



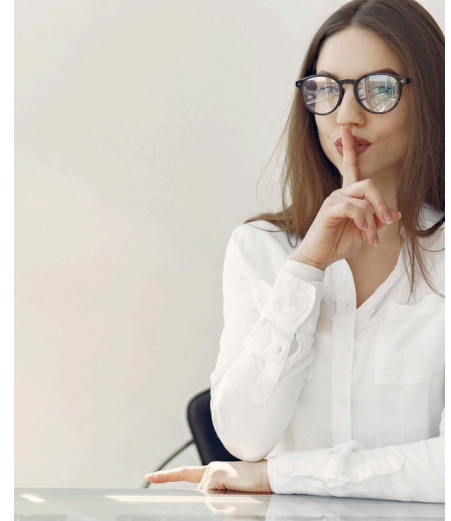
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Trade Secrets in Vietnam

HERMAN, HENRY & DOMINIC

What Exactly is a Trade Secret ?

Vietnam's Intellectual Property Law defines trade secrets as valuable information that's not public knowledge and is actively protected by its owner. Think of it as the "secret sauce" that gives your business an edge. To qualify as a trade secret, information must tick three boxes:



01.

It's not common knowledge in your industry.

02.

It has real commercial value because it's secret.



03.

You're taking concrete steps to keep it under wraps.

The Reality Check

Challenges on the Ground

While the law looks good on paper, protecting trade secrets in Vietnam can feel like trying to keep water in a leaky bucket. Here's why:

Reverse Engineering

Competitors can legally take apart your product to figure out how it works. If your trade secret can be uncovered this way, you're in trouble.

Enforcement Can Be an Uphill Battle

While legal options exist, actually enforcing your rights can be time-consuming and expensive. Many businesses find the process frustrating and unpredictable.

01.

02.

03.



The Burden of Proof

If someone steals your trade secret, you'll need to prove it was actually secret, valuable, and properly protected. This can be trickier than it sounds, especially if there's been even a small slip-up in your security measures.

Trade Secret or Patent?

Given these challenges, you might be wondering if a patent would be a better bet. Here's how to weigh your options:



Long-Term Value

If your innovation will be valuable for decades, a trade secret might be worth the risk. Patents expire after 20 years.

Reverse Engineering Risk

If your product can be easily figured out, a patent offers clearer protection.



Internal Processes

Innovations that happen behind closed doors are often better suited for trade secret protection.



Practical Steps to Protect Your Trade Secrets



Protecting trade secrets in Vietnam requires a mix of legal savvy and practical smarts. The law provides a framework, but it's up to you to build a fortress around your valuable information. By understanding the risks, implementing tight security measures, and being ready to act if your secrets are threatened, you can turn your trade secrets into a lasting competitive advantage.

There are concrete steps you can take to safeguard your trade secrets

01. Lock It Down with NDAs

Make sure everyone who comes into contact with your secrets signs a solid non-disclosure agreement. This includes employees, contractors, and business partners.

03. Need-to-Know Basis

Limit access to sensitive information. Use both physical barriers (locked rooms) and digital ones (password protection, encryption) to keep secrets contained.

05. Administrative Action

If things escalate, filing a complaint with the National Office of Intellectual Property (NOIP) can be quicker and cheaper than a full-blown lawsuit. However, be prepared for civil or even criminal action in serious cases.

02. Train Your Team

Regular training sessions on trade secret protection aren't just good practice – they show you're serious about security if you ever end up in court.

04. Stay Vigilant

Keep an eye on the market for potential copycats. If you suspect your trade secret has been stolen, act fast. Sometimes, a strongly worded letter from a lawyer can nip problems in the bud.



HERMAN HENRY & DOMINIC

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