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Ambassador Jamieson Greer
United States Trade Representative
Office of the U.S. Trade Representative
600 17th St. NW
Washington DC, 20508

Re: Request for Public Comments on the Section 301 Investigation of Vietnam's Acts, Policies, and Practices Related to Intellectual Property Protection and Enforcement (USTR-2026-0364)

Dear Ambassador Greer,

The Consumer Technology Association (CTA) appreciates the opportunity to respond to the Office of the U.S. Trade Representative (USTR) regarding its investigation into Vietnam's acts, policies, and practices related to intellectual property protection and enforcement.

As North America's largest technology trade association, CTA is the tech sector. Our members are the world's leading innovators – from startups to global brands – helping support more than 18 million American jobs. CTA owns and produces CES – the most powerful tech event in the world.

CTA strongly supports USTR's objective of strengthening intellectual property protection and enforcement in Vietnam. The purpose of this investigation should be to secure measurable improvements in Vietnam's IP regime that protect American innovation while preserving resilient supply chains and avoiding unnecessary costs for U.S. companies and consumers. Section 301 is most effective when it changes foreign government behavior, not when it simply raises tariffs.

As discussed below, CTA encourages USTR to focus on consultations and negotiated solutions within the framework of broader U.S.-Vietnam trade commitments, avoid tariff measures that would undermine supply chain diversification efforts, and prevent the stacking of multiple tariff regimes on the same products.

I. USTR Should Use the Section 301 Process to Secure Durable Improvements in Intellectual Property Protection and Enforcement

CTA recognizes the concerns identified by USTR regarding Vietnam's intellectual property regime. As reflected in USTR's Special 301 findings, challenges remain in several areas relevant to the technology sector, including online piracy, copyright enforcement, software licensing, counterfeiting, and border enforcement. These shortcomings can burden U.S. companies that

rely on intellectual property protections and undermine legitimate commerce by allowing infringing products and services to compete with lawful offerings.

For the technology sector, online piracy and copyright infringement remain among the most significant concerns. Software developers, content creators, digital platforms, and other innovative companies rely on effective enforcement mechanisms to protect their intellectual property and support continued investment in new products and services. USTR, working in concert with its interagency partners, should continue encouraging stronger enforcement against large-scale piracy operations and repeat infringers.

Counterfeiting and border enforcement also warrant attention. Counterfeit, relabeled, and recycled technology products and components can create reliability and safety concerns while imposing economic costs on legitimate manufacturers and suppliers. Border enforcement is one of the areas where Vietnam can demonstrate progress most quickly. The 2022 amendments to Vietnam's Intellectual Property Law expanded customs authorities, including *ex officio* seizure authority for infringing goods.¹ However, the Government of Vietnam has not used those authorities sufficiently in practice or extended them to in-transit goods.

Encouraging the Government of Vietnam to make more effective use of existing authorities and address remaining enforcement gaps would provide tangible benefits for rights holders and consumers alike. Closing these gaps would strengthen enforcement without requiring significant new changes to Vietnamese law. In fact, Vietnam has demonstrated a willingness to strengthen intellectual property protection and enforcement. It acceded to the WIPO Copyright Treaty in 2021 and has continued to engage with the United States and industry stakeholders on IP issues.² More recently, Vietnam announced a nationwide enforcement initiative targeting online piracy, copyright infringement, counterfeit goods, and customs enforcement.³ Vietnamese authorities directed agencies to increase copyright infringement detections, strengthen enforcement against counterfeit goods, and expand customs enforcement actions involving suspected infringing products.⁴

These developments do not eliminate USTR's concerns, but they demonstrate that Vietnam is responding to those concerns and that continued engagement can produce additional progress. The purpose of the Special 301 and Section 301 processes should be to secure meaningful improvements in intellectual property protection and enforcement. What matters is durable improvement in Vietnam's capacity and enforcement efforts, not a singular punitive measure. Whatever action USTR ultimately takes should be aimed at improving enforcement outcomes

¹ Socialist Republic of Vietnam National Assembly, Amending and Supplementing a Number of Articles of the Law on Intellectual Property, Law No. 07/2022/QH15 (June 16, 2022).

² WIPO, WCT Notification No. 102, WIPO Copyright Treaty – Accession by the Socialist Republic of Viet Nam (Nov. 17, 2021), https://www.wipo.int/wipolex/en/treaties/notifications/details/treaty_wct_102.

³ See, e.g., Việt Nam News, "Government launches nationwide crackdown on intellectual property violations" (May 6, 2026), <https://vietnamnews.vn/economy/1780786/government-launches-nationwide-crackdown-on-intellectual-property-violations.html>; Việt Nam News, "Việt Nam vows tougher IP enforcement after US report raises concerns" (May 14, 2026), <https://vietnamnews.vn/politics-laws/1781358/viet-nam-vows-tougher-ip-enforcement-after-us-report-raises-concerns.html>.

⁴ Socialist Republic of Viet Nam Government News, "Viet Nam imposes tough punishment on intellectual property infringements" (May 15, 2026), <https://en.baochinhphu.vn/viet-nam-imposes-tough-punishment-on-intellectual-property-infringements-111260515094209286.htm>.

rather than imposing additional costs on U.S. companies and their supply chains. Imposing tariffs on imports from Vietnam may be counterproductive and cause Vietnamese authorities to dig in and avoid reform as tensions with the United States increase.

II. USTR Should Pursue Consultations and Negotiated Solutions

As USTR considers potential actions in this investigation, it should use the consultations required under Section 301 to their fullest extent. A negotiated outcome that produces measurable improvements in Vietnam's intellectual property regime would better serve U.S. companies than punitive measures that do not directly address the underlying concerns. The goal should be to identify the specific reforms Vietnam can take to address the concerns identified by USTR and establish a practical path for implementation.

CTA encourages USTR to set and communicate clear expectations to Vietnam and identify concrete, realistic benchmarks against which progress can be measured. Those benchmarks should focus on enforcement outcomes, including stronger action against online piracy, improved use of customs authorities, increased enforcement transparency, and greater coordination among enforcement agencies. Those expectations and benchmarks should be conveyed at the outset of the process and remain consistent throughout.

USTR should build on that progress through continued consultations and engagement aimed at securing durable reforms. USTR should also consider whether technical assistance, enforcement cooperation, or other forms of capacity building could help Vietnam strengthen implementation and enforcement. Some challenges may reflect institutional capacity limits or coordination gaps that are more likely to be addressed through sustained engagement than through trade restrictions.

Taken together, these considerations underscore the importance of pursuing solutions that reinforce bilateral engagement and long-term cooperation, rather than measures that could disrupt broader economic objectives.

III. USTR Should Consider U.S.-Vietnam Trade Commitments and Supply Chain Diversification Objectives

The United States and Vietnam have already established a pathway for addressing trade concerns through engagement, negotiation, and reciprocal commitments under the October 2025 Framework for an Agreement on Reciprocal, Fair, and Balanced Trade.⁵ Under that framework, Vietnam agreed to provide improved market access for U.S. exports, address a range of bilateral trade concerns, and strengthen cooperation on customs enforcement, transshipment, market access, and other trade issues. The framework also established a 20 percent tariff rate on Vietnamese imports entering the United States, tied to the U.S.'s IEEPA-based tariffs that were in effect at the time. These commitments reflected a broader effort by both governments to strengthen bilateral trade relations and provide greater certainty for businesses operating in both markets. Thus, in lieu of any punitive measures, USTR should prioritize consultations and

⁵ *Joint Statement on a United States-Viet Nam Framework for an Agreement on Reciprocal, Fair, and Balanced Trade*, White House (Oct. 26, 2025).

negotiations with the Government of Vietnam to address its concerns, well aligned with the objectives of that framework.

Vietnam has also become one of the most important destinations for technology manufacturing, particularly as companies diversify supply chains and reduce dependence on China. CTA's May 2026 Consumer Technology Industry Tariff Impact Snapshot found that Vietnam now accounts for approximately 23 percent of U.S. consumer technology imports and has become the primary source of several major consumer technology product categories, including laptops and tablets, wireless headphones and earbuds, and gaming consoles.⁶ These shifts reflect years, or even decades, of investment by technology companies seeking to build more resilient and geographically diversified supply chains.

The importance of Vietnam to technology supply chains is a direct result of efforts by companies to diversify production away from China. Additional tariffs that significantly exceed the tariff levels contemplated by the bilateral framework would undermine those efforts and could discourage further diversification. In some cases, such measures could create incentives to shift production back to China, undermining broader U.S. supply chain resilience objectives. USTR should pursue outcomes that strengthen intellectual property enforcement while preserving the diversification, resilience, and competitiveness objectives that both governments have sought to advance.

IV. USTR Should Avoid Tariffs That Would Increase Costs Without Addressing the Underlying Intellectual Property Concerns

The alternative approach as a result of this investigation—*i.e.*, tariffs—should be avoided at all costs. Tariffs are unlikely to address the underlying concerns identified by USTR. Tariffs do not strengthen copyright enforcement, reduce online piracy, improve software licensing compliance, increase criminal prosecutions, or improve the use of customs authorities to seize infringing goods. As a result, tariffs risk imposing significant economic costs while doing little to resolve the intellectual property challenges that prompted this investigation.

Instead, tariffs would primarily fall on U.S. companies, workers, and consumers. Many technology companies have invested heavily in Vietnam and rely on Vietnam-based operations, suppliers, and manufacturing facilities as part of their global supply chains. Moreover, those operations in Vietnam have not contributed to or benefited from the alleged IP transgressions at issue in the Section 301 investigation. Instead, any action taken under this investigation should be directly linked to enforcement outcomes and designed to encourage specific reforms rather than increase costs throughout the technology ecosystem.

If USTR ultimately considers tariff measures, it should ensure that semiconductors and related derivative products are excluded and that any measures include adequate implementation periods, product exclusion mechanisms, and clear off-ramps tied to Vietnam's enforcement progress. Semiconductor supply chains are highly integrated across the Asia-Pacific region, and Vietnam has become an increasingly important participant in those networks. USTR should also distinguish used goods from newly manufactured imports and exclude used goods from any tariff

⁶ Consumer Technology Industry Tariff Impact Snapshot: May 2026, <https://www.cta.tech/research/consumer-technology-industry-tariff-impact-snapshot-may-2026/>.

remedy, as they do not present the same concerns that underlie this investigation. Any action taken under this investigation should be narrowly tailored to the intellectual property concerns at issue and avoid unnecessarily disrupting technology supply chains that support U.S. innovation, productivity, and economic growth.

V. USTR Should Avoid Tariff Stacking

Even if USTR ultimately determines that tariffs are necessary, it should avoid layering new tariffs on products already subject to other trade measures or products that may become subject to additional duties under separate ongoing investigations. Various technology products imported from Vietnam already face the Section 122 baseline tariff and may also be affected by future actions arising from other Section 301 investigations, including those related to forced labor and excess capacity, as well as potential Section 232 tariffs. Those products should not be subject to higher tariffs than comparable products from nearby countries. Many products imported from Vietnam are also composed of components and inputs that may already be subject to additional duties elsewhere in the supply chain.

Stacking multiple tariff regimes on the same products would significantly increase costs for U.S. companies without advancing the intellectual property objectives of this investigation. Intellectual property enforcement concerns should be evaluated on their own merits and should not become another source of cumulative tariff burdens on products already facing heightened tariff exposure.

Any action taken under this investigation should therefore be coordinated with existing and proposed trade measures to avoid imposing cumulative tariffs on the same products. USTR should ensure that any measures adopted in this proceeding do not pile on duties already imposed under other trade actions or that may be imposed pursuant to ongoing investigations. Doing so would help maintain a clear connection between any action taken and the intellectual property concerns that prompted this investigation while avoiding unnecessary costs for U.S. companies, workers, and consumers.

VI. Conclusion

CTA appreciates USTR's efforts to address intellectual property concerns and supports the goal of strengthening intellectual property protection and enforcement in Vietnam.

USTR should pursue that goal through consultations, engagement, and clearly defined enforcement objectives rather than tariffs. Continued engagement offers the best opportunity to secure meaningful reforms while preserving the important economic relationship between the United States and Vietnam.

Sincerely,



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