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Settlement of copyright disputes under free trade agreement mechanisms: A study of Singaporean law and implications for Vietnam

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Abstract

Free Trade Agreements such as the CPTPP, EVFTA, and RCEP establish high standards for intellectual property protection, particularly copyright requiring Singapore and Vietnam to comply with international enforcement and dispute-resolution mechanisms. Singapore possesses a comprehensive legal framework supported by specialized courts, alternative dispute resolution (ADR) mechanisms (arbitration, mediation, and the Copyright Tribunal), and modern legislation such as the Intellectual Property (Dispute Resolution) Act 2019 and the Copyright Act 2021. At the same time, Singapore effectively utilizes investor-state dispute settlement (ISDS) mechanisms under FTAs to reinforce legal confidence and attract investment associated with copyright protection. Vietnam has incorporated many international commitments into domestic law, acceded to the WIPO Copyright Treaty (WCT), amended the Law on Intellectual Property, and is preparing to establish a specialized IP Court starting from 2025. However, judicial practice remains fragmented, ADR mechanisms have not been fully effective, and enforcement capacity requires further improvement. To meet international standards, Vietnam needs to its institutional framework, enhance judicial capacity, promote ADR, strengthen provisional emergency measures, and expand international cooperation. Singapore's experience demonstrates that a specialized system and strong culture of legal compliance form the foundation for a competitive knowledge-based economy.

Keywords: Copyright, Copyright Dispute Resolution, Copyright Enforcement Mechanisms, Dispute Settlement Mechanisms, Domestication of International Commitments

1. Introduction

In the context of globalization and trade integration, next-generation Free Trade Agreements (FTAs) typically impose high-level commitments on intellectual property protection, including copyright. At the same time, these FTAs establish dispute-settlement mechanisms among member states, covering disputes related to copyright. Both Singapore and Vietnam are parties to several major FTAs (such as the CPTPP, RCEP, and EVFTA) and are therefore bound by international copyright obligations. This study analyzes the legal frameworks of Singapore and Vietnam on resolving copyright disputes under FTA mechanisms and, based on that analysis, draws lessons and recommendations for Vietnam.

2. Legal Provisions On Copyright Dispute Settlement Under Fta Mechanisms

2.1. Singapore's Legal Framework on Copyright Dispute Resolution under FTA Mechanisms

Singapore is widely recognized as one of the jurisdictions with the most robust and effective intellectual property (IP) protection systems in the region. Within the free trade agreements (FTAs) to which Singapore is a party, such as the 2003 United States–Singapore Free Trade Agreement, the CPTPP, ASEAN FTAs, the RCEP, and the EU, Singapore Free Trade Agreement, IP commitments consistently play a central role. The IP chapters of these agreements require Singapore to establish and maintain stringent mechanisms for the protection and enforcement of copyright and related rights. This includes the simultaneous application of civil, administrative, and criminal measures against infringement, particularly unauthorized reproduction and distribution of protected works. Such an approach reflects not only Singapore's adherence to international standards but also its effort to strengthen a transparent legal environment that safeguards the rights of authors and right holders, thereby supporting a knowledge-based economy^[1].

In addition to establishing a stringent domestic legal system for the protection of intellectual

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property rights, Singapore is also committed to participating in dispute settlement mechanisms between member states under free trade agreements (FTAs). Accordingly, disputes arising from the implementation of intellectual property obligations may be resolved through a state-to-state dispute settlement mechanism. For instance, under the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), Chapter 28 provides a dispute settlement framework between member states, covering disputes related to obligations on intellectual property rights. This mechanism ensures that IP commitments under FTAs are not only legally binding but also effectively enforceable through treaty-based dispute resolution measures^[2].

In addition to state-to-state dispute settlement mechanisms, certain free trade agreements also provide protections for investors through the Investor-State Dispute Settlement (ISDS) mechanism. This mechanism allows foreign investors to bring claims against the host state if they believe that the state has violated its obligations under the FTA, including commitments relating to the protection of intellectual property rights (including copyright). Singapore is regarded as one of the pioneering jurisdictions embracing the ISDS mechanism in both bilateral and multilateral FTAs, notably the United States, Singapore Free Trade Agreement and the CPTPP. The adoption of ISDS reflects Singapore's strong commitment to ensuring a transparent and predictable legal environment for investors, while also underscoring the significance of intellectual property rights within the country's economic integration and investment-attraction policy framework.

From the perspective of domestic law, Singapore has continuously refined and updated its legal framework for resolving intellectual property disputes. Notably, in 2021, the Singapore Parliament enacted the Copyright Act 2021, marking a comprehensive reform of the copyright protection regime, including the expansion of protected subject matter, the introduction of new fair-use exceptions, and adjustments to enforcement and dispute-resolution procedures. A distinctive feature of Singapore's model is its strong emphasis on alternative dispute resolution (ADR). The country has established a Copyright Tribunal to adjudicate disputes related to copyright licensing between collective management organizations and users of copyrighted works. In addition, Singapore's legal system actively promotes specialized mediation and arbitration mechanisms in the field of intellectual property, particularly through programs and services supported by the Intellectual Property Office of Singapore (IPOS). This approach is considered to help reduce the burden on courts, ensure flexibility, save time and costs for disputing parties, and maintain an efficient and innovation-friendly legal environment^[3].

With respect to judicial proceedings, Singapore has undertaken significant reforms to enhance the effectiveness of intellectual property dispute resolution. In particular, the Intellectual Property Dispute Resolution Act 2019 (IPDR Act 2019) transferred jurisdiction over most intellectual property disputes, including copyright disputes, to the High Court of Singapore. Since 2022, the High Court has served as the sole judicial authority handling the majority of civil IP cases, thereby centralizing judicial expertise, improving adjudicative quality, and shortening case resolution timelines. Additionally, Singapore established the Singapore International Commercial Court (SICC), which has jurisdiction to adjudicate international commercial disputes based on party agreement, with no limitation to the field of

intellectual property. This mechanism reinforces Singapore's position as a leading international dispute-resolution hub and facilitates the settlement of cross-border disputes involving intellectual property under international standards, supported by flexible procedures and a highly specialized panel of judges^[4].

In addition to its domestic legal framework, Singapore is a party to numerous international copyright treaties (including the Berne Convention and the WIPO Copyright Treaty), thereby meeting the high standards required under its FTAs. For example, in line with commitments under recent FTAs, Singapore permits parallel imports while still maintaining strict copyright enforcement. Overall, Singapore has developed a highly structured and flexible system for copyright dispute resolution, effectively combining formal judicial proceedings with alternative dispute resolution mechanisms.

2.2. Vietnamese Legal Provisions on Copyright Dispute Resolution under FTA Mechanisms

Vietnam became a member of the World Trade Organization (WTO) in 2007 and, accordingly, is bound by the TRIPS Agreement on intellectual property protection, including copyright and related rights. In recent years, Vietnam has continued to advance its international economic integration through the conclusion and participation in next-generation free trade agreements (FTAs) such as the CPTPP, EVFTA, and RCEP. These FTAs set higher standards for the protection of intellectual property rights than the minimum requirements under TRIPS, particularly in relation to mechanisms for safeguarding and enforcing copyright in the digital environment. Notably, under the EU, Vietnam Free Trade Agreement (EVFTA), Vietnam is obliged to accede to key World Intellectual Property Organization (WIPO) treaties concerning online copyright protection, including the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT). The process of incorporating and implementing these commitments aims to strengthen copyright protection, meet the demands of deep international integration, and foster a legal environment conducive to the creation, production, and exploitation of works in the digital era^[5].

In practice, Vietnam officially acceded to the WIPO Copyright Treaty (WCT) in 2021 and is currently in the process of revising and supplementing its Intellectual Property Law to ensure compatibility with new international standards, particularly those arising from next-generation FTAs. In addition, under the EVFTA, Vietnam has committed to further strengthening the rights of performers and phonogram producers, including the right to receive equitable remuneration when their works are commercially exploited. Furthermore, other FTAs such as the CPTPP and RCEP impose similarly high requirements on copyright protection and enforcement mechanisms, such as extending the term of protection, enhancing measures against unfair competition, and preventing copyright infringement in the digital environment.

From the perspective of dispute resolution, if a dispute arises between member states concerning obligations related to copyright protection, Vietnam may participate in the state-to-state dispute settlement mechanisms provided under relevant FTAs. At the same time, under parallel investment agreements such as the CPTPP or the EU-Vietnam Investment Protection Agreement (EVIPA), upon entry into

force), foreign investors may bring claims against Vietnam through the investor–state dispute settlement (ISDS) mechanism if they allege that Vietnam has breached its international treaty obligations regarding intellectual property protection. To date, no ISDS case involving copyright claims has been recorded between Vietnam and foreign partners. However, such disputes may arise in the future as Vietnam continues to deepen its international integration and expand its level of commitment to intellectual property protection under international agreements.

In Vietnam, copyright disputes are currently resolved primarily through civil litigation within the People’s Court system. Under the Law on Intellectual Property 2005 (as amended in 2009, 2019, and 2022), individuals or organizations whose rights have been infringed may initiate lawsuits before the courts or request competent state authorities to handle violations through administrative procedures. An important milestone in Vietnam’s judicial reform is the establishment of a specialized Intellectual Property Court, as provided under the 2022 amended law, which is expected to commence operation in 2025. The objective of this specialized court is to enhance adjudication capacity, strengthen specialization, and ensure consistency in resolving intellectual property disputes, including copyright matters. Prior to the establishment of this mechanism, most IP-related disputes were handled by the Economic Courts of provincial-level or high-level People’s Courts, depending on the nature and value of the dispute.

In addition to court proceedings, Vietnamese law also allows parties to resolve disputes through mediation or commercial arbitration, provided there is an arbitration agreement. Certain arbitration institutions, such as the Vietnam International Arbitration Centre (VIAC) or international joint arbitration mechanisms (e.g., VIAC–Singapore cooperation), may adjudicate copyright-related disputes where the parties so agree. However, the practical use of these alternative mechanisms remains limited. Although Vietnam is a party to the 1958 New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, the recognition and enforcement of arbitral decisions involving intellectual property rights still pose challenges due to the absence of a clear legal framework and limited practical experience. Several studies indicate that enforcement procedures and the interpretation of IP-related laws in Vietnam can face obstacles, partly because a comprehensive system of case law and legal doctrine in this field has yet to be fully developed.

2.3. Comparison of Legal Frameworks for Copyright Dispute Resolution under FTA Mechanisms between Singapore and Vietnam

In terms of the legal framework and enforcement institutions, Singapore is assessed as having developed a more comprehensive and professional intellectual property dispute-resolution system compared to Vietnam. Specifically, since April 2022, Singapore has implemented a centralized jurisdiction model, under which most intellectual property disputes, including copyright disputes, are adjudicated by the Singapore High Court. This mechanism helps unify jurisdiction, enhance specialization and adjudicative efficiency, and overcome the previous fragmentation across multiple judicial levels. Meanwhile, Vietnam is still in the process of establishing a specialized Intellectual Property Court, expected to operate from 2025; therefore, its judicial specialization in this field remains under development.

In addition, Singapore has established diverse and effective alternative dispute-resolution (ADR) mechanisms, notably the Copyright Tribunal to promptly handle licensing-related copyright disputes, as well as mediation and expert-determination programs coordinated by the Intellectual Property Office of Singapore (IPOS), aimed at saving time and cost for disputing parties. In contrast, in Vietnam, arbitration and mediation in copyright matters are still in the early stages of development; most intellectual property disputes continue to be resolved through the court system, while commercial mediation and arbitration are only applied on a limited basis in practice.

Regarding the degree of compliance and domestic implementation of international FTA commitments, Singapore is regarded as having outstanding speed and quality in enforcement. The country swiftly incorporates international IP commitments into domestic law and maintains a strict copyright-protection environment. The Singapore Government continuously updates legislation to adapt to digital-technology developments; notably, it has introduced new exceptions facilitating research and data use in a rapidly expanding digital economy. According to many international assessments, Singapore is currently among the leading Asian countries in IP protection and enforcement effectiveness.

Meanwhile, Vietnam is gradually improving its legal system to meet international obligations, particularly under the CPTPP and EVFTA. Its accession to the WIPO Copyright Treaty (WCT) marks a significant effort toward international standards. At the same time, Vietnam is revising its Intellectual Property Law and related instruments to strengthen protection and enforcement. However, the gap between legislation and practical enforcement remains substantial. Independent assessments indicate that copyright-infringement handling in Vietnam still faces limitations in speed, deterrence, and transparency, resulting in enforcement effectiveness not yet commensurate with the demands of the digital economy and international commitments. In contrast, Singapore applies stricter criminal sanctions and transparent administrative procedures, ensuring effective enforcement and strong deterrence.

With respect to dispute-resolution mechanisms within FTAs, both Singapore and Vietnam face similar opportunities and challenges in fulfilling IP-protection obligations. Singapore demonstrates a high degree of proactiveness in utilizing FTA dispute-settlement systems, including state-to-state dispute settlement and investor–state dispute settlement (ISDS). Notably, under the CPTPP, Singapore is among the countries supporting the establishment of an investment tribunal in the future, reflecting a proactive approach in leveraging international adjudicatory institutions for investment disputes, including those involving intellectual property. Similarly, Vietnam may utilize these mechanisms to safeguard its rights and interests, while also being subject to oversight from partners in cases of non-compliance. Under the EVFTA, established dispute-resolution mechanisms allow parties to request consultations, dialogues, or initiate proceedings if they believe IP obligations are not properly implemented. Furthermore, Vietnam is subject to ISDS frameworks under parallel agreements such as the CPTPP or EVIPA (upon entry into force), allowing foreign investors to seek international arbitration for investment disputes arising from breaches of IP-protection commitments.

Both countries are obligated to periodically report on IP-enforcement performance under WTO rules and FTAs and

may face international disputes if they fail to fully comply with commitments. However, due to a stable legal system and strong institutional capacity, Singapore is better positioned to handle compliance requirements and defend legal arguments before international dispute-resolution bodies. Meanwhile, Vietnam must continue strengthening institutional frameworks, enhancing enforcement capacity, and improving transparency to ensure regulatory alignment with international obligations and minimize the risk of international IP-related disputes.

3. Some Lessons for Vietnam

Firstly, the legal and institutional framework is a central requirement. Vietnam needs to continue improving the Intellectual Property Law and related legal instruments, such as the Law on Commerce, the Investment Law, and procedural laws to ensure consistency with standards set under next-generation FTAs. An important task is clarifying key foundational legal concepts such as “fundamental principles of Vietnamese law” and “public order” to minimize conflicts during legal interpretation and application. While Singapore has established a dedicated copyright dispute-resolution mechanism with its own procedures and rules, Vietnam may consider developing a corresponding framework for mediation and arbitration in copyright matters, contributing to transparency and consistency in the system.

Secondly, strengthening adjudication capacity is essential. As reflected in Singapore’s experience, the establishment of a specialized IP court and the adoption of streamlined procedures for low-value disputes significantly improve judicial efficiency. Singapore currently applies a “simplified procedure” for IP disputes valued below SGD 500,000, helping to save time and costs. Vietnam can adopt a similar model while investing in specialized training for judges, prosecutors, lawyers, and copyright experts to enhance judicial quality in this domain.

Thirdly, promoting out-of-court dispute resolution should be prioritized. Singapore strongly encourages mediation and expert determination for IP disputes, offering cost-efficient and effective mechanisms. For Vietnam, expanding the role of specialized mediation and commercial arbitration, especially for cross-border copyright disputes, not only reduces the burden on courts but also protects trade secrets of involved parties. To make these mechanisms effective, Vietnam needs to its supporting legal framework, including considering accession to the Singapore Convention on Mediation to ensure international enforceability of mediated settlement agreements.

Fourthly, strengthening enforcement and interim protective measures is critical. Singapore’s experience shows strong deterrence through strict criminal sanctions for copyright infringement. Vietnam should reinforce emergency mechanisms in copyright litigation and arbitration, enabling quick application of interim measures such as freezing bank accounts, suspending distribution of infringing content, or seizing counterfeit goods. At the same time, it is necessary to enhance capacity for enforcement agencies such as economic police and customs authorities to promptly detect, prevent, and address violations.

Fifthly, leveraging FTA mechanisms and enhancing international cooperation is an important direction. Vietnam must fully understand dispute-settlement mechanisms under each FTA to protect national interests and assist domestic enterprises in international disputes. Establishing and

expanding bilateral cooperation on judgment/enforcement assistance, information exchange, and joint investigations, mirroring Singapore’s practice will enhance copyright enforcement in the context of deep global integration.

Finally, fostering a culture of compliance with intellectual property laws deserves strong attention. Alongside legal reforms, Vietnam should intensify awareness-raising, education, and support for enterprises, artists, and creative communities to understand their rights and obligations. Promoting copyright registration as a key evidentiary tool in disputes, while enhancing compliance awareness with international commitments, will help cultivate a healthy creative environment and fair competition, similar to Singapore’s model.

4. Conclusion

Resolving copyright disputes in the context of deep economic integration requires not only full implementation of international commitments but also the establishment of a robust domestic legal and institutional framework capable of meeting new standards. Singapore serves as a prominent example of a proactive and comprehensive approach, combining a specialized judicial model with modern alternative dispute-resolution mechanisms, thereby fostering a transparent and effective environment for copyright protection. Meanwhile, Vietnam is entering a phase of accelerated legal and institutional development to domestically implement the high-level standards set under the CPTPP, EVFTA, and other next-generation FTAs. Continuing to strengthen adjudication capacity, develop professional ADR mechanisms in the field of intellectual property, and actively utilize FTA-based dispute-settlement mechanisms will enable Vietnam to enhance the effectiveness of copyright protection, reinforce investor confidence, and affirm its position in a knowledge-based global trade ecosystem.

References

1. International Trade Administration (2025), Protecting Intellectual Property.
2. Singapore Law Watch, Ch. 07 Free Trade Agreements: Singapore Legal Developments.
3. Intellectual Property Office of Singapore, Copyright Tribunals.
4. Ministry of Law Singapore, New Legislation to Enhance Intellectual Property Dispute Resolution.
5. European Commission (2021), The EU–Vietnam Free Trade Agreement (EVFTA) and intellectual property (IP) protection: What EU SMEs should know.