



## Vietnamese law on copyright protection for online journalistic works

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### Abstract

This article analyzes the current state of Vietnamese law on copyright protection for online journalistic works in the context of the 2025 amendments to the Intellectual Property Law. Based on a survey of four groups of legal tools—self-protection rights, technological measures and information management of rights, reasonable citation exceptions, the responsibility of intermediary service providers, and the direction of building a copyright database—the article points out that current law has made significant progress compared to previous periods, especially in approaching international standards such as the Berne Convention and the WIPO Copyright Treaty. However, the legal framework remains general, lacking specific regulations for the multi-platform and multi-format exploitation of digital journalistic works, particularly regarding technical standards, a clear "notification-removal" mechanism, and a mechanism for sharing benefits when works are exploited secondarily. Based on a comparison of the experiences of the United States (DMCA) and the European Union (Article 15 of Directive (EU) 2019/790) <sup>[5]</sup>, this article proposes several directions for improving legislation to more effectively protect copyright for online journalistic works in the digital environment.

**Keywords:** Copyright, electronic journalistic works, intellectual property law, technological measures to protect rights, intermediary responsibility, digital transformation

### Introduction

Current Vietnamese law has established a copyright protection framework based on four groups of tools: recognizing the scope of moral and property rights; allowing rights holders to self-protect; acknowledging technological and informational measures for copyright management; and imposing certain responsibilities on businesses providing intermediary services and digital platforms (National Assembly, 2025) <sup>[1]</sup>. Compared to the law prior to the 2025 amendments, a notable point is that the current regulations more clearly reflect the direction of copyright governance in the digital environment, especially through mechanisms for protecting informational management of copyright, technological measures, intermediary responsibilities, and the digital transformation of intellectual property activities. Nevertheless, the intellectual property rights provisions in the Law on Intellectual Property are still designed for works in general and lack specific regulations on secondary exploitation rights for digital journalistic content. In practice, electronic journalistic works can be exploited multiple times: published on online newspapers, shared via the editorial office's official social media, included in email newsletters, converted into podcasts/videos, licensed to news aggregation platforms, exploited under subscription models, or used as data for technology systems. Current legislation may cover these actions through rights to copy, create derivative works, and communicate to the public. However, it has not established a clear mechanism for distributing benefits between journalists and media organizations when works are exploited multiple times, in multiple formats, or generate secondary revenue. This is a limitation that persists despite the current legislation having made many improvements compared to the past.

**The current state of Vietnamese law regarding the protection of copyright for online journalistic works**  
Regarding the right to self-protection, Article 9 of the

Intellectual Property Law affirms that organizations and individuals have the right to apply legally permitted measures to protect their intellectual property rights. Article 198 further stipulates that rights holders may apply technological measures to prevent infringement, require infringing organizations and individuals to cease the infringement, apologize, publicly correct the information, and compensate for damages; and at the same time have the right to request competent state agencies to handle the infringement or initiate legal proceedings in court or arbitration (National Assembly, 2025) <sup>[1]</sup>. For press agencies, the right to self-protection is an important tool because many infringement cases require a quick response before resorting to administrative or judicial mechanisms.

This regulation has the advantage of granting rights holders relatively broad autonomy. Media outlets can request the removal of articles, attribution, cessation of unauthorized use, licensing negotiations, or compensation. Journalists can request protection of their authorship rights and the right to prevent alteration, editing, or distortion of their work. However, from a regulatory standpoint, the self-protection mechanism remains largely limited to a general rights framework and lacks a specific process for online media. There is no standardized notification form for infringement, no standards for evidence accompanying removal requests, no mandatory response deadline for the requesting entity, and no mechanism to prevent the republishing of content identified as infringing. This reduces the effectiveness of prevention in the digital environment, where damage can occur very quickly.

Regarding technological measures for protecting rights and rights management information, the amended Intellectual Property Law has made significant progress. The concepts of "technological measures for protecting rights," "effective technological measures," and "rights management information" are enshrined in Article 4. Rights management

information is understood as information identifying the work, the author, the rights holder, and the conditions for exploitation and use; this information must be attached to the copy or appear simultaneously with the work when it is transmitted to the public (National Assembly Office, 2025) <sup>[1]</sup>. Article 28 also considers the act of intentionally destroying or rendering ineffective technological measures, or intentionally deleting or altering rights management information, as an infringement of copyright. This approach is compatible with international standards for protecting rights in the digital environment, particularly the spirit of the WIPO Copyright Treaty regarding technological measures and rights management information (WIPO, 1996).

For online newspapers, technological measures can include image and video watermarks, content identification codes, metadata, paywalls, access controls, plagiarism detection tools, timestamps, and internal rights management. These measures help rights holders detect, prove, and prevent infringement. However, current legislation lacks specific technical standards for online newspapers. For example, there are no regulations requiring digital platforms to preserve metadata when content is shared; no technical standards for identifying articles, photos, and videos; and no obligation to connect rights data between news organizations and content distribution platforms. Therefore, although the law recognizes digital protection tools, the ability to operate them consistently in practice depends heavily on each news organization's technical capabilities and internal policies.

Regarding exceptions and limitations on rights, Articles 25 and 26 of the Intellectual Property Law strike a balance between protecting copyright and safeguarding the rights of access to information, freedom of the press, education, and research. Article 25 allows certain uses of published works without permission or royalty payments, but requires information about the author's name and the source of the work; this includes reasonable quotation of the work for commentary, introduction, illustration, or news writing. However, Clause 2 of Article 25 sets an important condition: the use must not conflict with the normal exploitation of the work and must not cause unreasonable harm to the legitimate interests of the author or copyright owner (National Assembly Office, 2025) <sup>[1]</sup>. This provision is consistent with Article 10 of the Berne Convention on lawful citation, which states that citations must conform to proper practice and not exceed the purpose for which they were cited (Berne Convention, 1971/1979) <sup>[3]</sup>.

For online newspapers, the exception to citation rules is of great significance because the press often uses, comments on, and quotes information from other sources. However, this also creates a gap: the law lacks specific quantitative or qualitative criteria for what constitutes reasonable citation in the online news environment. Citing headlines, lead paragraphs, cover images, parts of articles, charts, or short videos may be reasonable in some cases. However, it can also constitute infringement if it replaces the need to access the original work or commercially exploits another news organization's content. In the context of news aggregators, social media, and search engines heavily exploiting headlines, opening paragraphs, images, and news links, this lack of clarity can lead to disputes between protecting copyright and ensuring the free flow of information.

Regarding the responsibilities of intermediary service providers, the Intellectual Property Law has added Article 198b, which provides an exemption from legal liability in certain cases, while also establishing obligations for intermediary service providers upon request from the rights holder or the competent authority (National Assembly, 2025) <sup>[1]</sup>. Decree No. 17/2023/ND-CP and Decree No. 134/2026/ND-CP further specify this responsibility, especially in the online environment (Government, 2023) <sup>[2]</sup>. Compared to the previous period, this is a significant shift from a model of directly handling violators to a model of managing the responsibility of intermediary entities. Violations of online journalistic works often occur through the infrastructure of digital platforms, storage services, social networks, search engines, or content-sharing applications; therefore, if only the violator is directly required to cease the act without holding the intermediary accountable, the rights protection mechanism will be ineffective.

However, current regulations still have gaps regarding the timeliness and transparency of the "notification-removal" process. Terms like "quick" or "timely," if not quantified by specific deadlines, are difficult to meet the needs of online news, where economic value and information exclusivity are often concentrated within the first few hours after publication. Furthermore, the law does not clearly define the obligation to respond to removal requests, the obligation to retain evidence, the obligation to provide information about the infringing poster within the limits of personal data protection, the mechanism for handling repeat offenders, or the mechanism for preventing the reappearance of content identified as infringing. The US experience with the "notification-and-takedown" mechanism under the DMCA shows that the removal process is only effective when there are clearly defined standards for notification, processing deadlines, counter-notification mechanisms, and exemption conditions. Vietnam has taken a similar approach, but the level of specificity still needs further refinement.

Regarding the infrastructure for managing intellectual property rights, the Law on Intellectual Property (consolidated text, 2026) adds Article 11b on the digital transformation of intellectual property activities, in which the State promotes the development of digital infrastructure, online public services, and databases on the protection of intellectual property rights; and simultaneously applies big data and artificial intelligence to enhance the efficiency and transparency of intellectual property activities (National Assembly, 2025) <sup>[1]</sup>. Decree No. 134/2026/ND-CP also addresses the issue of building a specialized database on copyright and related rights. This is a significant new point compared to previous legislation, where copyright management mainly relied on individual registrations and traditional administrative documents. For online newspapers, if implemented effectively, the copyright database can verify publication dates, search for copyright owners, provide information on copyright management, and support the handling of violations in the online environment. Furthermore, although Decree No. 242/2026/ND-CP does not directly regulate copyright, it serves as a supplementary measure for managing broadcasting and television activities and services, especially for multimedia journalistic products containing audio, visual, and video elements transmitted on digital platforms.

However, regulations on data infrastructure remain more guidelines than specific operational mechanisms. There are no standardized connections between copyright databases and the content management systems of news agencies, digital platforms, search engines, or telecommunications companies; no batch registration or automatic verification mechanism for online news articles, photos, and video repositories; and no data standards for digital journalistic works. Therefore, news agencies currently have to manage their own copyright data, leading to uneven copyright protection capabilities between large and small news organizations.

## Conclusion

Current Vietnamese copyright regulations for electronic journalistic works show significant progress compared to previous periods. (i) Firstly, the law fully recognizes personal and property rights as a foundation for protecting the interests of authors and copyright owners. (ii) Secondly, the law grants relatively broad self-protection rights to copyright holders. (iii) Thirdly, the recognition of technological and informational measures for copyright management shows that the law has adapted better to the digital environment. (iv) Fourthly, the responsibilities of intermediary service providers have been established, creating a foundation for a digital rights protection mechanism. (v) Fifthly, the orientation towards building a database and digital transformation of intellectual property activities is a new point with long-term significance, which can particularly support the management of digital journalistic content repositories.

The main limitation is that the regulations remain general rather than specific to online newspapers. (i) Firstly, the law does not yet have specific standards for reasonable citation in the online newspaper environment. (ii) Secondly, there are no technical standards for metadata, watermarks, content identification codes, and the obligation to preserve information and manage copyright on digital platforms. (iii) Thirdly, the "notification - removal" mechanism is not really clear regarding deadlines, forms, responses, evidence retention, and handling of repeat offences. (iv) Fourthly, the copyright database is only at the directional level and does not yet have a mechanism to connect with the digital journalistic content repository. (v) Fifthly, the law has not fully addressed the mechanism for sharing benefits when online journalistic works are exploited multiple times, in multiple formats, or used in data-based economic models. (vi) Sixth, new documents such as Decree No. 242/2026/ND-CP should be used as supplementary grounds for managing multimedia journalistic activities. They should not be excessively expanded to become direct grounds for copyright regulations.

Vietnam could selectively study the experience of Article 15 of Directive (EU) 2019/790 concerning the rights of publishers to online use of their publications by information social service providers. However, the adoption of this approach must be tailored to Vietnam's specific conditions. (EU, 2019). The law may stipulate that the systematic use of journalistic content to generate commercial revenue, the display of substantial excerpts, automatic summaries replacing the need to access the source, or the exploitation of journalistic content repositories to provide online information services must be in accordance with an agreement with the press agency or rights holder.

Conversely, pure hyperlinks, reasonably short quotations, personal, non-commercial use, and activities serving the public interest should still be protected.

## References

1. National Assembly of the Socialist Republic of Vietnam. Law No. 131/2025/QH15 amending and supplementing several articles of the Law on Intellectual Property, passed on December 10, 2025, will take effect from April 1, 2026, 2025.
2. Government of the Socialist Republic of Vietnam. Decree No. 17/2023/ND-CP dated April 26, 2023, provides detailed regulations on certain articles and measures for the implementation of the Law on Intellectual Property concerning copyright and related rights, 2023.
3. Berne Convention for the Protection of Literary and Artistic Works (Paris Act of 1971, as amended in). World Intellectual Property Organization (WIPO), 1979.
4. World Intellectual Property Organization. WIPO Copyright Treaty (WCT), adopted in Geneva on December 20, 1996, 1996.
5. European Parliament and Council of the European Union. Directive (EU) 2019/790 of April 17, 2019, on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC, Article 15 (Protection of press publications regarding online uses), 2019.