enterprises, the exploitation of patents in Vietnam at present is very limited. The number of green technologies patented is even smaller, accounting for 2.57% out of the total patents of technologies.²⁰ The official statistics shows the bad consequences resulting from the inability of existing legal rules to implement the exploitation of patents, particularly the weak enforcement of IPRs. This deters the registration of IPRs and filing of patents.²¹

4. Weak Enforcement of IPRs in Vietnam

Regarding the IPRs enforcement in promoting the registration and exploitation of patents, TT and innovation for green future, environmental protection and sustainable development, the situation has improved after its accession to TRIPS. However, the enforcement of IPRs in Vietnam is weak generally. The enforcement of IPRs in Vietnam was consistent with the regulations of a higher level than the provisions of TRIPS. Basically, Vietnam has consistent policies in enforcing

¹⁶ Dat Viet, Patent Commercialization is limited in Vietnam [*Thương mại hóa sáng chế được bảo hộ tại Việt Nam rất hạn chế*], <http://www.hotrotuvan.gov.vn/new-333.html>. The interview was made by the Commissioner of National Office of Intellectual Property of Vietnam on the occasion of IP Day 2021.

¹⁷ NOIP, Annual Report of Intellectual Property Activities 2021, https://ipvietnam.gov.vn/en_US/web/english/annual-report.

¹⁸ Thu Hang, *Removing Obstacles to Technology Transfer* [Gỡ vướng chướng ngại giao công nghệ], HANOIMOI (Apr. 1, 2023), <https://hanoimoi.vn/go-vuong-chuyen-giao-cong-nghe-20180.html>.

¹⁹ Phan Quoc Nguyen, *Removing Legal Hurdles in Registration of Contracts for the Transfer of Patent Rights to Foster Innovation*, 37(4) VNU J. SCI.: LEGAL STUD. 1-8 (2021).

²⁰ NOIP's Gazettes, <https://noip.gov.vn>.

²¹ Nguyen Phuong Mai et al., *Impact of the Intellectual Property System on Economic Growth: Country Report- Vietnam 15-7* (WIPO - UNU Joint Research Project, 2007), https://www.wipo.int/export/sites/www/about-ip/en/studies/pdf/wipo_unu_07_vietnam.pdf; Bich Thuy, *Dialogue to Foster Vietnam-EU Cooperation of Investment, Business* [Đối thoại thúc đẩy hợp tác đầu tư, kinh doanh Việt Nam – EU], DAUTU (Dec. 03, 2021), <https://baodaotu.vn/doi-toai-thuc-day-hop-tac-dau-tu-kinh-doanh-viet-nam---eu-d156772.html>.

IPRs under commitments with the WTO. Although Vietnamese people have generally acknowledged IPR, they have not fully met the criteria of the TRIPS Agreement in an effective and systematic manner.²² The IPR has been enforced rather positively in the beginning, but the policy has not achieved the desired effect. In fact, the violation of IP law in Vietnam is still at a high level. IPRs infringements are fairly common, sometimes with serious and complex cases, which discourages the creativeness and affects fair competition. Specifically, in recent, Vietnam has violated the IPRs complex signs, which damages its economically and social psychologically, adversely affecting the foreign investment.²³

Protection of IPRs in general or protection of patent rights in particular is to ensure the ownership in a legal manner. In this case, the economic or property rights of the owners is guaranteed. The enforcement of IPRs is a part of protecting IPRs because all legal rules are applied for enforcing IPRs. Pursuant to Article 199 of the Law on the IP of Vietnam, any organization or individual who commits an act of infringement of the IPRs of another organization or individual shall, depending upon the nature and seriousness of such infringement, be dealt with by the application of civil, administrative or criminal remedies.²⁴ In the cases concerned, the competent authorities may apply provisional measures to control IP related to imports and exports, and preventive measures to secure enforcement of an administrative penalty in accordance with the provisions of the Law on the IP and other relevant laws. In Vietnam, actually, the following remedies are implemented to protect IPRs by the competent authorities.

A. Civil Remedies

The civil remedies are implemented to treat the infringement of IPRs at the request of IPRs owners - institutions or individuals - who have damages. These remedies are parallel with administrative or criminal measures. Pursuant to Article 202 of the Law on IP, courts may apply the following civil remedies in dealing with organizations and individuals who have committed acts of infringement of intellectual property rights:

²² Tran Tien Dat, *Improving the efficiency of intellectual property rights enforcement in Vietnam to meet new practical requirements* [Nâng cao hiệu quả thực thi quyền sở hữu trí tuệ tại Việt Nam đáp ứng yêu cầu mới của thực tiễn], VIET. J. SCI. & TECH. (Oct. 26, 2023), <https://vjst.vn/vn/tin-tuc/8462/nang-cao-hieu-qua-thuc-thi-quyen-so-huu-tri-tue-tai-viet-nam-dap-ung-yeu-cau-moi-cua-thuc-tien.aspx>.

²³ Nguyen Thi Thuy Ha, *Intellectual Property Violations Are still Complex and Sophisticated* [Vi phạm sở hữu trí tuệ vẫn còn diễn biến phức tạp và tinh vi], VIET. J. SCI. & TECH. (July 28, 2023), <https://vjst.vn/vn/tin-tuc/8081/vi-pham-so-huu-tri-tue-van-con-dien-bien-phuc-tap-va-tinh-vi.aspx>.

²⁴ Law on IP of Vietnam, art. 199 (1).

1. Compulsory termination of the infringing acts;
2. Compulsory public apology and rectification;
3. Compulsory performance of civil obligations;
4. Compulsory payment of damages for loss; or
5. Compulsory destruction, distribution or use for non-commercial purposes of goods, raw materials and materials, and facilities used principally for the production or trading of goods which infringed intellectual property rights, provided that such destruction, distribution or use will not affect the exploitation of rights by intellectual property right holders.²⁵

Pursuant to the Article 205 of the Law on IP, bases for determining the amount of damages for loss and damage caused by an infringement of IPRs are as follows.

1. Where the plaintiff proves that an act of infringement of IPRs has caused the plaintiff material damage, the plaintiff shall have the right to ask the court to decide the amount of damages on one of the following bases:
 - (a) Total material damage calculated in an amount of money plus profit derived by the defendant as a result of the act of infringement of IPRs, where the reduced profit amount of the plaintiff has not yet been included in such total material damage;
 - (b) The price of the licensing of an IP object on the assumption that the defendant was licensed by the plaintiff to use that object under a license contract within a scope corresponding to the act of infringement which was committed; or
 - (c) Where it is impossible to determine the amount of damages for material damage on the bases stipulated in sub-clause (a) and (b) of this clause, such amount of damages shall be set by the court depending on the extent of loss but must not exceed five hundred million (500,000,000) dong (about 24,000 USD).
2. Where a plaintiff proves that the act of infringement of IPRs caused the plaintiff spiritual damage, the plaintiff shall have the right to request the court to decide on the amount of damages depending on the extent of loss, to range from five million (5,000,000) (about 240 USD) to fifty million (50,000,000) dong (about 2.4 thousand USD).
3. In addition to the amount of damages stipulated in clauses 1 and 2 of this article, an IPRs holder shall also have the right to request the court to compel the organization or individual who has committed the act of infringement of IPRs to pay reasonable costs of engaging a lawyer.

²⁵ Law on IP of Vietnam, art. 202 (1)-(5).

B. Administrative Remedies

IPRs owners who have damages have the right to ask the competent authorities to treat administrative infringements of IPRs. Pursuant to the Article 214 of the Law on IP, forms of administrative penalty and measures for remedying consequences are as follows:

1. Any organization or individual that commits an act of infringement of IPRs defined in clause 1 of article 211 of this Law shall be compelled to terminate such act and shall be subject to one of the following principal penalties:
 - (a) A caution;
 - (b) A monetary fine.
2. Any organization or individual that infringes IPRs may, depending on the nature and seriousness of the infringement, also be subject to one of the following additional penalties:
 - (a) Confiscation of IP counterfeit goods, raw materials and materials, and facilities used mainly for production or trading of such IP counterfeit goods;
 - (b) Suspension of business activities for a fixed period in the sector in which the infringement was committed.
3. In addition to the penalties stipulated in clauses 1 and 2 of this article, any organization or individual that infringes IPRs may also be subject to one or more of the following measures for remedying consequences:
 - (a) Compulsory destruction, distribution or use for non-commercial purposes of IP counterfeit goods as well as raw materials and materials, and facilities used mainly for the production or trading of such intellectual property counterfeit goods, provided that such destruction, distribution or use will not affect the exploitation of rights by IPRs holders;
 - (b) Compulsory transportation out of the territory of Vietnam of transit goods infringing IPRs or compulsory re-export of IP counterfeit goods and imported materials and raw materials, and facilities used mainly for production or trading of such IP counterfeit goods after the infringing elements have been removed from such goods. 4/ The amount of the monetary fine stipulated in sub-clause (b) of clause 1 of this article shall be set at least equal to the value of the detected infringing goods but shall not exceed five times such value. The Government shall issue detailed regulations on the method of determining the value of infringing goods.²⁶

²⁶ See Law on Intellectual Property, http://vcci-ip.com/wp-content/uploads/2017/06/Intellectual_Property_Law.pdf.

C. Measures to Control Imported and Exported Goods relating to IPRs

Customs Agency has the rights to apply measures to control imported and exported goods relating to IPRs. In fact, pursuant to Article 216 of the Law on IP, Customs Agency applies two measures to control IP related imports and exports as follows: (a) Suspension of customs procedures for goods suspected of infringing IPRs; (b) Inspection and supervision to detect goods showing signs of infringing IPRs.

D. Criminal Remedies

Criminal remedies are applied to treat IPRs infringement when it has enough elements to cause crime. Copyright and neighbor rights violations are stipulated in Article 225; Industrial Property Rights' infringement is stipulated in Article 226; Counterfeit goods production and purchase (counterfeit agricultural foods, drugs...) is stipulate in Articles 192-195; and Customer deceit is stipulated in Article 198 of Criminal Code of Vietnam 2015, respectively. In brief, any person who manufactures or deals in counterfeit goods or any person who fraudulently measures goods or services or commit other fraudulent acts while buying or selling goods/services shall be pay fine up to VND 1,000,000,000 (about 42 thousand USD) or face a penalty up to five years' imprisonment pursuant to Article 192, Criminal Law in 2015.²⁷

5. Effective Enforcement of the Remedies in Vietnam

Effective enforcement of civil, administrative and criminal remedies is very important at present to prevent the infringement of IPRs in Vietnam. To effectively enforce IPRs, some countries, such as the US stipulate heavy criminal sanctions against the infringement of IPRs. For example, pursuant to Article 17 U.S. Code § 506 (a) (1) (B), an offender for the first time shall be imprisoned up to 3 years and be fined up to USD 250,000 or double damages; for repeated offense, the fine is up to USD 250,000 and imprisonment is up to 6 years or 10 years depending on the commercial purpose.²⁸

The lawmakers of Vietnam should consider the higher criminal remedies for the IPRs infringement acts, although the criminal remedies are not used much for

²⁷ Criminal Law in 2015, art. 192, <https://thuvienphapluat.vn/van-ban/EN/Trach-nhiem-hinh-su/Law-No-100-2015-QH13-criminal-code/307009/tieng-anh.aspx>.

²⁸ 17 U.S. Code § 506 - Criminal offenses.

punishing the infringement acts in the civil and commercial fields.²⁹ In this regard, recently, the concept of restorative justice has gained considerable attention in numerous arguments on how to address misbehaviour and conflicts in various settings, including schools, workplaces, and everyday life.³⁰ At present, in the Vietnamese legal system, there is no official concept of restorative justice. However, the tendency of restorative justice is evident as laid down in Article 29, Clause 3 of the Criminal Code 2015 (newly added in this Code), which permits offenders to enter into a remedial agreement with the victim in order to be exempted from criminal liability upon the victim's request. This provision is regarded as an example of restorative justice in practice due to the fact that such approach prioritizes addressing three main issues, including identifying the damage caused by the offense; determining the necessary actions to repair the damage caused; and identifying who is responsible for repairing the damage.³¹

Although the restorative justice approach has not been officially recognized, Article 29, Clause 3 of the Criminal Code 2015 is a progressive step “in the spirit of judicial reform with the goal to harmonize the regulations of Vietnamese law in the field of criminal justice with international law, especially international documents to which Vietnam has signed.”³² Moreover, this shows the desire to promote the offenders' liability for redressing the damage to the victim, the community as well as the government. Hence, measures to restore or repair the damage, and build friendly relationships with the community instead of applying punishments are the primary objectives of justice, social fairness, and the mitigation of state burden, as well as rehabilitation of the victims, especially in the circumstance against the existing intellectual property crimes. This practice could be applied in treating the infringement acts of IPRs in Vietnam instead of higher criminal remedies.

²⁹ Le Ngoc Son, *New Points of the Crime of Intellectual Property Rights Infringement under the 2015 Penal Code* [Điểm mới của các tội xâm phạm quyền sở hữu trí tuệ theo BLHS 2015], KIEMSAT (Dec. 18, 2017), <https://kiemsat.vn/diem-moi-cua-cac-toi-xam-pham-quyen-so-huu-tri-tue-according-to-blhs-2015-48000.html>.

³⁰ Dao Tri Uc, *Criminal Policy in the 2015 Criminal Code of Vietnam* [Chính sách hình sự thể hiện trong BLHS năm 2015], 1 VIET. J. LEGAL SCI. [Tập chí Khoa học pháp lý Việt Nam] 3-12 (2017), <https://luatsu.com/hinh-su/chinh-sach-hinh-su-the-hien-trong-blhs-nam-2015>.

³¹ Cao Thi Oanh, *International Standards and Experiences of Some Countries on Restorative Justice* [Chuẩn mực quốc tế và kinh nghiệm một số nước về tư pháp phục hồi], 7 JUR. J. [Tập chí Luật học] 68-77 (2019), http://thuvien.hlu.edu.vn/Opac/DmdInfo.aspx?mnuid=141&search_field=SUBJECT&search_id=80213&dmd_id=73535.

³² Nguyen Thi Tuyet Anh & Nguyen Hai Yen, *Restorative Justice for Juvenile Offenders in Some Countries over the World and Lessons Experienced for Vietnam* [tư pháp phục hồi đối với người chưa thành niên phạm tội ở một số quốc gia trên thế giới và bài học kinh nghiệm cho Việt Nam] 168-83 (Proceedings of the International Conference: Juvenile Criminal Justice, University of Law, Ho Chi Minh city, 2021), <https://fdvn.vn/ky-yeu-hoi-thao-quoc-te-tu-phap-hinh-su-doi-voi-nguoi-cha-thanh-nien>.

6. Conclusion

Adapting to the slogan of “Innovation for Green Future by WIPO in 2020,” the Government of Vietnam fosters the exploitation of patents and strengthens IPRs enforcement for innovation, environmental protection and sustainable and economic development. Many policies, measures, solutions are implemented to foster the integration of research and development, exploitation of research results, and patents into production and business for sustainability and environmental protection. To have more inventions and patents, Vietnam needs to protect its IPRs more strictly and enforces the IPRs’ infringement more effectively. However, the current status of IPRs protection and enforcement in Vietnam is limited due to lack of appropriate legal rules on criminal sanctions. The US laws imposing heavy criminal sanctions for IPRs infringement could be a good example to help Vietnam develop IPRs. Also, the restorative justice approach could be used as an effective remedy for infringing acts of IPRs in Vietnam.

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