



Vietnamese law on the establishment of copyright for electronic journalistic works

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Abstract

Establishing copyright is the starting point of the entire copyright protection mechanism for online journalistic works. However, current Vietnamese law does not define online journalistic works as independent legal objects; the establishment of rights still relies on a combination of the Intellectual Property Law and the Press Law. This article analyzes the current legal situation regarding the basis for the creation of rights under the principle of automatic protection, the conditions for protection linked to the boundary between "purely factual news" and creative works, as well as the mechanism for determining the rights holder in the context of multimedia online journalistic products with multiple participating entities. The article also examines the new regulations on establishing intellectual property rights for products using AI systems under the Intellectual Property Law and Decree No. 134/2026/ND-CP. The results show that while the law has significantly improved, gaps remain regarding digital evidence of the time of creation, criteria for distinguishing creative works from pure news, and criteria for determining the level of human creative contribution when assisted by AI. Based on this, the article proposes developing an electronic registration and a batch registration mechanism to provide more convenient evidence for proving rights in the event of disputes.

Keywords: Copyright establishment, electronic journalistic works, automatic protection, copyright holder, artificial intelligence

Introduction

Establishing copyright is the starting point of the legal mechanism governing online journalistic works. If a work is not correctly identified as a protected subject, or if the copyright holder is not clearly defined from the initial stages of creation, publication, and exploitation, then subsequent activities such as licensing, transfer, removal requests, compensation claims, or handling of infringements may all encounter difficulties. For online journalistic works, this issue is even more complex because they are often created in a digital newsroom environment, with rapid production, continuous updates, and the integration of many creative elements, including text, images, videos, audio, graphics, data, interactive design, and digital links.

The current state of Vietnamese law regarding the establishment of copyright for online journalistic works.

The current Intellectual Property Law recognizes journalistic works as one of the types of works protected by copyright. Article 14 of the consolidated Intellectual Property Law No. 197/VBHN-VPQH of 2026 by the National Assembly Office stipulates the types of literary, artistic, and scientific works that are protected, including journalistic works; at the same time, Clause 3 of Article 14 defines the core condition as: "Works protected under Clauses 1 and 2 of this Article must be directly created by the author through their own intellectual labor and not copied from the work of others" (National Assembly Office, 2026) ^[8]. This regulation is fundamental because electronic journalistic works, although not yet independently identified in the Intellectual Property Law, can be protected as a form of journalistic work if they meet the criteria of creation and are expressed in a certain form.

The Law on Press supplements the basis for identifying the environment and modes of expression of electronic

journalistic works. Clause 6, Article 3 of the 2025 Law on Press stipulates that "Electronic newspapers are a type of journalism using written text, images, and sound, transmitted over the network environment, including electronic newspapers and electronic magazines"; Clause 7, Article 3 further stipulates that "A journalistic work is the smallest constituent unit of a journalistic product, with independent content and a complete structure, including news and articles expressed in written text, sound, or images" (National Assembly, 2025). The combination of the Law on Intellectual Property and the Law on Press allows for the definition of electronic journalistic works as journalistic works created, expressed, published, and transmitted over the network environment. This is an appropriate approach given that the law has not yet established a separate definition of electronic journalistic works.

Compared to the 2016 Press Law and previous regulations, the 2025 Press Law represents a significant step forward by further clarifying the transmission environment of online newspapers and the structure of journalistic works. However, a limitation of the current approach is that establishing rights still relies on two sets of concepts: "journalistic work" in the Intellectual Property Law and "online newspaper" and "journalistic work" in the Press Law. This approach ensures a minimum level of protection but does not fully reflect the development of modern online newspapers. In reality, online journalistic works include not only news articles expressed in written form, audio, or images, but also long-form articles, mega-stories, infographics, podcasts, interactive videos, data journalism, multimedia storytelling products, or content specifically designed for digital platforms. Since the law does not yet have specific criteria for identifying these types of products, determining what constitutes a complete work, what constitutes a component of a work, what is an independently

protected part, and what is merely fact or technical means can lead to different interpretations.

Regarding the basis for the emergence of rights, a significant advancement in Vietnamese law is the recognition of the principle of automatic protection. Clause 1, Article 6 of the Intellectual Property Law stipulates: "Copyright arises from the moment the work is created and expressed in a certain physical form, regardless of content, quality, form, medium, language, whether published or not, registered or not registered" (National Assembly Office, 2026) ^[8]. This principle is consistent with Article 5(2) of the Berne Convention, according to which the enjoyment and exercise of copyright "is not subject to any form or procedure" (Berne Convention, 1971/1979). For electronic newspapers, this regulation is particularly important because digital journalism involves a large volume of work, a short information lifecycle, and rapid publication; if rights only arise after registration, the protection mechanism will not be compatible with the newsroom's operational pace.

The new aspect of current law compared to the previous period is not a change in the principle of automatic protection, but rather its placement within the context of digital transformation in intellectual property activities, electronic data, and digital transmission environments. However, the regulation on "certain physical form" needs to be understood broadly in the digital environment. For online newspapers, the physical form is not limited to paper manuscripts or printed issues. However, it can include text files, image files, videos, audio files, graphic designs, server data, archives on content management systems, editing history, or published versions on websites. Intellectual Property Law demonstrates neutrality regarding the medium by stipulating no distinction between form, medium, and language; however, the law still lacks specific guidance on digital evidence used to prove the time of creation, time of publication, editing history, original data, metadata, or digital archives. This is a significant gap because copyright disputes in the online environment often revolve around who published first, who created the original data, and which version is the source. If a media organization lacks a technical tracking system, metadata management, and the preservation of its original published data, then even though copyright has arisen legally, proving ownership in disputes can still be difficult. Thus, the limitations of the law lie not in the principle of copyright creation but in the legal and technical mechanisms that support proof of rights in the digital environment.

Regarding protection conditions, the Intellectual Property Law requires that the work be created directly by the author through intellectual labour and not copied from another person's work. This regulation is consistent with the nature of copyright: the law does not protect ideas, events, facts, principles or pure information, but protects the creative form of expression of the work. Article 15 of the Intellectual Property Law stipulates that one of the objects not within the scope of copyright protection is "purely news reporting" (National Assembly Office, 2026) ^[8]. This regulation is consistent with Article 2(8) of the Berne Convention, according to which protection does not apply to "news or events, trivial data of a journalistic nature" (Berne Convention, 1971/1979). This consistency shows that Vietnamese law has correctly approached the international principle: it is not possible to monopolize news or facts in the name of copyright.

However, in online journalism, the line between "purely factual news" and "protected journalistic works" is not always clear. A short news item may reflect objective events. However, an analysis, report, investigation, long-form piece, or infographic may contain the journalist's own selection, arrangement, processing of data, language, images, and expressive structure. Even an article using publicly available data can be protected if the selection, organization, and presentation of the data demonstrate creative originality.

Regarding rights, the Intellectual Property Law has a relatively comprehensive system of regulations governing authors, co-authors, and copyright owners. Article 12a stipulates that an author is the person who directly creates the work; a person who only provides support, opinions, or materials is not an author or co-author (National Assembly Office, 2026) ^[8]. Article 36 defines the copyright owner as an organization or individual holding one, several, or all property rights and the right to publish the work; Article 39 stipulates that the organization assigning the task of creating the work to an author who is a member of that organization, or the organization or individual entering into a contract with the author to create the work, is the owner of the property rights and the right to publish, unless otherwise agreed (National Assembly Office, 2026) ^[8]. These regulations are an important basis for determining rights in the newsroom environment: journalists, photojournalists, videographers, graphic designers, or data groups can be authors; The media organization is usually the owner of the intellectual property rights if the work was created under assignment or contract.

Nevertheless, multimedia digital news products make it more complex to identify copyright holders than with traditional article models. A long-form work may include text by the reporter, photos by the photojournalist, video by the filming and editing team, infographics by the design department, data processed by the technical team, and overall editing by the newsroom. In this case, determining who the author is, who the co-authors are, which parts can be independently exploited, which parts belong to the news agency's rights, and which parts belong to contributors' or third parties' rights is not always clear. Intellectual Property Law has general provisions on co-authorship. Its work is created under assignments or contracts. However, there are no specific guidelines for the production process for multi-subject, multi-format digital journalism, which is often carried out on very short timelines.

A significant new aspect of current law, compared to previous periods, is the initial recognition of the issue of establishing rights to intellectual property objects generated using AI systems. The consolidated Intellectual Property Law of 2026 added Clause 5 to Article 6, granting the Government authority to regulate the creation and establishment of intellectual property rights when intellectual property objects are created using AI systems (National Assembly Office, 2026) ^[8]. Decree No. 134/2026/ND-CP further clarifies this by emphasizing the role of humans in the creative process, shaping it and taking responsibility for the results. This is a significant addition because previous laws lacked a direct basis for handling cases involving works created with the support of AI tools. This approach aligns with current international trends: copyright remains linked to human creative contribution, while AI serves as a supporting tool. For online newspapers,

this is a new but very practical issue, as AI can assist with headline suggestion, summarization, translation, data processing, draft creation, and content personalization. Recent international research also shows that AI is posing many new challenges to copyright in journalism (Kuai, 2024; Lewis *et al.*, 2025)^[2, 3].

However, current legislation still needs clarification on the criteria for what constitutes a significant human creative contribution, which parts of the product are creatively controlled by the journalist or newsroom, and which are merely technical results generated by the system. Without this criterion, establishing rights to AI-assisted online news content is prone to disputes, especially when the work is created from a combination of input data, commands, human editorial choices, and system suggestions. The US Copyright Office argues that copyright protects only the creative contribution of humans, not machine-generated results lacking human creative control (US Copyright Office, 2025; Thaler v. Perlmutter, 2025). This experience can be considered as Vietnam continues to develop regulations on AI in online journalism.

Conclusion

Current Vietnamese legal regulations on establishing copyright for electronic journalistic works are more complete than in the previous period. (i) Firstly, the law now has a clear basis for protecting electronic journalistic works as journalistic works. (ii) Secondly, the principle of automatic copyright creation continues to be inherited, in accordance with the Berne Convention and in line with the speed of operation of digital journalism. (iii) Thirdly, regulations on authors, co-authors, copyright owners, and works under assignments and contracts provide a foundation for determining rights between journalists, contributors, and media organizations. (iv) Fourthly, new regulations on AI and digital transformation in intellectual property activities show that the law has begun to identify issues arising from new technologies, something that the previous legal system did not directly address.

Besides, there are still notable limitations. (i) Firstly, although current legislation has been updated with many new contents, it still does not define electronic journalistic works as a specific legal object, leading to applications that require inference from multiple documents. (ii) Secondly, there are no specific criteria to distinguish purely factual news from creative electronic journalistic works. (iii) Thirdly, there are no specific guidelines on digital evidence proving the time of creation, publication, and editing of works. (iv) Fourthly, the regulations on rights holders in multimedia electronic journalistic products are still general and do not fully address the relationship between journalists, creative groups, collaborators, technical units, and press agencies. (v) Fifthly, the criteria for establishing rights for AI-assisted electronic journalistic products are only at the guidance level and need to be further specified in the guidance document to ensure consistent application.

In practice, the main difficulty lies not in whether rights arise, but in whether the author or media organization has sufficient evidence to prove their rights in the event of disputes or when submitting requests to address infringements. Therefore, it is necessary to develop a mechanism for electronic registration, batch registration, and confirmation of publication time for electronic journalistic works. Copyright management agencies should

build an online registration system suitable for digital works, allowing media organizations to submit electronic applications, upload archived copies of the work or original links, declare the author, copyright owner, publication time, type of work, and scope of exploitation. For high-value works such as investigative reports, exclusive photos, field videos, long-form articles, mega-stories, data infographics, or in-depth podcasts, media organizations can register each work individually. For regularly published news groups and articles, batch registration by day, week, category, or series of articles should be allowed. This mechanism does not change the principle of automatic protection, but it makes evidence easier to obtain in the event of disputes.

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