

New Points of the Amended Advertising Law

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After more than 12 years of implementation, Advertising Law No. 16/2012/QH13 adopted by the National Assembly on 21 June 2012 and amended in 2018 ("**2012 Advertising Law**") has provided a legal foundation the advertising industry to develop in a public and transparent direction, particularly in the context of Vietnam's deepening international economic integration. However, given the rapid changes in advertising activities, improvement of the legal framework on advertising has become urgent. On 16 June 2025, the National Assembly adopted Law No. 75/2025/QH15, amending and supplementing a number of articles of the 2012 Advertising Law ("**Amended Law**"). The Amended Law shall take effect on 1 January 2026.

The amendments and supplements in the Amended Law mainly focus on clarifying the definition and scope of "*advertising*", and specifying the rights and obligations of "*advertisement publisher*" and "*advertisement conveyor*", especially as online and cross-border advertising have become very popular today. In addition to amending and supplementing certain articles of the 2012 Advertising Law, the Amended Law also repeals Section 2, Chapter IV of the Commercial Law No. 36/2005/QH11 on commercial advertising (covering Articles 102 through 116).

In this article, we summarize several notable amendments and supplements in the Amended Law, with comparisons to the 2012 Advertising Law, to give businesses a clearer view from the perspective of different stakeholders under the Advertising Law.

1. Advertising

No longer limited to the "*use of media*" as under the 2012 Advertising Law, "*Advertising*" under the Amended Law is defined to also include "*use of persons*" in order to "*present to the advertisement recipients products, goods, services, organizations or individuals that produce and trade products, goods and services*". This provision, on the one hand, demonstrates the effort to modernize the concept of "*Advertising*" to reflect the actual development of advertising practice in general, and on the other hand, clearly defines the parties subject to regulation with respect to advertising conducted through influencers (*i.e. experts, reputable figures, person capable of drawing social attention in specific fields, industries and occupations, as stipulated in Clause 9, Article 3 of Law on Protection of Consumers' Rights 2023*) as well as current forms of personal media.

To synchronize with the expanded concept of "*Advertising*", the Amended Law also revises concepts such as "*Advertisement publisher*" (*i.e. an organization or individual that uses advertisement conveyor or advertising media under its management to present advertising products*), "*Advertisement conveyor*" (*i.e. a person who directly brings advertisements, recommendations, or confirmation of products, goods, or services online or who directly advertises by wearing, hanging, attaching, sticking, drawing, using for profit-making purposes or by other forms as prescribed by the Government*); and adds a new concept of "*Object of advertisement*" (*i.e. an item designed, placed, or used for the purpose of conveying advertising information*); etc.

For the first time, the Amended Law clearly defines the contents that are not considered advertising, including:

- (a) Materials, information, and images describing products, goods, services and products, goods provided by organizations or individuals for promotional activities, display, introduction of goods, services and trade fairs or exhibitions; except for functional foods

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and foods for special dietary use, which must comply with the provisions of the laws on food safety.

- (b) Contents that must be presented on product labels or product packaging according to the provisions of the laws on product labels, except for functional foods and foods for special dietary use which must comply with the provisions of the laws on food safety; contents that must be publicly disclosed and provided to customers and consumers; information, education and communication contents on prevention and control of the harmful effects of goods; and other contents which are the responsibility and obligation to disclose under the relevant laws.

2. Online Advertising

To timely reflect changes in advertising activities, the Amended Law supplements the concept of “*Online advertising activities*” (including advertising on electronic newspapers, websites, social networks, online applications, digital platforms connected to the Internet). Accordingly:

- (a) Online advertising must comply with the following requirements:
 - (i) There must be a clear identification mark in the form of numerals, letters, symbols, images, or sounds to distinguish advertisement content from other non-advertisement content;
 - (ii) For non-fixed position advertisements, there must be easily recognizable features and icons that allow the advertisement recipients to disable the advertisement, notify the service provider of violating advertisement content, and refuse to view inappropriate advertising content;
 - (iii) For advertisements containing hyperlinks to other content, the linked content must comply with the provisions of laws; advertising service providers and advertisement publishers must have measures to check and monitor the linked content;
 - (iv) Organizations and enterprises providing social network services must provide users with features to distinguish advertisement content from other contents;
 - (v) Users of social network services who engage in advertising must indicate the difference between advertisement or sponsored content and other content they provide.
- (b) Advertisers, advertising service providers, advertisement publishers, and advertisement conveyors participating in online advertising, in addition to the general rights and obligations of advertisement conveyors, have a number of additional obligations such as:
 - (i) Not placing ads within, next to, immediately after, or immediately before content that violates the laws; not advertising on websites, social networks, online applications, or digital platforms that violate the laws;
 - (ii) Not cooperating in advertising with organizations, individuals, websites, social networks, online applications, digital platforms, or social-network accounts, content channels, community pages, or community groups that have been publicly announced by competent State authorities as violating the law;
 - (iii) Blocking or removing unlawful information and providing information on organizations and individuals related to online advertising activities showing signs of violating the laws upon request of competent State authorities.
- (c) Online advertising service providers have the following responsibilities:
 - (i) Notifying contact information to competent State authorities;

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- (ii) Verifying the identity of advertisers, require advertisers to provide business registration certificates or other valid legal documents;
 - (iii) Retaining information and records on advertising activities and providing them upon request by competent State authorities;
 - (iv) Having technical solutions to control and remove unlawful advertisements from the service provision system;
 - (v) Retaining information on the rules of advertising distribution methods and algorithms used to publish online ads;
 - (vi) Establishing mechanisms to receive and resolve complaints about online advertising services;
 - (vii) Complying with regulations on transparency in online advertising when establishing and operating intermediary digital platforms to provide services;
 - (viii) Implementing periodic annual reporting and ad hoc reporting upon request of competent State authorities.
- (d) Organizations and individuals engaging in online advertising must block or remove violating advertisements within 24 hours, and telecommunications enterprises and Internet service providers are responsible for blocking violating advertisements upon request of competent State authorities.

3. Cross-border Advertising

The Amended Law for the first time introduces the concept of “*Provision of cross-border advertising services in Vietnam*”. Accordingly, when an overseas organizations and individuals uses system of service providing equipment located outside Vietnam’s territory to provide advertising services to users in Vietnam via the Internet, such activity is deemed provision of cross-border advertising services in Vietnam.

In order to properly manage this activity, thereby better protect the interests of consumers in Vietnam, the Amended Law continues to require that foreign advertisers wishing to advertise their products, goods, services, organizations and individuals via cross-border advertising in Vietnam must engage a Vietnamese advertising service providers to carry out such cross-border advertising.

4. Limits on Advertising Duration/Area

The Amended Law stipulates an increase in the maximum advertising area on newspapers from 15% to 30%, and on magazines from 20% to 40%, in order to create favourable conditions to increase revenues for press agencies in the current competitive context. Along with that, the duration of advertising on radio, television and films is largely retained but adjusted for greater flexibility. While the 2012 Advertising Law stipulated that each feature film may not be interrupted for ads more than twice, each time not exceeding 5 minutes, and each entertainment program may not be interrupted for ads more than four times, each time not exceeding 5 minutes; the Amended Law stipulates more details. Accordingly:

- (a) Entertainment programs and films under 5 minutes: no ad interruption.
- (b) Entertainment programs and films from 5 minutes to less than 15 minutes: may be interrupted once for ads.
- (c) Entertainment programs and films of 15 minutes or more: For every full 15-minute increment in program length, one additional ad break is permitted, each ad break may not exceed 5 minutes.

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The Amended Law also clearly stipulates the limit on the area of ads that runs alongside main content. Accordingly, when presenting an ad with main information content in the form of running text or a sequence of moving images:

- (a) The ad area must not exceed 10% of the screen area (*rather than a fraction of the screen height as in 2012 Advertising Law*).
- (b) There must be a clear distinction between ad content and program content.

The Amended Law allows television agencies and broadcasting service providers to transmit and broadcast live certain international events and foreign sports programs that already contain some advertising information or images, of products, goods and services provided that the following conditions are met:

- (a) They hold broadcasting rights for live transmission in Vietnam;
- (b) They do not enter into advertising contracts for such products, goods or service; and have no direct interest related to the appearance of such ad contents;
- (c) They do not control the ad content and are technically unable to blur inappropriate ads during the live broadcast; they must warn that advertising is inappropriate in both Vietnamese and English, and request competent State authorities and relevant agencies and organizations to implement blocking measures to ensure that Internet users in Vietnam cannot access the websites providing such products, goods or services. Upon rebroadcast, technical measures must be taken to blur inappropriate ad content;
- (d) The ad content must not be presented in Vietnamese.

5. Rights and Obligations of Advertisement Conveyors

For the first time, the Amended Law clearly and fully stipulates the rights and obligations of advertising conveyors, including:

- (a) To be provided by the advertiser with truthful, complete and accurate information about the organization, individual, product, goods and services being advertised, as well as documents relating to advertising conditions;
- (b) To comply with the provisions of the laws on protection of consumers' rights and regulations on providing information related to the features and quality of products, goods and services when conducting advertising;
- (c) To fulfill tax obligations when generating revenue from advertising services;
- (d) To provide documents related to ad content at the request of competent State authorities;
- (e) To be responsible before the laws if the ad content fails to meet requirements (e.g., of untruthful or misleading nature, etc.).

As an advertising conveyor, “*influencers*” also have additional obligations as follows:

- (f) To verify the credibility of advertisers; review documents related to the advertised products, goods and services; if they have not used or do not clearly understand the products, goods and services, they must not introduce them;
- (g) To give notice of advertising immediately before and during the advertising activity.

6. Prohibited Acts in Advertising

In addition to other prohibited acts under the 2012 Advertising Law, the Amended Law explicitly prohibits comparative advertising that compares one's own products, goods and services with those of the same kind of another organization and individual without lawful proof.

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