

Intellectual Property Law in the Context of International Economic Integration

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ABSTRACT: In the context of deepening international economic integration, intellectual property (IP) law plays a crucial role in safeguarding the rights of creators and enhancing national competitiveness. This article investigates the evolution of Vietnam's intellectual property (IP) legal framework in alignment with international commitments, while critically evaluating persistent discrepancies in practical enforcement. Using a qualitative methodology, the study conducts a systematic analysis of domestic regulations against the standards prescribed by the TRIPS Agreement, CPTPP, and EVFTA. The research primarily relies on secondary data, including domestic legal documents, international treaties, reports from international organizations, and selected case studies of representative disputes from 2015 to 2024. The findings indicate that Vietnam has made significant progress in internalizing international intellectual property commitments, thereby strengthening its legal framework to better align with global standards. However, a substantial gap persists between legal provisions and their practical application. This gap is reflected in the limited effectiveness of enforcement mechanisms, constraints on institutional and judicial capacity, and insufficient compliance awareness and underdeveloped "intellectual ethics" in business practices. Based on these findings, the article concludes that enhancing the effectiveness of IP law enforcement requires a comprehensive approach that combines further legal refinement, strengthening institutional capacity, and fostering a culture of compliance amid ongoing international integration.

KEYWORDS: intellectual property, economic integration, law enforcement, international commitments, legal harmonization" và "enforcement efficiency, Vietnam

How to cite: Hai Long, D., & Thi Quynh Anh, N. (2026). Intellectual Property Law in the Context of International Economic Integration. *World Conference on Science, Innovation and Human Progress*. Futurity Research Publishing.
<https://doi.org/10.5281/zenodo.20841462>

Introduction

In the context of deepening globalization and international economic integration, intellectual property (IP) has emerged as a fundamental pillar of the knowledge-based economy, contributing to innovation, enhancing national competitiveness and maintaining a fair and efficient business environment. For Vietnam, accession to the World Trade Organization (WTO), together with participation in new-generation free trade agreements such as the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) and the EU-Vietnam Free Trade Agreement (EVFTA), has created an urgent need to further develop its intellectual property legal framework in line with international standards.

In recent years, Vietnam has made considerable efforts to amend and refine its IP legislation, progressively internalizing international commitments and aligning domestic law with global practices. Notwithstanding these advancements, practical enforcement of intellectual property rights remains limited, resulting in a significant gap between legal provisions and their implementation in practice.

The issue of intellectual property law in the context of international integration has been extensively examined in the global literature from multiple perspectives. At the institutional level, the TRIPS Agreement is widely regarded as the foundational framework that establishes minimum standards for the protection and enforcement of intellectual property rights and guides the process of legal harmonization among member states. From a theoretical standpoint, the level of IP protection is closely associated with a country's stage of economic development and degree of integration, with seminal studies demonstrating that stronger protection not only safeguards creators' interests but also supports strategies for attracting foreign investment and facilitating technology transfer.

From an empirical perspective, a substantial body of research has analyzed the impact of strengthened IP protection on economic growth, innovation, and foreign direct investment flows. The findings generally suggest that aligning legal frameworks with international standards can generate positive outcomes; however, such effects are contingent upon institutional capacity and the effectiveness of enforcement mechanisms within individual countries. Notably, recent studies have shifted their focus from assessing the "level of protection on paper" to examining the "effectiveness of enforcement in practice," thereby highlighting the persistent gap between legal rules and their real-world application—particularly in developing economies. Despite significant theoretical and empirical contributions, existing studies still exhibit certain limitations, especially the lack of systematic analyses addressing the interplay between international integration requirements, legislative techniques, and enforcement capacity at the national level. Against this backdrop, this article seeks to examine the evolution of Vietnam's intellectual property legal framework in response to international commitments, while critically assessing its enforcement challenges. In doing so, the study aims to elucidate the gap between

legal norms and practical application and to propose directions for further legal and institutional improvement in the context of ongoing international integration.

Methodologies and Data

This article adopts a qualitative research approach as the primary methodology, combined with a descriptive framework, to systematically analyze Vietnam's intellectual property (IP) legal provisions in the context of international economic integration. This approach enables a comprehensive examination of the legal nature of existing regulations and identifies gaps and deficiencies in their practical implementation.

With regard to specific methods, the study first employs analytical and synthetic techniques to systematize Vietnam's IP legal framework, with particular emphasis on provisions relating to the protection and enforcement of intellectual property rights in light of international commitments such as the TRIPS Agreement, the CPTPP, and the EVFTA. Building on this foundation, a comparative method is utilized to examine the extent to which Vietnam's legal system aligns with international standards, thereby assessing the degree of legal harmonization and the process of internalizing international obligations. In addition, case-based analysis and descriptive examination of practice are applied to illustrate issues arising in the enforcement of intellectual property rights in Vietnam. These include common forms of infringement such as copyright violations in the digital environment, as well as the production and distribution of counterfeit and trademark-infringing goods. Through the analysis of these practical manifestations, the study seeks to clarify the gap between legal provisions and their effectiveness in real-world application. In terms of data, the research primarily relies on secondary sources, including: (i) Vietnam's legal documents on intellectual property, particularly the Law on Intellectual Property and its implementing regulations; (ii) relevant international treaties to which Vietnam is a party; (iii) reports and publications from international organizations such as the WTO and WIPO; and (iv) academic literature from both domestic and international scholars. In addition, selected empirical data are drawn from reports issued by competent state authorities and publicly available sources to support the analysis and provide practical illustrations. The qualitative and descriptive approach adopted in this study does not aim to quantify the economic impacts of intellectual property law; rather, it focuses on elucidating core legal issues, thereby providing a scientific basis for proposing solutions to improve the legal framework and enhance the effectiveness of enforcement in the context of ongoing international economic integration.

Results and Discussion

The Gap Between Legal Provisions and Practical Enforcement (Gap Analysis)

The analysis indicates that Vietnam has achieved a relatively high level of alignment between its intellectual property (IP) legal framework and international commitments, particularly under the TRIPS Agreement, the CPTPP, and the EVFTA. Provisions concerning the scope and duration of protection, as

well as enforcement mechanisms, have been progressively amended and refined to approximate international standards, most notably through the 2022 amendments to the Law on Intellectual Property.

However, a significant gap persists between “law on the books” and “law in practice.” In reality, infringements of intellectual property rights remain widespread, particularly in areas such as digital copyright, trademarks, and industrial designs. These violations have become increasingly sophisticated, often occurring in digital and cross-border environments, while existing enforcement mechanisms have not kept pace in terms of both legal instruments and regulatory capacity. A comparison with the obligations set out in the CPTPP and the EVFTA reveals that, although Vietnam has internalized many commitments related to the protection and enforcement of intellectual property rights, the implementation of key mechanisms -such as border control measures against infringing goods, enforcement in digital platforms, and protection of rights in online environments-remains limited. This disparity highlights that the formal completeness of legal provisions does not necessarily translate into effective enforcement.

Challenges in Public Governance and Judicial Capacity

One of the primary causes underlying the aforementioned gap lies in the limitations of public governance and the judicial system. First, coordination mechanisms among IP enforcement authorities-including inspectorates, market surveillance agencies, customs authorities, and judicial bodies-remain fragmented and insufficiently integrated, leading to overlaps and inefficiencies in addressing infringements. Moreover, the professional capacity of enforcement officials and judicial personnel has yet to fully meet the demands of increasingly complex intellectual property disputes, particularly those involving high technology and digital environments. The absence of specialized intellectual property courts, coupled with difficulties in assessing damages and gathering evidence, has further undermined the effectiveness of judicial protection mechanisms. Judicial practice demonstrates that many IP infringement cases, especially those involving trademarks and copyright, are often subject to prolonged resolution periods, while compensation levels remain insufficient to serve as an effective deterrent. These shortcomings not only adversely affect the legitimate interests of rights holders but also weaken public confidence in the effectiveness of the legal system as a whole.

The Impact of International Integration on Business Behavior and “Intellectual Ethics”

International economic integration has significantly changed the behavior of business actors while simultaneously imposing new requirements for the development and consolidation of “intellectual ethics” in the business environment. On the one hand, the strengthening of intellectual property (IP) protection under international commitments has encouraged enterprises to place greater emphasis on the registration, protection, and commercialization of intellectual assets as a source of competitive advantage. In the context of deeper participation in new-generation free trade agreements, intellectual

property rights are no longer merely legal instruments for safeguarding creative outputs; rather, they have evolved into strategic assets closely associated with brand value, innovation capacity, and firms' positioning in international markets. On the other hand, empirical evidence indicates that a considerable proportion of enterprises and individuals still fail to fully comply with intellectual property regulations. Practices such as software piracy, unauthorized use of digital content, and the production and distribution of trademark-infringing goods remain widespread, reflecting limitations in legal awareness and compliance culture. Notably, in the digital and e-commerce environment, infringement activities have become increasingly sophisticated, difficult to detect, and inherently cross-border in nature, thereby intensifying challenges for enforcement mechanisms.

In the context of international integration, the divergence between international legal standards and domestic business practices further underscores the issue of "intellectual ethics." This concept extends beyond mere legal compliance to encompass norms of conduct and corporate social responsibility. "Intellectual ethics" may be understood as respect for the intellectual property rights of others, manifested through the avoidance of unauthorized exploitation, reproduction, or use of protected intellectual products. However, in a transitional economy, where consumption patterns and business practices have not yet fully adapted to international standards, the development of a robust foundation in intellectual ethics remains a gradual and complex process. Practical experience from representative disputes clearly illustrates this pressure. Cases involving trademark infringement in consumer goods markets, copyright violations on digital platforms, and industrial design disputes demonstrate an increasing trend in both frequency and complexity. As Vietnamese enterprises integrate more deeply into global value chains, non-compliance with intellectual property standards may give rise to significant legal risks, including international disputes, reputational damage, and restricted market access.

From a comparative perspective, commitments under the CPTPP and the EVFTA impose higher standards for the protection and enforcement of intellectual property rights, particularly in relation to the digital environment and the application of civil and administrative remedies. While Vietnam has made notable adjustments to its legal framework, the effective implementation of these standards remains limited. The gap between legal provisions and enforcement outcomes not only reflects constraints in institutional capacity but also indicates deficiencies in legal culture and business ethics. Accordingly, the impact of international integration extends beyond the refinement of the legal framework, necessitating a restructuring of business behavior toward greater transparency, compliance, and respect for intellectual property rights. The development of "intellectual ethics" should therefore be regarded as a critical component of sustainable development, requiring coordinated efforts among the state, enterprises, and society. Only by narrowing the gap between legal norms and actual practices can the intellectual property system effectively fulfill its role in the context of deepening international economic integration. From the foregoing analysis, it can be concluded that although

Vietnam has made significant progress in improving its intellectual property legal framework to meet the demands of international integration, limitations in enforcement, governance capacity, and societal awareness remain substantial barriers. The gap between legal provisions and their practical application is not merely a technical legal issue but reflects broader systemic challenges inherent in the process of integration and development.

Ultimately, while technical and institutional reforms are foundational, they are not sufficient on their own. The persistent challenges in IP enforcement highlight a deeper, normative issue: the lack of a mature ethical framework. The term 'intellectual ethics' transcends mere legal adherence; it encompasses a broader paradigm of corporate social responsibility and a profound respect for intellectual contributions, which remains in a nascent stage within Vietnam's transitional economy. Addressing this ethical dimension is therefore imperative for the long-term sustainability of intellectual property protection in Vietnam.

Conclusion

Based on a systematic analysis of theoretical, legal, and practical dimensions, this study demonstrates that Vietnam has made significant progress in refining its intellectual property (IP) legal framework to meet international commitments in the context of global economic integration. The process of internalizing international standards—particularly those embodied in the TRIPS Agreement, the CPTPP, and the EVFTA—has contributed to the development of an increasingly comprehensive legal system, closely aligned with international practices and providing a stronger foundation for the protection of intellectual property rights.

However, the findings also reveal that the gap between legal provisions and their practical application remains a central issue, reflecting limitations in enforcement capacity, public governance, and societal awareness. The analysis of enforcement gaps, judicial capacity, and business behavior indicates that, while legal reform is necessary, it is not sufficient to ensure effective protection of intellectual property rights in practice. This challenge is further exacerbated in the context of the digital economy and deepening international integration, where emerging issues—such as cross-border infringement, e-commerce-related violations, and the underdevelopment of "intellectual ethics"—have become increasingly complex and difficult to address. From a scientific perspective, this study contributes to the literature by advancing an analytical framework that links international integration requirements with the effectiveness of domestic legal enforcement. It highlights that formal legal alignment with international standards does not automatically translate into practical effectiveness. The primary contribution of this research lies in emphasizing the systemic nature of intellectual property governance, where enforcement outcomes depend not only on legal design but also on institutional capacity, enforcement mechanisms, and the broader legal culture within society.

From a practical and policy-oriented perspective, the findings suggest that improving the effectiveness of IP law enforcement requires a comprehensive and coordinated approach. In addition to further refining the legal framework, priority should be given to strengthening the capacity of enforcement authorities, enhancing inter-agency coordination, improving judicial mechanisms, and, importantly, raising awareness and compliance among businesses and the public. At the same time, the development and consolidation of “intellectual ethics” should be regarded as a key pillar of sustainable economic development in the context of international integration. This study is subject to certain limitations. Because it relies on qualitative methods and secondary data, it does not quantify the impact of legal factors on the effectiveness of intellectual property enforcement. Moreover, the analysis focuses on the general legal framework and overall practice, without examining specific sectors such as digital copyright, patents, or trademarks in particular industries. Future research may address these limitations by incorporating quantitative methods to measure the impact of IP law on economic growth, innovation, and business behavior. Further studies could also adopt sector-specific approaches or conduct comparative analyses between Vietnam and other countries in the region to better identify the determinants of effective enforcement. In addition, examining the implications of emerging technologies-such as digital platforms, artificial intelligence, and new business models-for the intellectual property system represents a promising direction for future inquiry in the context of ongoing international economic integration. Overall, this study affirms that the most pressing challenge today lies not in the creation of additional legal provisions but in ensuring their feasibility and effective implementation in practice. This constitutes a fundamental prerequisite for intellectual property law to function as a meaningful instrument for economic development and sustainable integration.

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