Journal of Intellectual Property Rights
Vol 31, November 2026, pp 978-987
DOI: 10.56042/jipr.v31i6.21560

Intellectual property rights and AI-generated content: Comparing Vietnam's legal framework with the EU 2024 AI Act

Tuyen Quang Nguyen[1†], Tuan Van Vu[2] and Dung Thi Nguyen[1]
[1]Faculty of Economic Law, Hanoi Law University, Viet Nam
[2]Faculty of Legal Foreign Languages - Hanoi Law University, Viet Nam

Received: 13th July2025; revised: 26th August2025

The study explores the legal recognition of artificial intelligence (AI) in intellectual property (IP) law, comparing the approaches of Vietnam and the European Union (EU). Using a comparative legal research design, the study examines the extent to which AI can be considered a legal creator and the implications for IP rights, particularly in light of evolving AI technologies. The study discusses the traditional, human-centric IP framework in Vietnam, where AI is viewed as a tool with ownership attributed to human creators. It also contrasts this with the EU's more progressive approach, which is embodied in the 2024 Artificial Intelligence Act, which requires transparency and accountability from AI developers. The analysis highlights the growing role of AI in content generation, challenges related to transparency in AI systems, and the need for clearer attribution of authorship in both jurisdictions. The study concludes that while Vietnam's IP laws maintain clarity, they need reform to address the increasing involvement of AI in creative processes, to incorporate elements such as transparency and aligning with international standards to protect creators better and foster innovation in the global digital economy. This approach could offer a model for Vietnam and other jurisdictions navigating the complexities of AI in the legal landscape.

Keywords: Accountability, Artificial Intelligence, AI-Generated Content, Intellectual Property, Transparency

The rapid advancement of AI technology has ushered in a new era of innovation and disruption across various sectors, including the realm of IP. AI systems are now capable of generating creative works, such as art, literature, music, and even inventions, that were once solely the domain of human creators.[1] That development raises urgent concerns about the ownership, protection, and attribution of intellectual property rights for AI-generated content.[2] While existing copyright, patent, and trademark rules have been modified over time to fit human authors and inventors, they are struggling to keep pace with AI's growing role in content creation.[3] That gap poses a special challenge for countries like Vietnam, where legal standards have long focused almost entirely on authorship by individuals.[4] The absence of clear provisions addressing AI-generated works leaves creators, businesses,[5] and legal professionals in a state of uncertainty.[6] When intellectual property rules overlook the distinct nature of AI-produced material, they run the risk of stifling innovation, so these provisions hinder the growth of industries that rely on creativity, which can potentially lead to legal disputes over ownership.[7] Vietnam's current legislation on IP,[8] especially the 2022 Intellectual Property Law[9] and the 2023 Decree[10] on copyright matters, has not adequately considered the impact of AI technologies, which leads to critical gaps in the protection of AI-generated content.[11] In light of these challenges, Vietnam would urgently have to amend the laws to better address new complexities that come with AI technologies, to make its legislation keep pace with the digital age, and to protect the interests of creators and stakeholders.[12]

There is an urgent need for Vietnam's legal system to undertake legal reforms for AI legislation to keep up with international developments, such as the EU 2024 Artificial Intelligence Act (EU 2024 AI Act).[13] Currently, the EU 2024 AI Act[13] represents a significant step forward in regulating AI and addressing the challenges AI poses to intellectual property. Unlike Vietnam's IP laws, which do not actually address AI-generated content, the EU 2024 AI Act[13] offers specific guidelines for the transparency, accountability, and protection of creators' rights in the context of AI usage.[14] It has specific requirements on AI providers to explain what training procedures are undertaken that involve the

[1]Corresponding author: Email: tuyennq@hlu.edu.vn

use of copyrighted materials, thus safeguarding that AI-produced materials do not violate existing IP regulations.[15] Furthermore, the Act includes provisions to assign authorship and responsibility for issues of AI-generated content, which resolves disputes on copyright ownership along with the prevention of misuse of protected works.[16] The EU 2024 AI Act[13] has taken these proactive measures to ensure conformity in the AI and IP legislation within all its member states to protect the creators' rights while fostering innovation in AI.[17] In contrast, Vietnam's current legal framework lacks explicit provisions and must catch up to these international standards to remain relevant in an increasingly interconnected global market.[5] Accordingly, the comparison of Vietnam's IP laws with the EU 2024 AI Act[13] emphasises the critical loopholes in the Vietnamese legal system and the need for Vietnam to conduct its legal reforms to address the challenges posed by AI-generated works.

Vietnam's existing IP laws have long been sufficient to protect human creators, but AI introduces new complexities that these laws were not designed to handle.[18] In the current legal landscape, there is ambiguity surrounding the ownership of works generated by AI systems. Under Vietnam's current legal provisions, works must be attributed to a human creator, and since AI is not considered a legal entity capable of holding intellectual property rights, any content generated by AI is typically attributed to the user or entity that programmed or deployed the AI.[19] This approach presents significant challenges in cases where AI autonomously generates content without direct human input. For example, when an AI system creates an original piece of art or invents a new product, determining who holds the rights to that creation becomes unclear. Because the law still treats artificial intelligence as a tool rather than an independent creator, potential conflicts frequently arise among the developers of AI systems, users of AI technology, and other stakeholders.[20] These challenges are compounded by a lack of transparency in how AI systems are trained, which is critical for determining whether AI-generated content infringes upon existing copyrights. In the event of the ambiguity of clear guidelines for attributing ownership and responsibility for AI-generated content, Vietnam risks legal ambiguity that could dissuade local and international businesses from fully embracing AI technologies.[7] To address these challenges, Vietnam needs to amend its intellectual property legislation to include specific clauses pertaining to AI which accommodate the use of AI as an author, guarantee the necessary transparency concerning the datasets used for training the AI, and appropriately delineate the rights of the stakeholders, including the creators, users, and developers of the AI-generated content.

In contrast, the EU 2024 AI Act[13] tackles most of these issues by making provisions for both users and developers of AI systems.[21] The Act includes provisions that require AI systems to be transparent in their data usage, particularly regarding the data used to train AI models. With the obligation of AI providers to make available details on the training of their systems, the EU ensures that creators of AI-generated content are not unfairly exploiting copyrighted materials.[22] Furthermore, the EU 2024 AI Act[13] also provides a mechanism to be used for the attribution of authorship and ownership of works done by AI, thereby determining who bears the responsibility for AI actions, which may include infringement of IP rights.[23] These provisions intend to establish a legal framework and environment that promotes innovation with AI technologies and balances the interests of human creators and users of AIs by ensuring that the rights granted to them are fair, predictable and clearly delineated. Although the EU's approach still has its challenges, it is a meaningful advancement toward establishing a holistic legal system that encompasses AI technology and intellectual property. A comparison between the EU 2024 AI Act[13] and Vietnam's legal framework shows an urgent need for Vietnam to revise its intellectual property policies in the context of AI content creation.[4] As such, legal reforms are essential to promote the rights of IP creators and to help Vietnam sustain its position in a global digital economy, where AI is becoming an increasingly dominant force.

The differences between the EU and Vietnam's legal frameworks for AI and IP highlight the urgent need for Vietnam to take proactive steps to reform its laws. As AI continues to evolve and become an integral part of industries such as technology, entertainment, and scientific research, Vietnam's current IP laws must adapt to ensure that creators are protected and that innovation is encouraged.[24] Vietnam's legal framework needs to incorporate appropriate provisions regarding the recognition of AI-generated content, the use AI systems make of data, transparency in data usage, and divisions of

ownership, liability, and responsibility concerning intellectual property. If these concerns are left unresolved, it may struggle to engage fully with the global digital economy, leading to legal uncertainty, disputes, and missed opportunities in AI-driven industries.[25] So, it is necessary for Vietnam to harmonise its intellectual property laws with international standards, such as the EU 2024 AI Act,[13] to ensure that its legal framework remains relevant, competitive, and capable of protecting the interests of creators, businesses, and consumers. Vietnam's legal systems have to be flexible and adaptive to change in order to keep pace with new technological innovations in AI.[26]

Methods

The study adopts a comparative legal research design, following the concepts proposed by Samuel,[27] to assess and compare the IP frameworks of Vietnam and the EU regarding AI-generated content. The research exploits the secondary sources to examine the differences and similarities between these legal systems to find out key issues such as the legal recognition of AI as an entity capable of creating intellectual property, transparency requirements in AI usage, and the protection of creators' rights. The primary legal instruments for this comparative analysis include the EU's 2024 Regulation 2024/1689, known as the Artificial Intelligence Act,[13] and Vietnam's 2022 Intellectual Property Law (Consolidated Document No.11/VBHN-VPQH),[9] alongside Decree No.17/2023/ND-CP,[10] which elaborates on copyrights and related rights. The study systematically examines how each legal framework addresses these issues and highlights gaps and challenges, particularly in relation to AI-generated works. By applying a "most-similar and most-different systems" approach, as outlined by Anckar,[28] the research compares the two jurisdictions to uncover insights that can inform potential legal reforms in Vietnam. The analysis intends to provide practical recommendations so that Vietnam's IP laws are more responsive to the emerging complexities of AI technology to ensure better protection for creators and align with international standards.

Discussion

The rapid adoption and innovation of technologies like AI across different sectors have influenced the societal functions of social life. The driving force behind such social changes is the ability of AI systems to produce creative works such as music, literature, art, and even inventions, which raises new challenges regarding legal frameworks, especially in regulating IP rights. Historically, the notion of 'intellectual property' has long been associated with human creativity and innovation, but the emergence of AI technologies has recently forced governments and regulatory bodies to reconsider the novel concept of creative attribution of ownership and accountability. The challenge grows even more challenging due to the fact that AI systems are capable of functioning independently and autonomously, creating novel, innovative works. Although many countries and regions like the EU and Vietnam have done their best to solve these issues, their unique approaches to addressing these concerns reflect their governance priorities on matters such as transparency, responsibility, and the role of AI in the creative process.

Legal Recognition of AI in Intellectual Property Law: Ownership, Accountability, and the Evolving Role of AI in Creative Processes

The debates of ownership and creativity arise with the legal acknowledgement of AI technologies under IP laws. Traditionally, IP laws have had a humanistic approach by giving ownership of creative works to human creators. However, this traditional approach is being questioned with AI increasingly involved in generating innovative works such as literature, art, inventions, and scientific discoveries. In countries like Vietnam, the legal framework for intellectual property maintains that IP rights belong solely to human creators. Under the 2022 VietnamIntellectual Property Law,[9] AI is viewed as a tool rather than an independent creator, and the ownership of AI-generated works is attributed to human agents or entities responsible for deploying the AI. This perspective is in line with the prevailing legal stance in many countries, where IP ownership is tied to human creativity and accountability. AI does not hold IP rights independently, and all AI-generated works are legally attributed to human creators.[5]In contrast, the EU has developed a more progressive regulatory approach to AI's role in IP creation. The EU 2024 AI Act[13] recognises the significant role of AI in creative processes but does not grant AI legal personhood or the ability to hold IP rights. Thus, the Act places corresponding compliance obligations on AI developers and users with regard to IP regulations. Furthermore, the EU 2024 AI Act[13] forces AI

developers to make known the datasets that are utilised in training AI systems, thereby ensuring that IP rights are adhered to and preventing the unauthorised use of copyrighted materials. While the EU 2024 AI Act[13] does not recognise AI as an independent creator, it integrates AI into the existing IP framework, holding human developers accountable for the actions of AI systems.

The contrasting legislative approaches adopted by Vietnam and the EU states illustrate an ongoing debate about creativity and ownership in the age of artificial intelligence. At present, Vietnams framework places emphasis on human liability and views intellectual property rights as assets owned exclusively by human creators.[5] While this approach avoids the complexities of recognising non-human entities as creators, it fails to anticipate the extent to which AI will be integrated into novel processes, particularly in technology, research, and entertainment. On the contrary, the EU has adapted its IP laws to account for AI's increasing role in content generation. The EU 2024 AI Act[13] requires transparency and accountability by forcing AI practitioners to make public their training datasets, which protects against infringing copyright claims from using unlicensed data repositories.[3] This regulatory approach attempts to balance innovation with the enforcement of the creator's rights by imposing responsibility on human developers. Besides, the debate also raises an issue of legal personhood because legal personhood, traditionally reserved for humans and entities like corporations, grants rights such as property ownership and the ability to enter into contracts. If AI were granted legal personhood, it could theoretically own intellectual property rights, challenging traditional IP systems.[11] However, AI lacks the human qualities necessary for personhood, such as intentionality, consciousness, and subjective creativity. AI systems generate content based on algorithms and data, not human-like originality or intent.[29] Therefore, the notion of AI as a creator raises legal and ethical concerns about the nature of authorship and the boundaries of intellectual property.

Additionally, AI's legal recognition is closely tied to transparency and accountability. AI systems often operate as "black boxes," meaning their decision-making processes are not easily understood or traceable.[30]This lack of transparency can lead to issues such as the unintentional use of copyrighted materials in training datasets. According to the EU 2024 AI Act,[13] developers must provide information on all the datasets which are integrated into their AI systems. Consequently, this transparency protects the IP rights of human creators and helps AI remain in ethical and legal standards.[31] On the contrary, Vietnam's current legal framework has not addressed transparency in AI systems, so it creates regulatory gaps that hinder the ability to track AI-generated content and enforce IP protections. While Vietnam's legal system maintains a traditional stance on human ownership of creative works, it may have difficulties addressing the evolving role of AI in creative processes. The conventional legal framework provides simplicity and clarity in relation to IP ownership, however, these frameworks may need to be reconsidered to keep pace with rapidly advancing technologies.[7]On the other hand, the existing EU regulations, which emphasise transparency, accountability, and human responsibility, provide more flexible guidance on incorporating AI into the IP system.[32] With the increasing presence of AI in creative industries, it will be important for Vietnam and other countries globally to reassess their compositional structures to ensure IP laws are still useful in the fast-growing and ever-evolving digital age.

Transparency and Accountability in AI Systems: Ensuring Ethical Development, Fair Decision-Making, and Legal Compliance

The principles of responsibility and transparency are crucial to ethics in relation to the development, deployment, and use of AI systems. AI innovations have recently had great impacts on some sectors, such as healthcare, finance, law enforcement, and the creative industries, due to the emerging AI presence.[33]Accordingly, there is a growing need for clear and enforceable rules to govern these technologies. Transparency within AI systems refers to the ability to follow their processes and understand how decisions are made by AI, especially when these decisions have significant legal, social, or economic consequences. Accountability ensures that developers, users, and operators are held responsible for their actions, particularly when AI systems cause harm or violate laws and ethical norms. A key issue in AI systems is the "black-box" nature of many AI algorithms, especially those based on deep learning. These models operate in ways that are not easily interpretable by humans, making it difficult to understand how AI systems arrive at specific decisions. This lack of transparency is a concern in sectors like healthcare, where AI is used to assist with diagnosis and treatment recommendations. If AI decisions are not entirely understandable, it becomes

challenging to evaluate whether the system operates fairly and in accordance with legal and ethical standards.[2] Transparency is thus essential to ensure that AI systems can be scrutinized and verified, particularly in high-stakes areas impacting individuals'lives. The necessity of transparency and accountability in AI systems is being addressed by the EU with the 2024 AI Act,[13] which requires AI developers to provide information on the datasets that are integrated into their systems. Therefore, this measure attempts to restrict the use of biased data or data which has not been authorised for use, which would lead to discriminatory results. For example, an AI system used in hiring processes could perpetuate existing inequalities if trained on biased data. The EU seeks to improve accountability by ensuring AI systems are compliant with ethical standards and intellectual property rights through dataset disclosure.[34] This regulatory approach increases transparency, enabling stakeholders to better understand the data and decision-making processes behind AI outcomes, thus improving trust in AI technologies.

Accountability in AI is equally important. It refers to ensuring that AI developers and operators are responsible for ensuring their systems comply with legal and ethical standards. The EU 2024 AI Act[13] makes AI developers accountable for verifying that the systems they have developed comply with these guidelines and IP law.[35] If an AI system infringes on IP rights, such as using copyrighted materials without permission, the AI developer or provider is held accountable, not the AI itself, which cannot bear legal responsibility. The IP provisions place the responsibility of AI consequences on human actors as long as the artificial intelligence does not infringe IP laws or harm individuals. Similarly, ethical accountability is another vital aspect of AI regulation. AI technologies must be employed in a manner that is consistent with societal values, such as fairness, justice, and non-discrimination.[36] Without strong accountability mechanisms, AI systems can perpetuate biases in their training data, leading to unfair treatment based on race, gender, or other characteristics. For instance, AI systems deployed in criminal justice or law enforcement have raised issues of biased outcomes, such as disproportionately targeting certain racial groups. As noted by Afzal,[37] developers are expected to provide responsibility and accountability for the risks of ethical breaches of human rights posed by AI systems under the EU rules.

Vietnam has less advanced legal AI transparency and accountability compared to other countries. With the increased use of AI in many industries, Vietnam's IP law does not directly impose transparency or accountability on AI systems. This regulatory loophole could lead to challenges as AI becomes more embedded in industries that require strict adherence to ethical and legal standards.[7] Without transparency requirements, it may be difficult for creators to trace the origins of AI-generated content or verify that AI systems operate in a fair and non-discriminatory manner. This lack of legal provisions could also hinder creators from ensuring their intellectual property rights are respected, as AI developers may not be required to disclose their training data or decision-making processes.[38] The absence of transparency and accountability provisions in Vietnam could also increase the risk of AI systems misusing copyrighted data during training, leading to potential IP infringement. In the absence of regulations requiring dataset disclosures, it would be challenging to determine whether AI systems are operating within the legal boundaries of intellectual property law, raising the risk of unlicensed exploitation of creative works.[39] In recent years, the European Union has sought to tackle emerging challenges associated with artificial intelligence by requiring developers to take formal ownership of their data and to create clear records of their tools and procedures. Accordingly, transparency and accountability are seen as central components of any legal framework which aims to encourage the responsible design and deployment of AI. The EU 2024 AI Act[13] could serve as a model for other jurisdictions with its approach to transparency and accountability, but countries such as Vietnam need to revise their legal structures to ensure the ethical application of AI technologies in accordance with the law.[5] Though transparency provides a vital opening, it cannot substitute for robust accountability that holds developers and users accountable for any potential harm or infringement caused by AI systems.

Protection of Creators' Rights in the Age of AI: Legal Challenges, Ownership, and the Role of Transparency

The protection of creators' rights is a fundamental principle of IP law, historically focused on human creators who produce original works. However, with the rise of AI in content generation across various industries such as art, literature, and inventions, the issue of how to protect creators' rights in AI-generated

works has become more complex.[40] AI systems are now capable of autonomously creating content, which raises the anxieties of whether AI should be recognised as a creator or if human creators and organisations should retain ownership of the works produced by AI systems.[41] In Vietnam, intellectual property law follows a traditional, human-centred approach. The 2022 amendments to Vietnam's Intellectual Property Law[9] attribute ownership of creative works solely to human creators or the organisations they represent, treating AI merely as a tool for human expression. This is consistent with the worldwide trend of refusing AI legal status as a creator and ensuring that any intellectual property generated through AI is credited to the human agents controlling the technology.[11]Even though this model is easy to understand, it is gradually becoming insufficient because AI systems gain autonomy in generating content over traditional ownership and authorship systems. In contrast, the EU has taken a more proactive approach with the EU 2024 AI Act,[13] which acknowledges AI's growing role in creative processes. Although the EU 2024 AI Act[13] does not attribute legal identity to AI or take account of AI intellectual property rights, it imposes considerable responsibility on AI developers and users to ensure their AI systems comply with existing intellectual property laws. The EU 2024 AI Act[13] mandates that developers disclose the datasets used to train their AI models, which ensures that these datasets comply with IP rights and do not violate unlicensed content.[42]In addition, the EU stipulates that the rights of creators will be strictly protected when AI-generated works are generated, provided that transparency is promoted. In contrast to human-centric ownership in Vietnam, the EU's approach emphasises accountability, placing responsibility on human developers to prevent IP violations arising from AI-generated content.

Vietnam's legal framework, however, has yet to recognise AI as an independent creator, attributing all IP rights to human creators or organisations.[4] Although these can simplify the concerns about the ownership, they fail to consider the ever-increasing capacity of AIs for creative processes. As AI-generated works become more developed and capable of producing original works with little human input, the need to address the ownership of AI-generated works may become more urgent, particularly in fields such as art, literature, and music, where the line between AI-generated and human-created content can blur.[19] One of the most pressing issues in protecting creators' rights concerning AI technologies is the incorporation of copyrighted materials for the training of AI models. As the development of AI technologies normally requires large amounts of data, which could include copyrighted materials like books, pictures, or songs.[21] Copyrighted works could be infringed upon through IP violations if there are no proper transparency mechanisms in place that govern the authorisations AI systems require. The EU 2024 AI Act[13] addresses this by requiring developers to disclose their training datasets, which ensures that AI systems operate within the bounds of IP regulations.[2] On the contrary, Vietnam's frameworks have not established any stringent legislative instrument to regulate this issue, so it creates a loophole in the enforcement of creators' rights, making it impossible to track the AI-generated content's lineage and enforce necessary IP frameworks.

Transparency is also essential for making AI accountable. So, the EU and Vietnam hold human developers to account for compliance with IP laws, whilst the EU prioritises the transparency of AI operations.[43]The EU requires AI developers to disclose the datasets used in training, ensuring that AI-generated content does not infringe upon creators' rights. This transparency empowers authors to protect their rights and to enforce them if their works are used without their permission. In the absence of similar transparency requirements in Vietnam, the provenance of AI-created works might be more difficult to trace, which complicates the enforcement of protection of IP rights.[4] Currently, the debate of whether AI-generated works should be protected under intellectual property law is controversial. Human creators receive exclusive rights along with the traditional IP systems, but with AI systems becoming increasingly involved in creative ones, the concept of extending legislative protection to AI-generated works has gained traction. While conventional intellectual property systems grant rights exclusively to human creators, there is an emerging discourse around bestowing legal protection for works produced by AI systems. Some argue that AI-generated works, as creators of novel works, should be entitled to IP protection, while others contend that such recognition could undermine the value of human creativity and complicate ownership.[44] This situation is actual in Vietnam, the legal framework continues to assign ownership of AI-generated works to human

creators to avoid the complexities of recognising AI as a legal creator. This conservative position, however, may not be entirely suitable for how AI operates within contemporary mechanisms of creativity. The challenges that originate from AI technologies necessitate more adaptive policies to protect creators' rights.[22] As the concern of protecting creators' rights while encouraging innovation becomes more complicated, the role of AI continues to expand in the creation of inventive works. The EU's transparency, accountability, and respect for IP rights offer Vietnam and other jurisdictions a model that proactively responds to the legal complexities posed by AI-generated content.

International Implications and the Need for Legal Harmonization in AI Regulation: Addressing Cross-Border Challenges, IP Protection, and Ethical Standards

The requirements for harmonized international policies become even stronger with new developments in AI technologies. While AI systems can be created and deployed at a global level, any regulation would have to strike a balance between local issues and wider socio-technical considerations.[12] As AI technologies create new IP-generated content, protecting intellectual property, especially in relation to ownership and dispute infringement, becomes increasingly problematic. Legal harmonization requires aligning laws across jurisdictions, so that AI is subject to the same rules and creators' rights are enforceable worldwide.[2] The EU has made all other jurisdictions pay attention to their regulations with the EU 2024 AI Act,[13] where they set a comprehensive framework for the use and regulation of AI within the EU and also extended its scope to non-EU entities engaging with the EU market. This extraterritorial applicability ensures that companies outside the EU must comply with the AI Act's provisions if they wish to operate in the European market. Even though the AI Act does not endow personhood to AI systems or the ability to possess IP rights, it does impose burdens on human creators and operators to observe the matter of compliance with IP frameworks.[16] Developers of AI technologies must reveal the datasets employed to instruct the AI algorithms, safeguarding that these datasets respect the IP's of the creators and do not contain illegal content. This requirement helps address issues related to unauthorized use of copyrighted material in training AI systems, a concern as AI technologies become more prevalent in creative industries.

The extraterritorial approach of the EU illustrates the need for greater legal harmonisation with other policies in AI. Due to the global nature of AI technologies, legal frameworks have to be synchronised to avoid conflicts and inconsistencies that could hinder innovation and impede international trade. As an example, a Vietnamese company using AI to generate content for the European market would have to ensure that the AI system complies with both Vietnamese laws and the EU 2024 AI Act's requirements.[13] This may require companies to navigate independent criteria around IP protection, transparency and accountability. The disparate regulatory framework makes it more challenging for businesses to expand internationally and for regulators to apply laws uniformly. Legal harmonisation eases international compliance, decreases regulatory burdens, and creates a definable AI rulebook that can be followed globally by developers.[45] One of the most significant challenges in AI regulation is the protection of intellectual property rights, particularly in the context of AI-generated works. Vietnam, like many other countries, has intellectual property legislation which centres exclusively around individuals as authors and does not account for the impact of AI on authorship. In contrast to other regulations, the EU 2024 AI Act[13] has a provision on certification for developers stating that AI systems should not violate any IP rights where materials are used without license during training.[2] Motivated by demands for greater transparency and accountability, the EU hopes to secure that creators' rights are respected, even when AI plays a role in generating new content. In Vietnam, however, the legal framework has yet to have any provisions related to AI-generated content, which could lead to legal loopholes in the protection of creators' rights. Consequently, content creators may struggle to protect their rights or obtain remedies for rights violations in the absence of defined policies which regulate the infringement of AI use in content creation. Furthermore, without harmonised national regulations, the enforcement of IP rights becomes increasingly complicated. AI systems can produce content that might violate the rights of creators in other jurisdictions, leading to controversies over which laws should govern and who should enforce them. The extraterritorial reach of the EU 2024 AI Act[13] helps address this issue by requiring non-EU entities to comply with the EU 2024 AI Act[13] if they

wish to engage with the EU market. Nevertheless, this will only work if other nations have laws with the same objectives, thereby preventing legal loopholes and granting international protection to IP rights. Especially with the widespread adoption of AI in cross-border industries such as healthcare, finance, and entertainment, the need for unified legal frameworks is undeniable.

Ethical implications relative to AI are also of significant concern in a dialogue on the harmonisation of international law. AI systems can reproduce and amplify biases in their training data, which can result in unfair and discriminatory outcomes.[17] The strategically addresses these ethical aspects by adopting transparency, accountability, and fairness in development and use of AI systems, which must respect the ethical principles and values. However, many current countries, including Vietnam, have not established regulatory frameworks to address these problems comprehensively. Legal harmonisation could help ensure that AI systems are subject to consistent ethical standards globally, protecting individuals from potential harm caused by biased or unethical decision-making processes.[46] Additionally, the global reach of AI technologies underscores the importance of fostering fair competition. AI is capable of transforming many industries across sectors, but different standards and regulations could make for an uneven playing field. Accordingly, companies in regions with stringent AI regulations may find themselves at a competitive disadvantage compared to those in countries with more relaxed rules.[12] In the event of harmonising international AI regulations, the members of these signatory countries can ensure that companies around the world adhere to similar standards, thereby promoting fair competition and encouraging responsible innovation. Kumar[47] comments that a harmonized legal framework would also help businesses operate in international markets and create a solid platform for regulators to enforce a set of consistent rules.

Conclusion

The disparities between Vietnam and the European Union with respect to the IP rights of AI-generated content serve as an example for consideration of the impact of evolving AI technology on the contemporary world. While Vietnam still has a human-oriented approach to IP rights where the right holder of IP is only a human as an individual or an organisation, the EU has adopted a more sophisticated approach with the EU 2024 AI Act, which regulates the role of AI in the creative process. This act acknowledges AI's significant role in the creative process but does not grant AI legal personhood. Instead, it places substantial responsibility on human actors, which requires transparency in the datasets used to train AI systems and holding developers accountable for ensuring that AI complies with existing IP laws. In Vietnam, the existing framework follows the traditional legal stance of recognising only human creators as the rightful owners of IP. The 2022 amendments to the Vietnamese Intellectual Property Law confirm that AI is viewed as a tool, with ownership of AI-generated works attributed to the human agents or organisations responsible for deploying the technology. Although such an approach may make the problems around ownership easier to solve and keep the status quo for IP laws, it does not consider the growing complexities of AI's presence in the creative process. As AI technologies are increasingly able to operate independently in creating content, it is necessary for all governments to reform their legal system to better overcome the evolving dynamics of creation and innovation in a way that adapts to a new reality.

Incorporating elements of the EU's regulatory framework could be a crucial step for Vietnam in addressing these emerging challenges. For example, the transparency stipulations within the EU 2024 AI Act outline critical responsibilities that can mitigate the risks of noncompliance with existing IP laws and unintentional infringement on the rights of human authors. In this regard, mandating that AI developers disclose the datasets used to train AI models would help mitigate the risk of inadvertent copyright violations. Current AI systems stem from enormous collections of text, code, images, and other files, many of which are still under copyright, and without precise transparency mechanisms, it becomes difficult to track the origins of AI-generated content or ensure that it does not infringe on creators' rights. Presumably, if these provisions were to be incorporated into Vietnam's legal framework, developers would be more accountable, and this would encourage trust among those creating, using and regulating AI systems, which are expected to act responsibly. Moreover, clearer attribution of authorship for AI-generated content should be a key focus of Vietnam's legislative reforms. Although assigning sole authorship to human creators provides a clear legal framework, it is incompatible with the

growing independence of AI in producing original content. As AI systems become more sophisticated and capable of producing creative works with minimal human input, the need to address the ownership of these works becomes more pressing. Through the establishment of more straightforward guidelines to determine authorship, Vietnam should be able to better protect the rights of the creators and innovate with copyright legislation. This could involve creating specific provisions for AI-generated content that account for the role of AI in the creative process while maintaining human accountability for its deployment.

Furthermore, Vietnam needs to pay attention to the cooperative nature of AI technologies and the collaboration that is necessary to govern these technologies. AI systems do not operate within national borders, and their development, deployment, and impact are often felt worldwide. Therefore, Vietnam's legal policies shall be synchronized with international policies while taking into consideration global agreements to prevent conflicts in IP rights. The extraterritorial reach of the EU 2024 AI Act, which applies to non-EU entities engaging with the EU market, demonstrates the need for a global approach to AI regulation. As a growing participant in the global digital economy, it is important for Vietnam to enact laws which account not only for local issues but also international legal standards, in order to facilitate cross-border cooperation and ensure the protection of IP rights in the context of AI. International legal harmonisation is critical for fostering innovation while protecting the rights of creators in the global digital economy. The possibility of AI transforming industries across the globe is enormous, but without a holistic framework of robust laws and regulations, fragmentation may stymie the development and responsible use of AI. Vietnam can engage in global conversations regarding AI policy by harmonizing its legal framework to international standards, which helps the country contribute towards creating an effective regulatory structure for AI-generated content.

References

1 Ballardini R, He K *et al.*, AI-generated content: Authorship and inventorship in the age of artificial intelligence, in Pihlajarinne T, Vesala J & Hokkila O (eds.), Online Distribution of Content in the EU (*Edward Elgar, 2019*) 117.

2 Gaffar H & Albarashdi S, Copyright protection for AI-generated works: Exploring originality and ownership in a digital landscape, *Asian Journal of International Law,* (2024) 1.

3 Mahala A & Chauhan B, AI-Generated innovations: developing intellectual property (IP) protection framework for the digital age, *International Cybersecurity Law Review*, 6 (2025) 155.

4 Pham H N, Copyrightability of artificial intelligence generated works – International analysis and proposal for Vietnam, *Debreceni Jogi Műhely*, 21 (3–4) (2025) 81.

5 Vo T H & Le T M, Patent protection of inventions created by artificial intelligence under the United Kingdom law and Vietnamese law, *American Journal of Psychiatric Rehabilitation*, 28 (1) (2025) 624.

6 Alawsi H, Al-Ayash A A *et al.*, Balancing innovation and protection: Intellectual property law in the era of digital transformation, *Studies in systems, decision and control,* (2025) 413.

7 Mehrotra A, Navigating the intellectual property landscape in the age of artificial intelligence: Towards a global legal paradigm, (2024), *available at*: https://doi.org/10.69968/ijisem.2024v3si2253-258, (accessed on 25 May 2025).

8 Trappey A J, Lupu M *et al.*, Embrace artificial intelligence technologies for advanced analytics and management of intellectual properties, *World Patent Information*, 61 (2020) 101970.

9 The Office of the National Assembly of Vietnam, "Intellectual Property Law" (Consolidated document - Law No.11/VBHN-VPQH) (2022), available at: https://quochoi.vn/tintuc/Pages/tin-hoat-dong-cua-quoc-hoi.aspx?ItemID=72721, (accessed on 25 May 2025).

10 The Government of Vietnam, Decree elaborating the law on intellectual property regarding copyrights and related rights, (No. 17/2023/ND-CP) (2023), available at: https://datafiles.chinhphu.vn/cpp/files/vbpq/2023/5/17-cp.signed.pdf, (accessed on 25 August 2025).

11 Kirakosyan A, Intellectual property ownership of AI-generated content, *Digital Law Journal*, 4 (3) (2023) 40.

12 Qin H, Intellectual property protection measures in the digital economy, *Journal of Economics and Public Finance*, 10 (3) (2024) 79.

13 The European Union (EU), Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) (Text with EEA relevance) (Regulation (EU)2024/1689, *available at*: https://eur-lex.europa.eu/eli/reg/2024/1689/oj, (accessed on 25 May 2025).

14 Tiedrich L, Perset K *et al.*, Intellectual property issues in AI trained on scraped data, in Plonk A (ed.), *OECD Artificial Intelligence Papers,* (2025).

15 Thongmeensuk S, Rethinking copyright exceptions in the era of generative AI: Balancing innovation and intellectual property protection, *The Journal of World Intellectual Property*, 27 (2) (2024) 278.

16 Lim D, Generative AI and copyright: Principles, priorities and practicalities, *Journal of Intellectual Property Law & Practice*, 18 (12) (2023) 841.

17 Wang F F, Copyright protection for AI-Generated works, *Amicus Curiae*, 5 (1) (2023) 88.

18 Cuntz A, Fink C *et al*., Artificial intelligence and intellectual property: An economic perspective, *SSRN Electronic Journal,* (2024).

19 Jiménez D L, Dittmar E C, *et al.,* Legal and economic perspective on AI and copyright: A comparative study of Asia, Europe, and the United States, in Özcan Büyüktanır B, Varol İyidoğan P & Zachar P (eds.), *Legal and Economic Perspectives on the Nexus of AI and Copyright* (IGI Global, 2025) 241.

20 Karanikić P, Artificial intelligence in the digital economy: Intellectual property protection challenges, *2024 International Conference on Intelligent & Innovative Practices in Engineering & Management* (IIPEM), (2024) 1000.

21 AlJadaan O, Ibrahim O *et al*., Navigating intellectual property rights in the age of AI and the metaverse, in Hamdan R K (ed.), *Studies in systems, decision and control,*(2025) 219.

22 Bonadio E, Lucchi N *et al.*, Will technology-aided creativity force us to rethink copyright's fundamentals? Highlights from the platform economy and artificial intelligence, *Deleted Journal,* 53 (8) (2022) 1174.

23 Makam G, AI-generated creations: Navigating legal implications and crafting effective policy frameworks, *SSRN Electronic Journal,* (2023).

24 Crouch D D, Using intellectual property to regulate artificial intelligence, *Missouri Law Review*, 89 (3) (2024) 7281.

25 Trequattrini R, Lardo A *et al.*, Intangible assets management and digital transformation: Evidence from intellectual property rights-intensive industries, *Meditari Accountancy Research*, 30 (4) (2022) 989.

26 Zohuri B & Rahmani F M, Artificial intelligence versus human intelligence: A new technological race, *Acta Scientific Pharmaceutical Sciences*, 4 (5) (2020) 50

27 Samuel G, An introduction to comparative law theory and method, *Hart Publishing, Oxford* 11(2014).

28 Anckar C, The most-similar and most-different systems design in comparative policy analysis, in Peters BG & Fontaine G (eds.), *Handbook of Research Methods and Applications in Comparative Policy Analysis* (Edward Elgar, Cheltenham, 2020) 33.

29 Tarek A, Intellectual property implications of artificial intelligence and ownership of AI-Generated works, *SSRN Electronic Journal,* (2023).

30 Anantrasirichai N & Bull D, Artificial intelligence in the creative industries: A review, *Artificial Intelligence Review*, 55 (2021) 589.

31 Aniek T W L, Model of legal protection of creative economics in obtaining intellectual property, *Proceedings of the International Conference on Law, Economics and Health* (ICLEH 2020) (2020), *available at*: https://doi.org/10.2991/aebmr.k.200513.118 (accessed on 25 May 2025).

32 Singh S & Singh A, Intellectual property rights and artificial intelligence: Contemporary convergence and probable challenges, *2018 5th IEEE Uttar Pradesh Section International Conference on Electrical, Electronics and Computer Engineering* (UPCON), (2023) 1279.

33 Bharati R K, AI and intellectual property: Legal frameworks and future directions, *International Journal of Law Justice and Jurisprudence*, 4 (2) (2024) 207.

34 Verma A, The copyright problem with emerging generative AI, *SSRN Electronic* Journal, (2023)

35 Samriti D & Kumar R, Patents and its implementations in AI, *SSRN Electronic Journal*, (2021).

36 Lalanda P & Roig N A, Ethical and legal challenges of artificial intelligence with respect to intellectual property, in Baraybar-Fernández A, Arrufat-Martín S & Díaz B (eds.), *The AI Revolution, Research Series on Responsible Enterprise Ecosystems*, Springer, Cham (2025).

37 Afzal J, Implementation of digital law as a legal tool in the current digital era, Springer, Singapore (2024), *available at*: https://doi.org/10.1007/978-981-97-7106-6 (accessed on 25 May 2025).

38 Salami E, AI-generated works and copyright law: Towards a union of strange bedfellows, *Journal of Intellectual Property Law & Practice*, 16 (2) (2020) 124.

39 Sudirman L, Disemadi H S *et al*., Intellectual property challenges for AI-driven creativity: A focus on copyright and patents in emerging economies, *Lex Scientia Law Review*, 9 (1) (2025) 1285.

40 Tjahjadi P J & Queenta Z, How artificial intelligence generated content may go against intellectual property rights, *Anthology*, 30 (1) (2025) 68.

41 Smits J & Borghuis T, Generative AI and intellectual property rights, in Custers B & Fosch-Villaronga E (eds.), *Information Technology and Law Series,* (2022) 323.

42 Straus J, Will artificial intelligence change some patent law paradigms?,*ZbornikZnanstvenihRazprav,* (2021) 11.

43 Casonato C & Olivato G, AI regulation in Europe: Exploring the artificial intelligence Act, in Fabris A & Belardinelli S (eds.), *Human perspectives in health sciences and technology,* (2024) 87.

44 Gil Y & Perrault R, Introduction to the AI Index Report 2025, Stanford HAI (2025), available at: https://hai.stanford.edu/assets/files/hai_ai_index_report_2025.pdf (accessed on 25 May 2025).

45 Li J & Huang Q, Intellectual property protection in the age of AI: From perspective of deep learning models, *International Journal of Advanced Computer Science and Applications*, 16 (4) (2025) 232.

46 Pakhnenko O, Rubanov P, *et al.*, Digitalization of financial services in European countries: Evaluation and comparative analysis, *Journal of International Studies*, 14 (2) (2021) 267.

47 Kumar L, Analyzing the consolidation of intellectual property and artificial intelligence: Challenges and opportunities, *Journal of Law and Intellectual Property Rights,* (2024) 73.